

DAS Directive

Directive No. **HR-D-09**
Effective Date: **09-01-2009**



To: All Departments, Offices, Agencies, Commissions, Boards, Bureaus and Institutions
From: Hugh Quill, *Director of Administrative Services*
Re: Parity for Exempt Employees

PURPOSE

The purpose of this directive is to inform appointing authorities and human resources administrators of employees paid directly by warrant of the Auditor of State of the authority of the Director of Administrative Services to consider granting exempt employees certain payments or benefits provided to non-exempt employees pursuant to collective bargaining agreements. This directive also establishes a procedure appointing authorities are to follow in order to propose extending such payments or benefits to exempt employees.

GENERAL

Section 124.15(D) of the Ohio Revised Code allows the director of the Department of Administrative Services to review collective bargaining agreements to determine whether certain payments or benefits provided to bargaining unit employees should be extended to exempt employees. The payments and benefits subject to such review may include something that is not currently provided by law to exempt employees or a payment or benefit that is provided by law that includes, but is not limited to bereavement leave, personal leave, vacation leave, administrative leave, sick leave, disability benefits, holiday pay and pay supplements. The director of Administrative Services and the director of the Office of Budget and Management may approve such payments or benefits to some or all exempt employees who are employed by an appointing authority with bargaining unit members for whom the payments or benefits exist. A proposal to extend payments or benefits pursuant to this section may be initiated by an appointing authority or by the director of Administrative Services.

PROCEDURE

An appointing authority wishing to extend payments or benefits provided in a collective bargaining agreement to certain exempt employees shall submit a written proposal to the Director of Administrative Services and the Director of OBM that includes the following:

- A description of the payment or benefit to be extended,
- A copy of the relevant article(s) of the collective bargaining agreement,
- A listing of the classifications(s) and titles of all exempt employees for whom the payments or benefits will be extended,

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- An explanation of whether the exempt employees (a) are in a position with similar duties as bargaining unit employees receiving the payment or benefit, (b) supervise bargaining unit employees receiving the payment or benefit, or (c) are employed by the same appointing authority as the bargaining unit employees receiving the payment or benefit,
- An explanation regarding whether the payment or benefit will be provided (a) at the same level paid to bargaining unit employees, or (b) at a lower level than that paid to bargaining unit employees
- A copy of the law or rule that provides exempt employees with a similar payment or benefit, if applicable,
- A cost analysis that (a) shows the additional costs the agency will incur to extend the payment or benefit to exempt employees, and (b) identifies the fund(s) from which such payment or benefit will be provided.

The proposal shall be drafted with the consultation of the OBM budget analyst to ensure sufficient funds are available to implement the proposal.

Upon receipt of an appointing authority's proposal, the Directors of OBM and DAS will send a letter to confirm receipt of the appointing authority's request.

DAS and OBM staff will work together to review the agency's request.

The Director of DAS will notify the appointing authority if the request is approved or denied. If a request is approved, the Director of DAS will establish the date upon which the payment or benefit will become effective.

This directive supersedes any previously issued directive or policy and will remain effective until canceled or superseded.

AUTHORITY & REFERENCE

ORC 124.15(D)