



## **The State of Ohio and The Ohio Civil Service Employees Association**

### ***2009 Negotiations Summary of Changes***

(All changes are effective April 16, 2009 unless specified otherwise)

#### Preamble

- No change.

#### Article 1 – Recognition

- Intermittent employees are now members of the bargaining unit.

#### Article 2 – Non-Discrimination

- No change.

#### Article 3 – Union Rights

- No change.

#### Article 4 – Check-Off

- No change.

#### Article 5 – Management Rights

- No change.

#### Article 6 – Probationary Employees

- No change.

#### Article 7 – Other Than Permanent Positions

- Eliminates requirement that intermittent work be of an irregular and unpredictable nature.
- Intermittent employees are now members of the bargaining unit, however they are still in the unclassified service, may still be terminated at will without recourse, and are not eligible for step increases or longevity or any contractual benefits received by permanent employees.
- Clarifies that employees in temporary appointment types may be scheduled to avoid overtime, however, employees in temporary appointment types shall not earn compensatory time.

#### Article 8 – Labor-Management Committees

- Broadened the scope and purpose of the Joint Information Technology Committee.

#### Article 9 – Ohio Employee Assistance Program

- No change.

#### Article 10 – Child Care

- No change.

#### Article 11 – Health and Safety

- No change.

Article 12 – Staffing Concerns

- No change.

Article 13 – Work Week, Schedules and Overtime

- Extends timeframe for which compensatory time must be used from 270 days to 365 days.

Article 14 – Quality Services Through Partnership

- No change.

Article 15 – Employment Security

- No change.

Article 16 – Seniority

- Eliminates social security number as the mechanism to break seniority ties. Ties in seniority will now be broken by employee ID number.
- Creates a Statewide Seniority Credit Tribunal to review seniority credit totals.

Article 17 – Promotions, Transfers, Demotions, and Relocations

- Establishes process for the Employer to conduct a background check on applicants applying for a data security sensitive position.
- Allows the Employer to deny the final applicant the position based on the results of the background check.
- Permits employees to bid on job vacancies while they are on disability, workers' compensation, occupational injury leave, or salary continuation.

Article 18 – Layoffs

- No change.

Article 19 – Working Out of Class

- No change.

Article 20 – Benefits

- Adds \$12.50 surcharge for spousal coverage.
- Provides for increases in medical co-pays and out of pocket maximums.
- Shifts cost to employee for extra administrative fees for HMOs.
- Eliminates co-pays for preventative care visits and insulin.
- Eliminates mandatory mail order for prescriptions.

Article 21 – Union Benefits Trust

- Provides that time spent on leave under the Voluntary Cost Savings Program (Appendix R) or Cost Savings Days (Article 36.11) shall count toward the employee's continuous service time for the purpose of eligibility for dental, vision, and life benefits.
- Requires the Employer to continue payments to the Trust for employees receiving occupational injury leave, salary continuation, or workers' compensation benefits or on leave under Voluntary Cost Savings Program (Appendix R) or Cost Savings Days (Article 36.11).

Article 22 – Performance Evaluations

- No change.

Article 23 – Personnel Records

- No change.

Article 24 – Discipline

- Eliminates fines in disciplinary action and replaces them with working suspensions.
- Adopts a process whereby if a working suspension is grieved and the grievance is denied or partially granted, whatever portion of the working suspension is upheld will be converted to a fine or a reduction in leave balances.
- Clarifies that a minor suspension is defined as a one day; medium suspension is defined as two to four days; and a major suspension is defined as five days.
- Establishes that the Employer cannot give suspensions greater than five days.
- Adds that disciplinary action shall be initiated as soon as reasonably possible, recognizing that time is of the essence.
- Provides that the decision on recommended disciplinary action, including oral and written reprimands, shall be delivered to the employee, if available, and the Union within sixty days of the pre-disciplinary meeting.

Article 25 – Grievance Procedure

- No change.

Article 26 – Holidays

- Freezes part time employees' holiday pay from July 1, 2009 through June 30, 2011.
- Entitles part time employees to four hours of holiday pay beginning July 1, 2011.
- Clarifies that the provision whereby employees who call off sick the day of, the day before or the day after a holiday forfeit their holiday pay applies only to those classification where the Employer normally requires overtime to cover an absence.
- Modifies that holiday pay forfeiture for sick call-offs only applies to New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day.
- Provides that if an employee works a shift between his/her scheduled shift before or after the holiday, the employee does not forfeit his/her holiday pay.

Article 27 – Personal Leave

- Freezes personal leave accrual from July 1, 2009 through June 30, 2011.
- Allows employees during the freeze to designate up to eight hours of vacation or compensatory time per quarter to use under the rules of personal leave, however, current personal leave accruals must be used prior to using leave in lieu of personal leave.
- Freezes annual conversion of personal leave until December 2011.
- Provides for a lump sum payment equivalent to 32 hours of personal leave in the earnings statement the employee receives on August 26, 2011.
- Provides for a 32 hour sick leave credit in the pay period including July 1, 2011.

Article 28 – Vacations

- Eliminates the five-year vacation dump on August 30, 2009 and provides that employees will now start accruing vacation leave at the higher rate when they complete their fourth, ninth, fourteenth, nineteenth, and twenty-fourth year of service.
- Deletes the limit on yearly accruals for vacation leave on August 30, 2009.
- Effective July 1, 2010, allows bargaining unit employees to receive prior service credit for prior employment with the State, the Ohio National Guard, or any political subdivision of the State.

Article 29 – Sick Leave

- Allows 100% sick leave in the second week for any time spent in outpatient surgery or any time used contiguous to outpatient surgery.
- Adds that sick leave requested at least thirty days in advance for prescheduled medical appointments may be supplemented at the employee's request to 100% of pay with available sick

leave balances provided that a doctor's statement is submitted on the first day the employee returns to work following the absence.

#### Article 30 – Other Leave with Pay

- No change.

#### Article 31 – Leaves of Absence

- No change.

#### Article 32 – Travel

- Increases mileage reimbursement to forty cents (\$.45) for personal vehicle effective October 1, 2009.
- Provides that the mileage reimbursement will be set by the Director of OBM but not at a rate less than \$.45 or greater than the IRS rate.
- Establishes a procedure where OBM will examine the mileage allowance quarterly and when it is changed, OBM will provide OCSEA with a notice and rationale for the change.
- States that bargaining unit mileage allowance will never be set at a rate lower than the mileage allowance for exempt employees.
- Provides that effective October 1, 2009, lodging for overnight stays will be reimbursed up to the rate set by the U.S. General Services Administration (GSA) and that the employee shall receive a per diem rate for meals and other incidentals at the GSA rate.
- Requires employees to submit requests for travel reimbursement within sixty days of the last date of travel and all travel reimbursements will be received via direct deposit effective October 1, 2009.
- Discontinues the State credit card program but permits employees currently holding those cards to maintain them.

#### Article 33 – Uniforms and Tools

- No change.

#### Article 34 – Service Connected Injury and Illness

- Allows for a salary continuation pending determination of a Workers' Compensation claim not to exceed 480 hours per claim.
- Provides that if a Workers' Compensation claim is denied or the employee is disqualified from receiving Workers' Compensation benefits, the employee must substitute the use of paid sick, vacation, or personal leave, or repay the Employer any salary continuation received.

#### Article 35 – Disability Benefits

- Provides that disability benefits will be paid at 67% of the employee's base rate of pay up to a lifetime maximum of twelve months.

#### Article 36 – Wages

- Provides for no general wage increase for the duration of this Agreement.
- Freezes step increases from June 21, 2009 through June 21, 2011.
- Improves classification review procedures.
- Establishes a process for the new IT classification transition.
- Allows the Employer and the Union to jointly agree to explore measured alternative compensation systems.
- Clarifies when shift differential is paid.
- Requires employees in bargaining units 6, 7, 9, 13, and 14 to take ten days off without pay (cost savings days) in each fiscal year beginning July 1, 2009 and ending on June 30, 2011 and employees will be canvassed by seniority to select the days off.

- Requires employees in bargaining units 3, 4, and 5 and any non-permanent employees to assess their cost savings days on the holidays.
- Establishes that the loss of pay from cost savings days will be equal to 3.076 hours each pay period throughout the year.
- Provides that employees taking cost savings days will not have their health care and leave accruals impacted.
- Sets forth that if management or another union is not subject to similar concessions as OCSEA then OCSEA will be offered the more generous package.

Article 37 – Employee Training and Development

- Provides that if the computer purchase program is ever renewed for any state employees, bargaining unit employees will be afforded the same and equal program benefit.

Article 38 – Technological Change

- No change.

Article 39 – Sub-Contracting

- No change.

Article 40 – Indemnification

- No change.

Article 41 – No Strike/No Lockout

- No change.

Article 42 – Savings

- No change.

Article 43 – Duration

- Establishes a three-year contract effective from April 16, 2009 through February 29, 2012.
- Allows for midterm changes for the IT classification project to be approved through OCSEA and OCB.
- Establishes that all current MOUs will be available on agency websites.

Article 44 – Miscellaneous

- Provides that the Employer and the Union will continue to meet to work out OAKS issues.

Appendix A – I - Classifications

- Housekeeping changes.

Appendix J- Geographic Jurisdictions

- Some modified jurisdictions.
- Housekeeping changes.

Appendix K – Guidelines for Occupational Injury Leave

- Establishes an approved physicians' list for the purposes of diagnosing occupational injuries.
- Provides that OIL shall not exceed 960 hours per OIL claim.
- Allows that if an employee's OIL claim is denied but their Workers' Compensation claim is still pending they may be eligible for salary continuation under Article 34.
- Provides for an appeal process for the denial of an OIL claim.

Appendix L – Pay Ranges

- Updated to reflect no general wage increase for the duration of this Agreement.

Appendix M – Drug-Free Workplace Policy

- No change.

Appendix N – MOU-Work Areas

- No change.

Appendix O – Alphabetical Classification List

- Housekeeping changes.

Appendix P – Unit Specific Agreements

- No change.

Appendix Q – Agency Specific Agreements

- Some modified agreements.

Appendix R – Voluntary Cost Savings Program

- Provides that employees who participate in the program will maintain full-time status for purposes of leave accruals.
- Adds that cost savings measures may be explored by agency Labor-Management committees.