



Interoffice Memorandum

Date: November 6, 2009

Subject: Labor/Management Team 09/29/09 Meeting Minutes

To: Labor/Management Team

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

September 29, 2009 OCSEA, Polaris, 9:45AM-12:30PM

Attendees: Deborah Bailey, Mike Bolas (phone), Craig Butler, Heidi Griesmer, Kelvin Jones, Julie Methena, Ken Mettler, Nita Nordstrom, Natalie Oryshkewych (phone), Craig Rehkopf, Ryan Sarni, Mylynda Shaskus, Mike Sherron, Dave Sholtis, Don Starr, Donna Waggener, facilitator Alauddin Alauddin

Agenda

- 1) Identify Action Items/Decision Recorder
 - 2) Review Minutes/Action Items/Agenda
 - 3) Employee Support
 - 4) Net Meeting/Video conferencing options
 - 5) Workplace mediation subcommittee update
 - 6) New Subcommittees reports
 - 7) Policies update
 - 8) Overtime Issues
 - 9) Set next agenda
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- 1) Deborah recapped the action items from the August meeting.
 - a. The word "outside" was stricken from the committee charter regarding facilitators, since Alauddin is an "inside" facilitator.
 - b. People volunteered for subcommittees, others not on a subcommittee need to choose.
 - c. July minutes were finalized.
 - d. Don talked to Nathan Norris in EPA-ITS regarding video conferencing. Parts are on backorder, so it will not be ready in time for the October LMT meeting.
 - e. Don didn't receive any comments from the group on employee legal support issues.
 - f. Everyone reviewed information on workplace mediation.
 - g. The policy subcommittee was supposed to determine contract compliance with computer use policy, but this was not done.
 - 2) The meeting agenda was set. August minutes were reviewed. Ryan will revise them and send out a final version.

- 3) **Employee Support.** Committee members were supposed to get comments to Don by 9/11, but no one commented. People asked if they can have more time to compile comments. Drew Bergman was concerned that employees feel they don't know their legal rights and he would like specific instances. Drew asked the division chiefs if they knew of any instances of this as well. Committee members agreed to get back to Don.
- a. Even if there are no specific examples, shouldn't we address this as a hypothetical situation? What is our line of authority in our duty? Can we put this in new employee orientation? People need to understand the boundaries of their duties. Two points: one, what are our roles and authority in the field (e.g., rights of entry and authority), and two, what are we to do if someone sues us personally? In a lawsuit in NEDO, someone said an inspector exceeded his/her authority and responsibility. Supervisors don't always understand their role in ensuring staff safety and good behavior. Even if health and safety training is taken, supervisors can be liable staff haven't been supervised in the field and get hurt. Staff can sue the agency and the supervisor personally. As an example, for gas station inspections, we don't have a hazard assessment, so what if someone gets hurt? What if the inspector shuts down the business and it is not in our rules, can he/she get sued?
 - b. How can we as a group proceed with this topic? Create a mechanism to inform employees of their rights if they get sued through work – either out of Don's/Drew's office, or orientation, or both. What about some other kind of refresher course? Cross training? For existing employees, they also need some basic legal knowledge. Can people brainstorm and develop a module on this? Who is our agency point person for these legal issues? Don will find out and get back with us. Can we use them to create a legal training module? Training should be given to all staff, not just field staff. People probably will be reluctant to give many specific examples, can we address this another way? Also, employees need to be aware they do not always interpret laws of the state. Employees need adequate legal preparation.
 - c. Employees need to know about legal support available to them. Some options for this are new employee orientation, field training for inspectors, and then all other staff need to be informed as well. How can we address this? Training? An employee Bill of Rights? Do we need to create a committee on what to communicate and how? We should include attorney(s), and determine what questions need answered and how to answer them. Can we survey people on what they know or don't know about the topic? Will people be willing to answer? We also don't want to scare new employees at orientation with the fear of getting sued.

- d. The group agreed to the first step of identifying the point person for employee support legal issues and allowing that person to decide how to proceed. We agreed to invite the person to the LMT meeting for discussion and development of this topic.
- 4) There were some district employee support issues mentioned, from SWDO, but owing to time constraints we agreed to come back to them at the end of the meeting if time permits, or put them on the agenda for the next meeting.
- 5) **Net meeting options.** Video conferencing is not available yet. What do we want to do for the next meeting? Those on the phone said the audio is bad, and it is hard to decipher what is being said. The group agreed to try Webex and a conference call for the October meeting. Some of the group will pilot the technology before the next meeting. The November meeting will be back at Polaris.
- 6) **Workplace mediation subcommittee.** Donna had talked to Karen Haight about workplace mediation. Karen was going to talk to Maggie at Workplace Mediation. Maggie has not gotten back to them yet. Is workplace mediation still funded after the next 9 months? If people can just call Workplace Mediation on their own, how do we keep track of what we owe? Are we getting a credit because of a past big bill or because of our level of usage? The subcommittee will get back to the group after talking to Maggie. People felt we should also ask Maggie how well workplace mediation functions. What are some examples of successful resolutions? Someone mentioned that SERB (State Employee Relations Board), paid for through OCB, may be free if Workplace Mediation falls through?
- 7) **Contracting subcommittee.** Donna sent around some notes to the subcommittee. What contractors did we use last year, and how much did we spend? E-check is the biggest contractor, ~\$12 million of \$19 million. The next biggest were medical monitoring and court reporting. We don't really have much choice about any of these services.
- 8) **Incentives subcommittee.** Kelvin reported on the subcommittee meeting. One of the perceived problems with our current incentive structure is a lack of serious interest in programs like TREE and the Garrett awards. Basically, we do what we can for incentives with no budget.
- 9) **Policy subcommittee.** Mike S. gave the subcommittee update. The subcommittee had discussed how policies are developed and sent to the Director. The group also discussed the vetting procedure for draft policies. Ryan will resend the group the DRC policy procedure, as well as check if ODOT has one. Don will refer to DNR's policy procedure as well.

- 10) **Policy update.** The new travel procedure was sent out by Chris Geyer, along with a training module, via email. The new procedure only applies for people seeking travel reimbursement (i.e., day trips without reimbursement are not affected). The Conduct and Discipline policy was also distributed and finalized.
- 11) **Overtime issues.** When is OT appropriate? For events like public meetings, can supervisors ask employees to flex or take comp time instead? This differs among districts and in central office divisions. Some people are told they can't get paid OT for typical work. Employees must get approval for OT first prior to working it. There are no current grievances filed regarding OT. Certain grants won't allow OT to be paid. If employees know OT will be an issue (e.g., public meetings), they should give 15 days notice to their supervisors to claim OT. Usually supervisors and employees agree and the agency is okay with that mutual agreement. The policy is flexible to accommodate >10 hour days where efficient for both the agency and employee. This is a communication issue, not a policy issue. The Governor said to limit OT as much as possible. Sometimes that can cost more (e.g., driving to a far away site multiple days vs. staying at a hotel an extra day). Whether to take the time as OT or CT is the employee's option. A supervisor cannot require an employee to take CT instead of OT. Don will communicate with the managers as much as possible re: these OT issues.

The meeting was adjourned at 12:30PM.

Next Meeting: October 29th, 9:30AM, Ohio EPA, and remotely

Agenda:

- 1) Identify action item/decision recorder
- 2) Review minutes/action items/agenda
- 3) District-specific employee support issues
- 4) Employee Support
- 5) Net Meeting/Video conferencing options
- 6) Workplace Mediation subcommittee update
- 7) Subcommittee Reports
- 8) Policies Update
- 9) Other Business
- 10) Set next agenda