

**COLLECTIVE BARGAINING CLARIFICATION LETTER**

**NO. 13-09-01**

To: All Labor Relations Officers and Personnel Officers  
From: Michael Duco, Deputy Director  
Date: September 23, 2013  
Subject: **Accounting for Union Leave/Activity**

This clarification letter replaces clarification letter No. 10-08-07. This clarification letter is effective November 1, 2013.

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

1. Leave outside of the agency for union business (unpaid or paid)
2. Time away from normal work assignments to represent employees and/or administer the labor agreement within the worksite (paid) or within the agency (paid)
3. Leave outside the agency for joint labor/management initiatives (paid)

**1. Types of Union Leave**

**a. Leave for union business**

**Unpaid Leave**

Unpaid leave may be granted for attendance at certain union functions under various sections of the collective bargaining agreements (e.g. Section 3.10 of the Ohio Civil Service Employees Association (OCSEA) Agreement). While commonly used by OCSEA, this type of leave is rarely used under the State's other collective bargaining agreements. Such unpaid leaves of absence must be requested and approved in advance through the Office of Collective Bargaining (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, if the employee is absent from work and away from the normal worksite, as a result of the position. Such a leave of absence must be requested and approved in advance through OCB. The terms of such leaves of absence must be in accordance with the applicable collective bargaining agreement.

For payroll purposes, the time and reporting code (TRC) for these unpaid leaves is UNPDL and will not be considered as active pay status.

If a union representative submits a request to use his or her own paid leave for the release period, it is recommended that the agency grant this leave request. Should this type of request occur, the employee should submit the paid leave request along with the appropriate code for unpaid union leave, e.g. UNPDL, so all parties recognize that the leave must be granted in accordance with OCSEA Article 3.10, or other applicable section of a collective bargaining agreement.

## **Paid Leave**

Paid leave may be granted for union business under various sections of the collective bargaining agreements (e.g., Article 3.10(A) Mandatory Release, OIL Appeal Panel). The request for leave must be submitted to OCB and approved in advance through OCB. No overtime will be paid to employees to attend such meetings. For payroll purposes, the TRC for paid leave is UNTLV.

### **b. Leave to administer the labor agreement**

State employees may function as union stewards, site delegates and other union representatives to represent employees within the agency or worksites for grievance meetings, pre-disciplinary meetings, investigations, agency joint labor management meetings, etc. This type of leave to administer the labor agreement 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. This leave differs from the leave coded as UNTLV because the employee is not off duty and often not away from the worksite.

For payroll purposes, this leave should be coded as UNAGY for agency release (within the agency but not within employee's normal worksite) or UNFAC for facility release (within the worksite). This type of leave must be submitted to OAKS or to the local time keeping database for those agencies that provide interface files to OAKS. This new code will eliminate the need to maintain a "Union Leave Log," required under previous versions of this clarification letter.

### **c. Leave for joint labor-management activities**

Employees serving on joint committees outside the agency/worksites 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, Joint Health Care Committee (JHCC), 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. The request for leave must be submitted through OCB and approved in advance by OCB.

For payroll purposes, the TRC for this leave is UNJLV.

## **1. Instructions**

State employees functioning as union stewards, site delegates and other union representatives shall code all leave as outlined above for all time spent conducting any union business as described in the collective bargaining agreements.

a. Leave requests should be submitted for absences requiring the employee to be away from the employee's regular worksite or work area. All hours of union time, paid or unpaid, as defined in the collective bargaining agreements and this clarification letter, must be recorded on payroll. All requests for leave must have the correct TRC.

b. **Supervisory approval:** As with any request for leave, appropriate supervisory approval is required. Supervisors should instruct employees who normally perform union functions of the approval requirements in the supervisor's absence.

c. It is no longer necessary to complete 3.10 logs.

Effective November 1, 2013