



Interoffice Memorandum

Date: February 6, 2012

Subject: Labor/Management Team 01/31/12 Meeting Minutes

To: Labor/Management Team

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

January 31, 2012, OCSEA Polaris, 9:45AM-12:30PM

Attendees: Deborah Bailey, Ralph Baker, Mike Bolas, Victor Dandridge, Heidi Griesmer, Karen Haight, Theresa Long, Ken Mettler, Nita Nordstrom, Natalie Oryshkewych, Craig Rehkopf, Jim Sferra, Mylynda Shaskus, Mike Sherron, Donna Waggener, Pete Whitehouse, facilitator Alauddin Alauddin

Absent: Natalie Oryshkewych

Agenda

- 1) Identify Action Items/Decision Recorder
- 2) Review Minutes/Action Items/Agenda
- 3) District-specific Employee Support issues
 - a. Flex time interpretations
 - b. Staffing in SWDO
- 4) Subcommittee reports
 - a. Policies
 - b. Incentives
 - c. Contracting
- 5) Policies update
- 6) Other business
 - a. L/M training
 - b. Environmental Engineer 2 Position in DSW-NWDO
 - c. Intern Issues
 - d. Meeting dates for rest of 2012
- 7) Set next agenda

- 1) **Roll call** was taken. The minutes from the September 27, 2011 meeting were reviewed and approved. Heidi said she can post the final minutes to the web. Nita offered to record and send out action items. The agenda for the meeting was reviewed and set. Action items from September were reviewed and added to the agenda as appropriate.
- 2) **Copies of new bargaining contract.** Will folks get physical copies of the new contract? Management will get some from OCB. The bargaining unit members

will just get the housekeeping changes separately. OCSEA may have an e-contract to post that will include all changes.

3) **Subcommittee reports.**

- a. **Policies.** Mike B. is still working on the policy memo and should be sending that to Karen in the next month or so.
- b. **Incentives.** Mike S. needs to renew the Survey Monkey license. He will then upload the survey and send it to Karen to route to the Director's office.
- c. **Contracting.** The contracting subcommittee has concluded its work.

- 4) **Policies update.** The Social Media policy has been finalized. Media Relations and Public Records policies are still in draft form. Numerous policies are getting minor wording changes. Two policies are still in the discussion phase. One is that photos of employees may appear with their email. This raises numerous questions about privacy concerns, especially for sensitive positions such as in the Office of Site Investigations. One compromise may be to have an intranet Table of Organization with photos, which would ensure external privacy. The other policy in discussion is the potential agency name change, which is still on the table. The issue should be resolved, to change or not to change, before the General Assembly goes into recess.

5) **District Specific Employee Issues.**

- a. Flex time interpretations. Field staff with distant sites want the option of a longer-than-nine-hour day for efficiency of travel and time spent. Don Starr had said that working longer than nine hours a day was ok if agreed to by both the staff member and their supervisor as based on operational need. Some supervisors are saying that employees "aren't allowed" to work more than nine hours in a day. Karen said that working longer than nine hours is ok as long as the supervisor and staff member approve, and it must be based on operational need, not at the employee's discretion. It also depends on the policy of the division/district chief. This is different from a regular four-ten-hour-days schedule, which requires a different set of approvals. LMT reps can disseminate this information as a reminder to supervisors of what the flex time policy does and does not allow. Karen and Jim will offer a reminder at the Joint Chiefs meeting also.
- b. Staffing in SWDO. DERR positions are in the process of being filled. In the interim, the work is being performed with comp time.
- c. Re-employment list. Where can a copy be found and what is the impact on the agency? Karen can get a copy if need be. The re-employment

situation is rare for ES2s (one known in the agency), mostly it applies to administrative positions, of which the agency has picked up several.

- d. Lake Erie Commission. The commission is moving from Toledo to Sandusky. There will be two layoffs of staff which elected not to move, and two ES2 positions will be posted to fill in for those staff.
- 6) **Interns**. Intern positions are posted now. Hocking College and OSU job fairs were very successful at recruiting. Interns can now work three to four months past their graduation date. The official extra time is three months past the start of the new semester, which would be ~November if needed.
- 7) **LMT training**. Deborah, Ken, Heidi, Mylynda, and Nita will work on this. Deborah will send out materials from the CALMC list to the others to select from. LMT will also need to revisit its 3-year priorities and decide what its main goals are for the upcoming contract cycle. Deborah will get the consent form from Karen and we will schedule the training at the March meeting.
- 8) **Developing procedures or checklist to address unexpected time away from work due to an employee death or serious accident or illness.** Mike S. and Karen are still working on this and should have something finished next month.
- 9) **If an employee is interviewing for another district office, can they take a state car?** The agency can make the call either way, but it does give the agency legal liability if something should happen during the trip. Karen will ask legal for a clarification on this.
- 10) **Environmental Engineer 2 position in DSW-NWDO.** There is an EE2 position posted in DSW-NWDO currently. The PD requires an Engineer In Training and three years of experience. Back in 1991, the agency had EE2s and ES2s, and there was much switching back and forth between the two, and many did the same work. Then in 1991, all the positions were classified as ES2s, and a policy was issued that EE2s would no longer be used. The current EE2 was posted because some of Surface Water's regulations require that Professional Engineers sign off on plans (e.g., wastewater treatment), and districts in some cases are running short on PEs. In 1991, all the district chiefs were PEs, so this was not foreseen as a problem. In order to become a PE, an EIT must serve under a PE for a number of years. Therefore, if no PEs are in the sign-off chain, this could be a violation of the rules, as well as preventing EITs from acquiring their PEs.

Technically, all agreements are null and void with each new contract. However, in practice, when old agreements are brought to arbitration, unless the agreement was specifically discussed by the agency and DAS, the agreement will be upheld. The agency could post an ES2 position with the same requirements as the EE2 position if it is required by law, or if a job analysis

shows a need. But, there is some old Ohio Revised Code that states that if a certification is required for the job, there is a commensurate 5% pay increase above base rate that is applied. Another alternative is that the position could be an EE3, which would be an exempt position. The union views that as erosion of the bargaining unit.

This issue should be added as a larger discussion to future LMT agenda. In the interim, the agency will proceed with filling the EE2 position, and the union will file a grievance if needed. The goal of the LMT discussion will be to figure out a clear, consistent path forward for these positions. Ralph will send Karen a proposal for some outside-LMT management discussions, which he will route through Deborah and Mike S. first.

11)2012 LMT schedule. After some discussion and voting, it was agreed that the LMT would meet quarterly in 2012, plus an additional meeting for the LMT training. The meetings will be March 22nd, May 1st, July 31st, and October 30th, 2012, all from 9:30-12:30 at OCSEA. The LMT should think about its priorities for the next 3 years, to be discussed at the March meeting.

Next Meeting: March 22, 2012, 9:30AM, OCSEA Polaris

Agenda:

- 1) Identify Action Items/DecisionRecorder
- 2) Review Minutes/Action Items/Agenda
- 3) District-specific Employee Support issues
- 4) Subcommittee reports
 - a. Policies
 - b. Incentives
- 5) Policies update
- 6) Other business
 - a. L/M training
 - b. EE2 update
 - c. Agency-specific contract provisions
- 7) Set next agenda



Interoffice Memorandum

Date: August 1, 2012

Subject: Labor/Management Team 07/31/12 Meeting Minutes

To: Labor/Management Team

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

July 31, 2012, OCSEA Polaris, 10:00AM-12:40PM

Attendees: Deborah Bailey, Mike Bolas, Heidi Griesmer, Karen Haight, Maria Lucente, Natalie Oryshkewych (phone), Jim Sferra, Mylynda Shaskus, Mike Sherron (phone), Donna Waggener, Pete Whitehouse, facilitator Alauddin Alauddin

Absent: Cathy Altman, Ralph Baker, Victor Dandridge

Agenda

- 1) Identify Action Items/DecisionRecorder
- 2) Review Minutes/Action Items/Agenda
- 3) District-specific Employee Support issues
- 4) Subcommittee reports
 - a. Policies
 - b. Incentives
 - c. Contracting
- 5) Policies update
- 6) Other business
 - a. Role clarification of co-chairs, facilitator, statewide committee members and subcommittees
 - b. Re-establish Ground Rules (joint ownership of team functions, minutes, action items, etc.)
 - c. Subcommittees Review and Time Commitment, Work Priorities up to 12/31/13
 - d. Status of Filling Positions (LRO, Safety Officer, Training Officer, Ombudsman)
 - e. Training Recommendations (Management Introductory Training, DAS, OCSEA contract, Labor-Management with CALMC)
 - f. Voluntary Cost Savings Option
 - g. Briefings to the Director – Joint effort to identify mutual issues. Submit quarterly progress report on committee's functions, mission, goals, etc.
 - h. Topics for Subcommittees (see below)
- 7) Set next agenda

- 1) **Roll call** was taken. The minutes from the January 31, 2012 meeting were reviewed and approved. Heidi said she can post the final minutes to the web.

Heidi will also combine the old minutes into one year batches to simplify the web site. Deborah offered to record and send out action items. The agenda for the meeting was reviewed and set. Action items from January were reviewed and added to the agenda as appropriate. The decision was made to skip directly to item 6 on the agenda in the interest of saving time.

- 2) **Role clarification of co-chairs, facilitator, statewide committee members and subcommittees.** Deborah is the union co-chair, Pete is the management co-chair. Alauddin is the facilitator. The union is the side that typically brings issues to the table for LMT to discuss. Alauddin has facilitated the meetings for about four years, first as a member of the bargaining unit, then about two years ago as a management member. The LMT initially met monthly from 9 to 3:30, then bimonthly, now quarterly. The meeting efficiency is good. However, with quarterly meetings people need to remember to focus on their committee assignments. The co-chairs may need to take on more responsibility for the group between the meetings. All members of the group need to make sure their assignments are done outside of the meetings. The co-chairs should follow up on this. A mid-point check-in should be performed by the co-chairs to ensure assignments are in progress. Team transitions on the union side should be done now. How can the statewide and local LM groups work together? Most statewide members are also on their local groups. Subcommittees can also have outside LMT members, for example former LMT member Ken Mettler is still on a subcommittee. Between meetings, members need to work on subcommittees and supervisors have to allow time for that during the work day. Members need to follow the rules for leave approval for LMT tasks. Regular work duties still come first. Members can ask for help from others on subcommittee tasks if their regular duties will keep them from completing their assignments.
- 3) **Re-establish Ground Rules (joint ownership of team functions, minutes, action items, etc.).** Refer to the Ground Rules separate attachment. Ground rule number four – rotate minutes. Should Mylynda keep taking notes or should the duty rotate? It could give members a sense of responsibility/ownership to take notes. Pete offered to get an office assistant to come take notes. Mylynda could be the backup. Leave the ground rule as is. Ground rule number six – give everyone the benefit of the doubt that they want to work as a team. Ground rule number ten – remember to post the minutes in the divisions/districts and share with coworkers. Ground rule number twelve – change this to say “meeting minutes to be kept on the web”. Ground rule number thirteen – eliminate “outside”, instead say “mutually agreed upon facilitator”. Heidi will update the ground rules when she updates the web.
- 4) **Subcommittees Review and Time Commitment, Work Priorities up to 12/31/13.** Priorities for the next eighteen months. The number one priority is wrapping up the issues that are open now. There is one more LMT meeting in 2012, in October. The team should focus on finishing open items. The team can

set new priorities in October. Team members would like to know whether they'll get buy-in from the Director before spending time working on items. Karen can take any concerns the team has to the Director if LMT specifies what they want her to ask about. For example, nonmonetary incentives are a concept the Director can support. Committee members want to be sure the Director is kept in the loop on LMT issues. Could LMT create a regular briefing to the Director? How should LMT move forward on unfinished work products? LMT work products are recommendations. Completing the current works in progress may show the Director the kinds of work LMT does. What work is left? Contracting is done. Incentives subcommittee has a survey that should be sent to Karen after it is uploaded to Survey Monkey. Mike S. will do the upload. Questions need to be added to the survey about the Garrett Awards, which were reinstated, and the Governor's Award. Mylynda will add the questions and send them to Mike S. and that should be done by next Friday. Committee comments on the survey should be sent to Mike S. and Mylynda no later than 8/31. If there are no comments, please reply to the email saying you have no comments. There should be a narrative to go with the survey to send to the Director giving context. That should be sent to Chris Abbruzzese as well. Mylynda and Mike S. will work on this. Policies subcommittee was initiated because of the way agency policies are fragmented by division. The idea was to have all policies located in a central place to improve compliance and awareness. The alternative is to create an employee handbook, but that is time consuming and expensive, and would require regular updating. Trying to create a policy on policies is problematic. Guidance on policies would be simpler. The current policy website may need some tweaking after the web redesign. The current guidance on policies is about 1.5 pages long. Mike B., Mike S., Heidi, Natalie, Ken and Nita were on the committee. Because so many of our policies originate with OBM, DAS, etc., having a policy on how to create and update policies isn't useful. Minor revisions to policies don't get vetted. Larger changes to policy go to the chiefs and LMT. The Director only wants to see policies that affect agency operations (e.g., flex time). A draft of the guidance on policies will be sent to LMT before the October meeting, no later than 10/23. Mike B. will coordinate a subcommittee meeting/call by 8/17. LMT will be prepared to discuss this at the October meeting.

- 5) **Briefings to the Director – Joint effort to identify mutual issues. Submit quarterly progress report on committee's functions, mission, goals, etc.** A quarterly briefing to the Director should go in the agency's weekly briefings. Deborah and Pete will work on this. They will write up a briefing and send it and copy LMT.
- 6) **Status of Filling Positions (LRO, Safety Officer, Training Officer, Ombudsman).** Beth Wolf is the building safety coordinator; John Vlasko is the agency safety coordinator. John Vlasko is not in management, we need someone who is a manager who can take responsibility in this position. John reports to Laura Factor. There is no management classification that John could

be put in to because any such classification would require staff being supervised. A new training officer is not in the picture. Cheryl Fields does some of that coordination. Employees need to be their own advocate for training. Can Karen ask the Director if there is a single point of contact for training questions? Pete can put that question in the briefing. Training is coordinated differently for each division. A recommendation was made that the agency hire an ombudsman that would be a full time employee to facilitate/mediate non-grievance disputes now that the dispute resolution option is gone. DAS and BWC are looking for alternatives for dispute resolution. LMT can also look into alternatives. There won't be traction for an EPA-specific employee for this, but we can tap staff in other agencies. EAP is another option.

- 7) **Voluntary Cost Savings Option.** This issue comes up periodically, where staff would be allowed to take unpaid leave without having to use up their entire leave balance. There are a variety of reasons staff might choose to do this. There are a lot of issues with having this sort of program for staff, involving staffing levels and concerns. There was a policy drafted, which a previous Director did not want to put forward. Mylynda will write up a short narrative about why a VCS program might be beneficial for the agency. Karen will ask the Director if there is any possibility of implementing a VCS program at the agency and get back to LMT in October.

- 8) **Training Recommendations (Management Introductory Training, DAS, OCSEA contract, Labor-Management with CALMC).** Mike B. will send the CALMC manual to LMT via email. Some of the district LMTs would like training also. Are the co-chairs going to decide on training or the entire LMT? Deborah and Pete can decide what kind of training to get for LMT and get back in October.

Adjourn 12:40PM

Next Meeting: October 30, 2012, 9:30AM, OCSEA Polaris

Agenda: See July 31, 2012 meeting agenda



Interoffice Memorandum

Date: March 18, 2013

Subject: Labor/Management Team 12/11/12 Meeting Minutes

To: Labor/Management Team

From: Michael D. Sherron, Ohio EPA, DERR

December 12, 2012, OCSEA Polaris, 10:00AM-12:40PM

Attendees: Cathy Altman, Deborah Bailey, Mike Bolas, Heidi Griesmer, Karen Haight, Maria Lucente, Natalie Oryshkewych, Mike Sherron, Donna Waggener, Pete Whitehouse, facilitator Alauddin Alauddin

Absent: Ralph Baker, Victor Dandridge, Jim Sferra

Agenda

- 1) Identify Action Items/Decision Recorder
- 2) Review Minutes/Action Items/Agenda
- 3) L-M Meeting frequency, format and duration
- 4) Briefings to the Director
- 5) Bargaining Unit Work: List of the number and vacancies and supervisors
- 6) Variability of job interviews within EPA and resolving biasness
- 7) Other business
 - a. Role clarification of co-chairs, facilitator, statewide committee members and subcommittees
 - b. Re-establish Ground Rules (joint ownership of team functions, minutes, action items, etc.)
 - c. Subcommittees Review and Time Commitment, Work Priorities up to 12/31/13
 - d. Status of Filling Positions (LRO, Safety Officer, Training Officer, Ombudsman)
 - e. Training Recommendations (Management Introductory Training, DAS, OCSEA contract, Labor-Management with CALMC)
 - f. Voluntary Cost Savings Option
 - g. Briefings to the Director – Joint effort to identify mutual issues. Submit quarterly progress report on committee's functions, mission, goals, etc.
 - h. Topics for Subcommittees (see below)
- 8) Subcommittee reports
 - a. Policies
 - b. Incentives
 - c. Contracting
- 9) Policies update
- 10) Set next agenda

- 1) **Roll call** was taken. The minutes from the August 1, 2012 meeting were reviewed and approved. The agenda for the meeting was reviewed and set. Action items from August were reviewed and added to the agenda as appropriate.
- 2) **Incentives Subcommittee:** Director Nally has indicated that he would like to try the Governor's Excellence Award and Garrett Award as incentives for a period of time. In the event that these do not yield sufficient incentives for employee performance, then he may reconsider and allow the exploration of additional incentive programs.
- 3) **LMC Meeting Frequency, Format, Duration (Agenda Item 3):** In general, it was noted that this committee is meeting much less frequently than in the past and fewer meetings annually suggests that the meetings should be longer in duration, depending on the agenda (and may require a lunch break). It is ok to plan for longer meetings and end early. It is important that the subcommittees come prepared to report out. It was decided that our time could be used more efficiently if all committee members review the minutes of the previous meeting ahead of time and offer corrections, if needed. It was requested that agenda items be submitted through the co-chairs two weeks in advance. When placing an item on the agenda, please suggest how long you believe the item will take to discuss. Urgent items should be moved up in the agenda. The group agreed to stay with the three hour meetings until we determine that this is insufficient time.
- 4) **Director's Briefings (Agenda Item 4):** The group discussed who among us should provide the briefings on the committee's work to the Director. One option was to consider placing our committee as a standing item on the Joint Chief's Meeting agenda. The group also discussed reaching out to the Director to increase his awareness of our group, the work we do and how we can be used by his office to work on projects. It was determined that Karen Haight would serve as liaison to the Director. Briefings would be by email. It was also recommended that Assistant Director Factor may have more time to become involved with the work of the committee.
- 5) **Bargaining Unit Work (Agenda Item 5):** The group discussed how bargaining unit positions left vacant have implications for work to be performed by exempt staff. It was discussed that this is occurring at times within the Agency. The salary saved during the vacancy should be utilized to fund overtime for bargaining unit staff to perform the work. Staff to management ratios were discussed and the need for increased supervision depending on the experience of the employees or the type of work being performed. The concept of using lead workers instead of supervisors was explored. It was stated that lead workers may assign work according to the approved classification specifications, but this interpretation was cautioned until further clarification could be sought from

classification specialists in OCB/DAS and OCSEA. It was also noted that how and when to fill a position is a management right.

- 6) **Variability of Job Interviews (Agenda Item 6):** It was explained that two candidates interviewing for the same job came to the interview with different expectations. One candidate came to the interview believing they could not bring any reference materials, the other candidate came with reference materials. The expectation of an “open book” interview was not conveyed (allowed or not) to either candidate, and the candidate who brought the materials ultimately scored higher in the interview. It was discussed that the manager conducting the interview would be afforded the discretion as to whether they would allow the candidate to bring reference materials. It was suggested that Employee Services provide some guidance / instructions to managers about how to conduct interviews and tell candidates upfront whether reference materials would be permitted in the interview. Karen Haight to explore this topic and provide feedback at the March 2013 meeting.
- 7) **CALMAC Training:** It was reported out that CALMAC would provide training for our LMC. The Union Education Trust has funding available to pay for this training. The Agency would need to pay for employees’ time and travel. It was also noted that CALMAC would be willing to provide training to district LMCs as well. The topic will be interest based bargaining, with specific content to be determined by the group. Date of the training to be resolved via email.
- 8) **Voluntary Cost Savings Program:** Director Nally has indicated that all staff are important to our operations and absent employee’s work must be given to other employees to complete. In addition, having employees utilizing a voluntary cost savings program would call into question our staffing needs during budget discussions. Therefore, the voluntary cost savings program will not be used at Ohio EPA.
- 9) **Role clarification (Agenda Item 7(a)):** It was requested that if you suggest an agenda item that you also include a brief paragraph explanation of the topic so that others can be familiar before coming to the meeting. It was also recommended that when action items are completed that a quick report on that be sent to the co-chairs and meeting facilitator.
- 10) **Priorities for 2013:** The group suggested that we send suggestions for tasks for this year and come prepared to discuss your suggestions.
- 11) **Training Recommendations:** Several items were discussed regarding training that is already available for staff. These included: Learn IT, DAS offered trainings, BWC health and safety training, and other training offered for new / experienced supervisors.
- 12) Next meeting’s agenda was discussed and the meeting adjourned.

Adjourn 12:55PM

Next Meeting: March 19, 2013, 9:30AM, OCSEA Polaris

Agenda: See December 11, 2012 meeting agenda