



Interoffice Memorandum

Date: July 15, 2009 (revised 9/17/09)

Subject: Labor/Management Team 07/15/09 Meeting Minutes

To: Labor/Management Team

From: Mylynda Shaskus, Ohio EPA, Division of Surface Water

July 15, 2009 OCSEA, Polaris, 9:40AM-12:30PM

Attendees: Deborah Bailey, Mike Bolas, Heidi Griesmer, Kelvin Jones, Ken Mettler, Nita Nordstrom, Natalie Oryshkewych, Craig Rehkopf, Mylynda Shaskus, Dave Sholtis, Don Starr, facilitator Alauddin Alauddin

Absent: Craig Butler, Julie Methena, Ryan Sarni, Mike Sherron, Donna Waggener

Agenda

- 1) Identify Action Items/Recorder
 - 2) Review Minutes/Action Items/Agenda
 - 3) New Priorities/Upcoming Efforts
 - 4) Employee Support
 - 5) Committees – Training
 - 6) Performance Evaluation Update (w/ Quality Performance Team)
 - 7) Policies Update
 - 8) Other Business – Cost Savings Days and Seniority Credits
 - 9) Set next agenda (at OSCEA)
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- 1) OCSEA is finalizing appointment letters for Mike S., Nita, Julie, Mylynda and Ken, and will be sending them out soon.
 - 2) Minutes from the June meeting were distributed and reviewed. A few minor corrections were made, and the minutes were finalized.
 - 3) The training subcommittee needs to rework the wording of their recommendations before sending them to Rod, Don, Karen H., and the Director. The question was asked, should we send the recommendations to Rod given that he is retiring at the end of July? The group agreed that yes, there is no reason not to send them, and perhaps his successor will use them.
 - 4) Action Items from June:
 - a. Folks at OCB had been concerned about financial incentives. It was reiterated that the incentives being discussed by the group are only nonmonetary.

- b. The District Labor Management committee liaisons provided updates on their interactions with the committees.
- 5) Agenda was confirmed and set.
- 6) **Employee Support** update. It was said that employees feel ill-prepared for situations where they are subpoenaed in civil trials that are work-related but not specifically an Agency trial. For example, would an inspector who gets sued for trespassing get agency legal support? CO employees felt they did not get Agency legal help when sued. Who pays for the attorney? The Attorney General will always protect the Agency, not the individual. So of the half-dozen current cases where it has come up, people have hired private legal representation. Is an issue the committee should explore further? There will always be a conflict of interest between protecting the employee and protecting the agency. Does union legal support cover this? No, it is meant for personal use, such as wills, not for work-related legal issues. There are laws of indemnification. The individual should not get sued for conducting Agency business unless they are negligent. It was mentioned that most of the affected employees are in DSIWM and DHWM. People would feel better if an Agency lawyer could at least notify affected employees to get a personal attorney. We can decide what if anything we want to do with the topic as a committee.
- 7) **Quality Committee.** The union list is complete, and the first meeting will be 8/25. Kelvin Jones will be the union co-chair, and Amanda Quigley will be the management co-chair.
- 8) **Future L/M meetings, Net Meeting.** Should the committee meet remotely sometimes using Web-X? The agency currently does not have video conferencing capabilities. Generally the union prefers face to face meetings because of camaraderie and effectiveness issues. Some would prefer to occasionally meet via conference calls/Web-X. The Agency probably will not meet the August time frame for video conferencing. There is a charge for Web-X and bridge lines to the Agency. People would like to keep video conferencing as an option provided bandwidth issues are resolved. Is it an option for individuals to call in or for the whole group to meet via net meeting? For priority ranking, the group agreed to meet in person, then could try meetings via technical options. Some would prefer to use technology as a last resort for meetings. We should take travel cost savings into account as described in the Governor's executive order. The green aspects of not traveling are also valuable. The L/M committee does meet often relative to other Statewide L/Ms, which meet quarterly. Facilitation is easier face-to-face. Does the group have a proposal on this? Recent video-conferencing attempts have had issues. A proposal was made to try remote meeting for October. The ITS conference room works well for these types of meetings. Will calls work from OCSEA? Yes, if you dial the direct line from the conference room. The October meeting will serve as a pilot to see if the group finds sometimes meeting via technical means acceptable.

- 9) **Workplace Mediation** cost update. There is no cost to the employee, but it does cost the Agency. Over 10 years, the costs have ranged from several thousand dollar credits in '06-'08 to \$61k in '04. The costs are paid 2 years in arrears. How are the costs are calculated? It is based on usage by the Agency. The Agency also gets credited for our employees who facilitate meetings at other agencies. Does the cost outweigh the group consensus to encourage use of the commission? Karen Haight is the liaison to the committee, should we ask her to talk briefly at one of our meetings? Yes. Some of the costs were for training ten years ago, and doesn't account for current usage. The contract is clear, that we should encourage use of workplace mediation, be can we understand it better first? Workplace mediation has a video, website and our own agency facilitators who can help answer any questions. Is the cost was relevant? Money is an issue with the current budget situation. What is the intent of the contract? Workplace mediation is a useful and worthwhile service. The group should draft a memo and send it to employees, and evaluate costs as a separate issue by inviting an OCDR speaker. What was meant by "strongly encourage" its' use as written in the contract. Should we do more than just send out a memo? Possibly outreach at staff meetings? Next meeting, the subcommittee should bring options and/or recommendations for the committee to consider to meet the intent of the clause in the contract.

New Priorities

- 10) The list of new priorities was posted as follows:

Contract Items

- 1) Workplace Mediation subcommittee
- 2) Standing agenda item of Employee Support
- 3) Incentives Long-term subcommittee (includes TWLs)

Non-contract Items

- A) Policy procedure
- B) Career ladder
- C) Contracting
- D) Prepping Staff for Technical Changes

- 11) The group agreed to form two subcommittees to address the contract items, a subcommittee for workplace mediation, and a subcommittee for incentives. How many of the non-contract items can the group reasonably pick up? Two more, then if any of the items roll off as complete we can pick up another one. Each item is not equivalent in terms of how long they will take. The group agreed to the suggestion of picking up two items to start and more as other items are completed.

12) The group to defined, briefly, each item. Those definitions were recorded as:

- a. **Policy procedure.** Recommend to the Director in a document the process that will occur prior to creating or revising policies. Someone asked if this would be Agency-wide. All policies are Agency-wide, there are just different district interpretations of how to implement Agency policies. The group will define the process by which new policies are created and existing policies are revised. It will also define "policy", and will allow bargaining unit members to offer input on new policies.
- b. **Career ladder.** Technical Environmental Specialist series career ladder expansion for the Agency. ITS reclassification issues. Bargaining unit 9, clerical group, to gain education and advance. Grants to fund TWLs. How should the group define this? ESs only or Agency-wide? The group agreed to Agency-wide. Evaluate the use of appropriate classifications for the Agency.
- c. **Contracting.** Develop a consistent procedure to use when contracting, including when evaluating completed contracts for renewal.
- d. **Job Tech Changes.** Draft a memo to recommend strategic planning to include technical job changes.

13) The group conducted two separate weighted voting systems, one to measure preference and one to measure intensity of preference for the four subjects. The results were as follows:

Subject	Preference	Intensity
Policy Procedure	37	30
Career Ladder	30	10
Contracting	30	21
Job Tech Changes	13	5

Based on this voting, the order of work was determined as follows:

- 1) Policy Procedure
- 2) Contracting
- 3) Career Ladder
- 4) Tech Changes

Therefore, work will commence on creating a policy procedure and on contracting issues. Career ladder and then tech changes will be brought in as other items are completed. Owing to time constraints, subcommittee formation will be determined at the next meeting. However, if issues come up,

such as layoffs, or major, sudden technology shifts, we can add those to the agenda as needed.

- 14) The Agency's Workplace Domestic Violence policy was distributed, which mirrors the Governor's policy. The policy addresses domestic violence victims and how they are handled in the workplace.
- 15) There was a Cost Savings Day update. Union and management are working to update the policy. The update should be issued within the next two weeks. Since employees have begun using the days already, an update should be as expedient as possible.

The meeting was adjourned at 12:30PM.

Next Meeting: August 27th, 9:30AM, Ohio EPA

Agenda:

- 1) Identify action item/decision recorder
- 2) Review minutes/action items/agenda
- 3) Committee housekeeping/Ground Rules
- 4) Employee Support
- 5) Net Meeting/Video conferencing options
- 6) Workplace Mediation subcommittee update
- 7) New Priorities Subcommittee Formation
- 8) Performance Evaluation Update (w/ Quality performance team)
- 9) Policies Update
- 10) Cost Savings Days update
- 11) Other Business
- 12) Set next agenda