

Article 18 Joint Committee Meeting

OCSEA Headquarters
November 18, 2004

In attendance:

Management: Mike Duco, OCB; Jon Weiser, ODNR; Georgia Brokaw, MH; Teri Decker, DR&C; Shelly Ward, OCB

OCSEA: Bruce Wyngaard, OCSEA; Pat Hammel, OCSEA; Sharon Brown, MR/DD; James Bolden, ODJFS.

Three topics were discussed: Clarification of Article/Section 18.05 – jurisdictional bumping, established-term appointment types, and 18.04 filters.

Jurisdictional Displacement

The parties discussed the operation of Article/Section 18.05; specifically, whether or not an employee has to take an available vacancy regardless of appointment type.

There is concern that if appointment type is not considered, less senior employees fare better than more senior employees. For example, the following scenario represents an institution closing with five TPW’s bumping to another institution under 18.05.

Position abolished/seniority	Positions available
FT 5	FT 1
FT 4	FT 1
FT 3	PT 1
PT 2	PT 1
FT 1	PT 0 – (vacancy)

Under this scenario, the most senior affected employee displaces into a part-time position, while less senior employees displace into full-time position. The parties discussed the option of using reserve seniority, but that could also cause an “inequity” if the part-time vacancy above was a full-time vacancy.

Additionally, by requiring the most senior to take any available vacancy, will stop the bumping. Otherwise, the bumping person will have rights under 18.04 and the process continues. The State’s interest was to minimize the impact on staff and the amount of paper work. This is why the employees receive the seniority rosters when completing their displacement selection form and prioritizing their counties. The Union’s interest was to give deference to an employee’s ability to choose the location in the geographic

jurisdiction they wanted to bump to (rather than having to bump the least senior in the entire jurisdiction) over bumping by appointment type.

Thus, the parties agreed that appointment type is NOT considered when bumping into the geographic jurisdiction. HOWEVER, Article/Section 18.17 - Alternate Procedures allows the parties to establish procedures in lieu of procedures outlined in the contract. Because the contract provides express authority to do, member ratification should not be necessary.

Established-Term Employees

DNR had a situation where an Established-Term Regular appointment type employee had to bump under 18.04 an Established-Term Irregular employee. She argued that the ETI was a lesser appointment type, and thus, she should have been able to move to the geographic district. In DNR's opinion, there is only one appointment "type" – established term. The irregular and regular designation reflects the manner in which they are scheduled. Some ETI's are scheduled more hours than ETR's and vice versa.

The parties agreed that DNR would resolve this issue through its statewide labor-management committee. In Mental Health, ETI's are a temporary appt type and therefore don't have bumping rights. Permanent employees who would otherwise be laid off are allowed to "bump" into ETI positions at their current step. ODJFS needs further discussion/review as to how this issue impacts them.

18.04 – B – Bumping in a classification in the same or equal pay range

Question arising out of the DAS layoff involves an affected employee who has several classifications in his grouping that are in the same pay range. For example, a Painter 1 is being abolished (Bargaining Unit 6, Group 9) He has no options in his classification. So he goes to same pay range. In his county, there are two Carpenter 1's, two Electrician 1's, and three Plumber 1's, all the same pay range.

Question: Does the employee get to choose the least senior of the classification he wants?; e.g., the least senior of the carpenters? OR does he have to displace the least senior out of the seven regardless of the classification?

Answer: He has to take the least senior out of all of the classifications combined.