



## Interoffice Memorandum

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**Date:** July 27, 2011

**Subject:** Labor/Management Team 07/26/11 Meeting Minutes

**To:** Labor/Management Team

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

July 26, 2011, OCSEA Polaris, 9:45AM-12:30PM

**Attendees:** Ralph Baker, Heidi Griesmer, Kelvin Jones, Ken Mettler, Craig Rehkopf, Jim Sferra (by phone), Mylynda Shaskus, Mike Sherron, Pete Whitehouse, facilitator Alauddin Alauddin

**Absent:** Mike Bolas, Deborah Bailey, Victor Dandridge, Nita Nordstrom, Natalie Oryshkewych, Donna Waggener

### Agenda

- 1) Identify Action Items/DecisionRecorder
  - 2) Review Minutes/Action Items/Agenda
  - 3) L/M Committee Composition
  - 4) District-specific Employee Support issues
  - 5) Subcommittee reports
    - a. Policies
    - b. Incentives
    - c. Contracting
  - 6) Policies update
  - 7) Other business
    - a. L/M training
    - b. Agency-specific contract provisions
      - i. Career tracks
      - ii. Shortened or missed meal periods based on operational needs
      - iii. Start/stop time calculation
      - iv. Lateral transfers
      - v. Cross training
      - vi. Continuing education
      - vii. Evaluations to include staff comments on management performance
      - viii. Sick leave pilot project
      - ix. Development of a policy on use of union leave
  - 8) Set next agenda
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- 1) **Roll call** was taken. New committee member Pete Whitehouse, and Jim Sferra (potential new member), were introduced. The minutes from the May 25, 2011

meeting were reviewed, minor modifications were suggested, and the minutes were approved. Mike S. offered to record and send out action items. The agenda for the meeting was reviewed and set.

- 2) **LMT composition.** The issue of the uneven numbers of management and labor on the team was revisited. The past practice has been that the labor side has had eight reps (excluding Deborah Bailey); the management side can have up to eight but usually has had fewer. The contract specifies there should be equal numbers. Is the current group too large? Since much of the work is on the subcommittee level size of the full group may be less of an issue. The committee decided to continue on as-is in the interim and reevaluate this topic later if necessary.
- 3) **Subcommittee reports.**
  - a. **Policies.** This subcommittee was formed to address the fact that there is not a unified and consistent approach to the development and issuance of policies in the agency. Neither is there a precise definition of a policy; for example, there are certain IT policies that may or may not be considered all-agency policies. Members of this subcommittee are Mike B., Mike S., Natalie, Heidi, and Ken. There is still some internal discussion on issues such as who should comment on draft policies. Ultimately, the subcommittee will provide recommendations for a "Policy on Policies" to go through the full LMT, then be sent to Karen H. for final disposition (accept, reject, or modify). Mike B. has been working on a draft of this with Karen H. Mike S. will contact Mike B. for a status update.
  - b. **Incentives.** This subcommittee was formed to determine the status of the agency's current non-monetary incentives programs (TREE and Service Pins), the staff's perception of these programs, and make recommendations as to the continuation of these programs and ideas for potential future non-monetary incentives programs. Subcommittee members are Mylynda, Kelvin, and Deborah (formerly also Julie Methena and Dave Sholtis). Ralph indicated he may be interested in taking over for Julie on the subcommittee. There was some discussion by the LMT as to whether issues such as spot bonuses or merit pay are appropriate topics for this subcommittee. The initial subcommittee was chartered with only non-monetary incentives combined, so monetary incentives may require a separate effort, though both clearly fall under the general category of incentives. This subcommittee drafted a survey for the agency on current and potential nonmonetary incentives that is waiting to go out. Do we try and get it sent out now or wait for merit pay to evolve? Jim could liaison with the Director's office if need be at joint chiefs? Mylynda will resend the survey and the subcommittee memo with the LMT to respond in one week.

- c. **Contracting.** The purpose of this subcommittee was to determine if agency staff could do some of the work that is being contracted out, and also to define the current contracting process. Donna, Deborah, and Craig are on this subcommittee. One of the goals of potentially “contracting in” is to promote internal training and advancement, and ensure post-implementation technical support, particularly in ITS. The subcommittee has a list of current contracts (FY 09). Is there a way for the labor side to have input into contracts before they are put out to bid? A memo needs to be drafted and circulated to the LMT as to when, based on past contracts, labor involvement would have been appropriate. Ultimately the memo will go to Karen H. Pete will be joining this subcommittee. The subcommittee will meet before the next LMT meeting.
- 4) **Policies update.** The Outside Employment policy was finalized. The Assembly has sent a letter to Karen H. and Brian Cook stating their issues with the policy. One issue is that because of our regulatory and enforcement functions, outside employment information could be misused if it is a part of the public record, which the policy does not currently exclude. Also, if a grievance is filed based on a denial of outside employment approval, what happens when the denial is issued? This policy is trying to resolve conflicts of interest and incidents of conducting other business on state time, both of which already have other policies in place to guard against. LMT may become involved in the resolution of these disputes because of the potential financial impact on employees.
- 5) **LMT training.** Had LMT decided on a one-day training option or potential district-specific training options? Deborah had been taking the lead on training, and will brief LMT at the next meeting.
- 6) **Agency-specific contract provisions.** A list of potential topics for the agency-specific part of the next contract was discussed as presented by the labor side. Topics, with brief explanations, were as follows:
- a. Career tracks. Expansion of ES1/ES3 positions.
  - b. Shortened or missed meals. Could be paid if circumstances dictate that an employee must work through lunch (e.g., field work, sample delivery). Will need to develop guidelines on what “operational needs” are.
  - c. Start/stop time. Current policy is that employee must deduct normal commuting time if leaving from home. Costs person time and agency money. Need a “common sense” approach.
  - d. Lateral transfers. Removing geographic preference rules. Does not relate to Article 18 – Layoffs.
  - e. Cross training. Some staff want more cross-programmatic training to improve overall agency function, facilitate lateral transfers. Limited to ~16 hrs. per year.

- f. Continuing education. Want to allow CEUs on work time for RS, PE, etc. even if not required for position.
  - g. Evaluations include staff comments on management performance. Efficiency team recommendation that was nixed by the Director. LMT was not unified in its approach to or support of this.
  - h. Sick leave pilot. Some ways to alleviate 30% cut for second week. Some past recommendations were nixed by OCB.
  - i. Development of policy for use of union leave.
- 7) **Learn IT update.** Craig briefed the group on this initiative. The state has 2700 licenses under a one year contract. Right now this is only available to IT, but IT managers can request licenses. Interested parties can email Julia Jones. Craig will email a link about Learn IT.
- 8) **Action items.** Alauddin will check in with LMT members about action items on 8/8.

The meeting was adjourned at 12:30 PM.

**Next Meeting:** September 27th, 9:30 AM, OCSEA

**Agenda:**

- 1) Identify action item/decision recorder
- 2) Review minutes/action items/agenda
- 3) Subcommittee Reports
  - a. Policies
  - b. Incentives
  - c. Contracting
- 4) Policies Update
- 5) Other Business
  - a. Labor/Management training
  - b. Agency-specific contract provisions
- 6) District-specific employee support issues
- 7) Set next agenda



## Interoffice Memorandum

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**Date:** May 25, 2011

**Subject:** Labor/Management Team 05/24/11 Meeting Minutes

**To:** Labor/Management Team

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

May 24, 2011, OCSEA Polaris, 9:45AM-12:00PM

**Attendees:** Mike Bolas, Heidi Griesmer, Kelvin Jones, Ken Mettler, Nita Nordstrom, Natalie Oryshkewych, Craig Rehkopf, Mylynda Shaskus, Donna Waggener

**Absent:** Ralph Baker, Deborah Bailey, Victor Dandridge, Mike Sherron, Pete Whitehouse, facilitator Alauddin Alauddin

### 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. L/M training
  - b. Outreach/marketing of statewide LMT
  - c. Report back on presentation to Joint Chiefs & Mike Sherron meeting with Director
  - d. Agency training
- 7) Set next agenda

- 1) **Roll call** was taken. The minutes from the March 22, 2011 meeting were reviewed, minor modifications were suggested, and the minutes were approved. Natalie offered to record and send out action items. The agenda for the meeting was reviewed and set. Donna informed the group that Pete Whitehouse (Assistant Chief, DERR-CO) will be the new management co-chair of the LMT.
- 2) **LMT roles and “sustainability”**. Because of the transitions occurring on the LMT from people leaving, the change in administration last autumn, and Senate Bill 5, the team felt this was a good time to discuss our mission and purpose. The first issue that came up was the imbalance of labor versus management representatives on LMT. Labor currently has eight reps (excluding Deborah

Bailey from OCSEA), and management has four (excluding Victor Dandridge from OCB). The question was posed as to whether we should even up the numbers, as specified in the contract, and if so, how. The labor side is ok with having extra reps. The management side isn't sure if they can get a total of eight reps on the LMT. This issue was tabled, and discussion occurred regarding the relevancy of the committee in light of the aforementioned issues, and what tasks the committee hopes to accomplish. All the committee members agreed that regardless of what happens with SB5, the committee will continue to meet and function until at least February 2012, as specified in the current contract. The committee agreed to reevaluate the subcommittee objectives. This led to a reiteration of the committee ground rules, as to whether the committee could make decisions if both co-chairs were absent. The ground rules state that decisions can be made with committee members absent, and if a decision is made that one of the other members finds unacceptable in their absence, the issue can be revisited.

- 3) **Subcommittee wrap-ups.** As mentioned in item (2) above, the committee decided to reevaluate the current status of the three major subcommittees and determine if progress can be made in each area that would lead to a final work product. Progress on the subcommittees has been somewhat stagnant over the past several meetings owing to the transitions discussed previously. The committee decided that it would be best to pull together the information the subcommittees have been able to generate thus far, and possibly determine if recommendations can be made and a work product finalized. It was agreed that one representative from each subcommittee would take the lead in getting a draft final work product out to the committee before the next LMT meeting. Mike B. will take the lead for the Policies subcommittee, and will draft up a recommendation on procedures for developing and finalizing agency policies, and send it to LMT by June 24<sup>th</sup>. Mylynda will take the lead for the Incentives subcommittee, and send a memo and attached survey on agency incentives and recommendations to the LMT by June 24<sup>th</sup>. Donna will take the lead on the Contracting subcommittee and send out a summary of contracting costs and scope to the LMT by July 12<sup>th</sup>. The committee agreed to review the drafts, suggest changes via email, and planned to finalize the work products at the July 26<sup>th</sup> meeting.
- 4) **Agency specific negotiations.** Mike S. said that a negotiation team for the agency-specific contract section will be selected by the end of July. The actual negotiations will occur primarily from November 2011 to January 2012. It would be appropriate for LMT to discuss potential issues for the agency-specific agreement, and LMT may choose to do this at upcoming meetings.
- 5) **Meeting with the Director.** Mike S. met with the Director in his capacity as Assembly President. Multiple labor-related issues were discussed, and LMT was mentioned, though no specific issues related to the committee arose. Mike explained to the Director the benefits of working with a unionized labor force

overall. The meeting was more informational for the Director, Mike did not receive any specific feedback.

- 6) **District-specific issues.** Two district specific issues were brought up on behalf of SWDO. A question came up in the district in relation to the DHWM dissolution, as to whether position changes were done according to the contract. Some folks felt that positions were not fairly reassigned, and that some may have been assigned punitively. Is that grievable? Maybe – it depends on labor’s ability to prove the punitive nature of the transition. The other issue related to how positions are posted versus position description changes. A case was discussed where a position was posted, a person was hired, and within a very short period of time (a week to a month), the PD was changed such that the position became one where a lot of CT/OT could be earned. Could this be grievable, as others may have applied for the position if it had been posted with the revised PD? It could be, if the PCN was changed, and not just the PD. Nita will work with Kelvin and Mike B. to handle these issues through the labor side of things.
- 7) **Policies update.** LMT sent comments on the two draft policies (media relations and outside employment) to Karen H. after the last LMT meeting. The committee members generally thought that the policies are still draft, though in the case of the media relations policy, it has been more or less implemented while still in draft form. No one on LMT is sure how, procedurally, the policies will get finalized – does the Director need to sign off on them, or Karen H., or Chris Abbruzzese in the case of media relations, or does someone just post them on the web as final? No one was sure, and the committee was reminded that this is why the Policies subcommittee was formed – to try and establish how policies are created and finalized.
- 8) **LMT outreach.** Natalie will talk to Pete about LMT generally, and about reaching out to Victor Dandridge at OCB to attend the LMT meetings.
- 9) **Agency training.** Many recommendations on training were made as part of the agency’s efficiency task force. The previous LMT training subcommittee had made some recommendations, but some of them were based on division budgets, and may be outdated at this point. DAS is waiting on feedback as to how the Skillsoft training piloted by OIT went. It would be \$14/per employee if rolled out statewide. Skillsoft offers IT, project management, CEU and certification credits, among other offerings. Craig will give us an update at the next LMT meeting.

The meeting was adjourned at 12:00 PM.

**Next Meeting:** July 26th, 9:30 AM, OCSEA

**Agenda:**

- 1) Identify action item/decision recorder
- 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. Labor/Management training
  - b. Agency-specific contract provisions
- 7) Set next agenda



## Interoffice Memorandum

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**Date:** May 24, 2011

**Subject:** Labor/Management Team 03/22/11 Meeting Minutes

**To:** Labor/Management Team

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

March 22, 2011, Conference call, 9:45AM-11:00AM

**Attendees:** Mike Bolas, Heidi Griesmer, Ken Mettler, Nita Nordstrom, Natalie Oryshkewych, Craig Rehkopf, Mylynda Shaskus, Dave Sholtis

**Absent:** Ralph Baker, Deborah Bailey, Victor Dandridge, Kelvin Jones, Mike Sherron, Donna Waggener, facilitator Alauddin Alauddin

### 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. L/M training
  - b. Columbus and municipality income tax issues
  - c. Outreach/marketing of statewide LMT
  - d. Work day for field season 2011
  - e. Report back on presentation to Joint Chiefs & Mike Sherron meeting with Director
  - f. Video conferenceing/Webex
- 7) Set next agenda

- 1) **Roll call** was taken. Dave mentioned that the new management co-chair (yet to be named) will want to reach out to Victor Dandridge (new OCB rep) about attending future meetings. Updates to the LMT committee include Craig Butler's resignation, and Dave's upcoming retirement. Dave said he will mention to the Director that LMT will need two new management reps appointed. The only three managers currently remaining on the committee are Heidi, Donna, and Natalie.

- 2) **Agenda.** The committee did not create separate action items, review last meeting's minutes, go over any district-specific support issues, or give subcommittee reports. Labor management training, marketing of LMT, work day for 2011 field season, Joint Chiefs presentation (cancelled), and Mike Sherron's meeting were all tabled until next meeting.
- 3) **Outside employment policy.** Sandra Bell (attorney for OCSEA) spoke to the assembly last week regarding this draft policy. She stated that the policy is within the employer's legal rights. LMT does have a few comments/questions for Karen H., primarily focusing on the definition of "outside employment". For example, does hobby income, like from selling eggs, count? What about people who are self-employed in some fashion, like a farm that provides some income, or selling crafts on a website, or reselling used items on the web or at home? What about someone who is doing online investment trading on their own time? What about compensation for doing something "for free" but where some perk such as mileage or meals are paid, on non-work time? Which of these constitutes "outside employment"? Can we get a clarification of whether some activities (e.g., egg sales) are ok in the building (i.e., state property) so long as they're done off the clock? Who reviews the Notification forms, and who makes the decisions about them as to what is permissible, and based on what criteria? Mylynda agreed to draft up LMT's questions and concerns and circulate a draft memo for Karen to the rest of LMT by Friday.
- 4) **Media Relations policy.** The draft policy for media relations was reviewed and discussed. In general, the policy states that staff in the field should defer to PIC unless designated as a "media liaison". There is a concern on the part of the committee that this will lead to a reduction in customer service. Prior to the draft policy, any staff member could speak with a reporter and notify PIC afterward. PIC will not be at all public meetings with staff, and staff don't have to "clear" all presentations for meetings through PIC. There were also some concerns mentioned about the media training portion of the policy. What's the point, except for staff designated as "media liaisons"? Will DERR responders and site coordinators be designated as liaisons? Media training will also be provided on a case by case basis prior to any staff interviews by the media, so why is a separate training needed? What about commenting on an online thread, would that be against agency policy? Yes, but it is under the current policy as well. The committee agreed to comment regarding the feared decrease in customer service. Mylynda will include that along with the Outside Employment policy comments.
- 5) **Other policy issues.** Some concerns were voiced about the continued lack of a policy on policies. Namely, how are draft policies distributed for comment, and who gets to comment on them? Right now it's haphazardly done, with policies getting distributed by some managers and union folks but not to everyone. This is an important issue for the Policy subcommittee to work out.

- 6) **Bulletin board issue.** Some committee members have noticed that some of the union bulletin boards have been stripped of their contents. Committee members will check their district offices/floors to see if this is the case for them.
- 7) **Columbus/municipal tax issue.** An article on this issue will run in a future edition of NewsSource.
- 8) **Video conferencing/Webex.** The committee agreed to pull this item from the standing agenda. We have agreed to meet in person bimonthly, switching to calls when needed. We will not be using video conferencing or Webex to meet in the foreseeable future.
- 9) **Agency Training.** The committee agreed to add this item to next meeting's agenda. Training is a component of the agency-specific contract agreement. Very little has been done with training since the departure of Rod Spain a few years ago. There had been some training subcommittee recommendations made a couple of years ago, but nothing has been done with them. This may be a good time to revive them and send them to the new Director's office. Also, DAS has a pilot program called LearnIT Ohio through a company called Skillsoft, which includes online training modules. DAS may be rolling that program out to all state agencies in the near future.
- 10) **Agency specific contract provisions.** The LMT agreed to review the agency-specific contract provisions at the next meeting to see which have been implemented and which haven't.

The meeting was adjourned at 11:00 AM.

**Next Meeting:** May 24th, 9:30 AM, OCSEA

**Agenda:**

- 1) Identify action item/decision recorder
- 2) Review minutes/action items/agenda
- 3) District-specific employee support issues
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  - a. Policies
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- 5) Policies Update
- 6) Other Business
  - a. Labor/Management training
  - b. Outreach/marketing of Statewide LMT
  - c. Joint Chiefs Presentation
  - d. Training
  - e. Agency-specific contract provisions
- 7) Set next agenda