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Administrative Services
Human Resources Division
Office of Collective Bargaining**
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Bob Taft
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**COLLECTIVE BARGAINING CLARIFICATION LETTER
NO. 00-06-01**

TO: ALL LABOR RELATIONS OFFICERS AND PERSONNEL OFFICERS
FROM: STEPHEN V. GULYASSY, DEPUTY DIRECTOR
SUBJECT: **ALL CONTRACTS:** ACCOUNTING FOR UNION LEAVE/ACTIVITY.
DATE: August 1, 2000

As negotiated in the most recent collective bargaining agreements, certain union activities in which state employees may participate will now be documented. Please use the following processes to account for leave which falls into the following categories:

- 1) Leave for union businesses
- 2) Time away from normal work assignments to represent employees and/or administer the labor Agreement
- 3) Leaves of absence for joint labor/management initiatives.

1. Leaves for union business.

• ***Unpaid leave***

The employee is absent from work and away from the normal worksite. The request for such leave must be submitted through OCB and will be approved/disapproved before such time may be taken. This may include leave of absence to assume a union position either as an elected union official, staff representative or organizer.

• ***Paid leaves***

Paid leaves of absence may be granted for union business under various contract Sections (e.g. Section 3.10 of the OCSEA Agreement). This is a commonly used leave under OCSEA, but is rarely used under other union contracts, and must be approved in advance by OCB. No overtime will be paid to employee's to attend such committee meetings.

2. Leave to administer the labor agreement.

- State employees may function as union stewards, site delegates and other union representatives to represent employees at worksites, for grievance meetings, pre-disciplinary meetings, etc. They may

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also participate in on site labor/management meetings, etc. This differs from leaves described above, because the employee is not off duty and most times not away from the worksite.

3. Leaves of absence for joint labor management activities.

- Employees serving on joint committees with labor and management attendees will be permitted leave with pay to attend these activities. Examples include: Regional Work Adjustment Committees, Benefits Trust, Workforce Development, JHCC, agency state wide professional committees and Health and Safety Committees. Bargaining unit representatives for these types of committees will be granted time off with pay to attend such meetings during normal working hours. No overtime will be paid to employees to attend such committee meetings.

The following are the provisions of each labor agreement regarding documentation of union activity.

OCSEA Agreement, Section 3.11 – Union Requests for Time Off

- All requests for any form of time off from work pursuant to this Article must be made by completing a form or log provided by the Employer. No employee will be granted any time off pursuant to this article, without completing the form or log prior to the utilization of such time, and securing of permission to utilize such time. The employee shall enter on the form the time the leave commences, and upon returning the employee shall enter the return time. Employees who do not return to their worksite prior to the end of the employees' workday shall complete the form at the beginning of the employees' next workday. Employees who normally work out of the office, will work out an acceptable alternative union leave request procedure with their supervisor. In the absence of a mutually agreed to form the employee shall use state leave forms.

The Union shall provide a list of attendees and the hours released for relevant release time requested pursuant to Section 3.10 and Article 43. However, this requirement is not applicable to joint committee meetings with labor and management attendees; e.g., RWAC, Benefits Trust, Workforce Development and JHCC.

SEIU\District 1199, Section 3.02 – Union Requests for Time Off

- All requests for any form of time off from work pursuant to this Article must be made by completing a form or log provided by the Employer. No employee will be granted any time off pursuant to this Article, without completing the form or log prior to the utilization of such time, and securing of permission to utilize such time. The employee shall enter on the form the time the leave commences, and upon returning the employee shall enter the return time. Employees who do not return to their worksite prior to the end of the employees' workday shall complete the form at the beginning of the employees' next workday. Employees who normally work out of the office, will work out an acceptable alternative union leave request procedure with their supervisor. In the absence of a mutually agreed to form the employee shall use state leave forms.

Other Agreements

- Similar language has been proposed in each of the other collective bargaining agreements and will likely be included in the final agreements.

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Instructions.

State employees functioning as union stewards, site delegates and other union representatives must complete a log or a request for leave form before they begin any union business as described in the collective bargaining agreements.

- A. **Submission of a Leave Form ADM 4258** (the standard state request for leave form), or a mutually agreed upon form should be submitted for absences requiring the employee to be away from the employee's regular worksite. Examples are leaves approved per OCSEA §3.10. Payroll officers will code such requests for leave using the LESSU payroll code which does not pay hourly rate but does permit the accrual of leaves. By using the LESSU code, DAS will be able to track the hours of union leave for this category.
- B. **Supervisory approval.** As with any request for leave appropriate supervisory approval (signature) is required. Supervisors should instruct employees who normally perform Union functions of approval requirements in the supervisor's absence. OCSEA must verify the member's attendance for any meeting requested under §3.10 - Union Leave.
- C. **Joint Committees.** Employees serving on joint committees with labor and management attendees; e.g., RWAC, Benefits Trust, Workforce Development, JHCC, agency and statewide Professional Committee and Health and Safety Committee should also request paid leave of absence using form ADM 4258. Employees should check the box marked "Other" and list the committee name. Such leave is always with pay unless a supervisor is otherwise informed by the agency labor relations office. The supervisor should note in the "Remarks" box that this is paid leave for a joint labor management committee.
- D. **A log** is attached that has been jointly developed by OCB, state agencies and the unions, to be used by employees seeking release for time away from normal at the worksite for activities such as grievance meetings, representing employees at pre-disciplinary meetings, on site labor/management meetings, etc. This differs from leaves described in sections A & B, above, in that the employee is not off duty.
- E. Pursuant to the contractual provisions, supervisory approval (signature) is required for stewards chapter officers to take time away from work while on duty to assist employees with grievances or other contract administration. Supervisors will instruct employees who normally perform union functions of approval requirements in the supervisor's absence.
- F. If you have any questions about the use of this log once it is distributed, please contact your Labor Relations Specialist. Agency Labor Relations Officers (LRO) or the LRO designee should submit the completed logs to the assigned OCB Labor Relations Specialist each pay period.

Payroll Record.

All hours of union time, paid or unpaid, as defined through this clarification letter, must be recorded on payroll.

