

COLLECTIVE BARGAINING CLARIFICATION LETTER

NO. 10-08-07

To: All Labor Relations Officers and Personnel Officers
From: Michael Duco, Deputy Director
Date: August 24, 2010
Subject: **Accounting for Union Leave/Activity**

This clarification letter replaces clarification letter No. 07-06-01.

Please use the following process to account for leave that falls into the following categories:

1. Leave for union business
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

Unpaid leaves of absence may be granted for attendance at certain union functions under various contract sections (e.g. Section 3.10 of the OCSEA Agreement). While commonly used by OCSEA, this type of leave is rarely used under other union contracts. All such leave must be requested through OCB on the required form and approved in advance by OCB. Employees who are granted this leave shall not be considered in active pay status and no overtime will be paid for employees to attend such meetings.

Unpaid leaves of absence may also be granted to employees to assume either an elected or appointed union position. The employee is absent from work and away from the normal worksite. All such leave must be requested through OCB on the required form and approved in advance by OCB. For payroll purposes, these unpaid leaves should be coded as UNPDL and will not be considered as active pay status.

Paid Leave

Paid leaves of absence may be granted for union business under various contract sections. The request for leave must be submitted through OCB on the required form and approved in advance by OCB. No overtime will be paid to employees to attend such meetings. For payroll purposes, this leave should be coded as UNTLV.

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. This type of leave does not require OCB approval, but does require notification to, and permission from the direct supervisor prior to leaving the work area ***or remaining in the work area but being unavailable for work due to permissible union activity.*** The employee may participate in on-site labor/management meetings, etc. This leave differs from that described in number one above because the employee is not off duty and often not away from the worksite. For payroll purposes, this leave should be coded as UNTLV.

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 of joint committees include: Regional Work Adjustment Committees, Benefits Trust, Workforce Development, JHCC, agency statewide 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 work hours. No overtime will be paid to employees to attend such committee meetings. For payroll purposes, this leave should be coded as UNJLV.

Instructions

State employees functioning as union stewards, site delegates and other union representatives shall 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.

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 has been jointly developed by OCB, state agencies and the unions, to be used by employees seeking release for time away from normal duties at the worksite for activities such as grievance meetings, representing employees at pre-disciplinary meeting, on site labor/management meeting, etc. This log can be located on the OCB website under miscellaneous forms. This differs from leaves described in sections A & B above, in that the employee is not off duty. **All leaves for activities listed in C above must be documented on the union**

leave log form. If you have any questions about the use of this log, please contact your Labor Relations Specialist.

E. Pursuant to the contractual provision, supervisory approval (signature) is required for stewards and 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. It is no longer necessary to submit the completed 3.10 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. Payroll officers must code all requests for leave following Payroll Letter 784, issued November 13, 2000.