

COLLECTIVE BARGAINING CLARIFICATION LETTER

NO. 10-08-10

To: All Labor Relations Officers and Personnel Officers
From: Michael Duco, Deputy Director
Date: August 24, 2010
Subject: **AFSCME/OCSEA Articles 7.03, 16 and 17 and SEIU/1199 Article 28 and Article 30 Intermittent Employees: Seniority and Selection**

After recent contract negotiations, the State of Ohio sought to clarify the application of certain provisions of the AFSME/OCSEA collective bargaining agreement and the SEIU/District 1199 collective bargaining agreement regarding the rights of intermittent employees. During the 2009 negotiations, intermittent employees in OCSEA covered classifications were brought into the bargaining unit. (See Section 7.03). It became effective June 18, 2009, upon action by the State Employee Relations Board (SERB) on a joint petition. Similarly, intermittent employees in SEIU/1199 covered classifications were also brought into the bargaining unit effective on July 23, 2009, upon action by SERB on a joint petition. (See Section 27.03). In order to ensure consistency statewide, this clarification letter addresses an intermittent employee's seniority, as well as an intermittent employee's rights regarding selection under the OCSEA collective bargaining agreement.

AFSCME/OCSEA: Article 16 and Article 17

An intermittent employee's seniority is zero (0). Should an intermittent employee be hired permanently at a State Agency, Board or Commission, his or her seniority will be calculated in accordance with Article 16.02(D). However, no seniority credit will be given for any period prior to June 18, 2009.

With regards to selection under Article 17, an intermittent employee who applies for a permanent position within the agency he or she is currently employed will have the application placed into category 4 of Article 17.04, i.e. "All other employees of the Agency." A permanent employee will be allowed to exhaust all of his or her rights under Article 17, including lateral transfers and demotions, prior to an intermittent employee exercising his or her rights. For example, if a permanent employee who falls into category 4 is bidding on a position as a demotion and an intermittent employee is bidding on that same position as a lateral transfer, the permanent employee will have greater rights to the position. An intermittent employee shall be allowed to exhaust his or her rights under Article 17 prior to an employee requesting an inter-agency transfer.

SEIU/District 1199 Article 28 and Article 30

The State of Ohio and SEIU/District 1199 have adopted the understanding that an intermittent employee's seniority is zero (0). Under Article 30, if an intermittent employee applies for a permanent position the employee's seniority is zero (0) for purposes of determining who will be awarded the position. Should an intermittent be awarded a permanent position, the employee will not receive credit for time served as an intermittent and the employee will start with zero seniority credits.

As always, please contact your OCB Labor Relations Specialist with any questions about the clarifications.