

OHPELRA Update

THE OHIO PUBLIC EMPLOYER LABOR RELATIONS ASSOCIATION NEWSLETTER, SPRING-SUMMER, 2003

Letter From The President

Dear OHPELRA Members:

IT HAS BEEN QUITE A long time since the Annual OHPELRA Conference. First let me thank the members for re-electing me as your President for a second year. I hope I can exceed your expectations this year. As president, I would like to take a moment to note that OHPELRA is very proud of the growth, the comradery, and the professionalism that we show through the quality of our conferences, our networking and our outreach efforts. Each and every member of OHPELRA and our sponsors deserve credit for the success of the organization. Thank you all for the support, and by your attendance at conferences, the number of new attendees, new members and sponsors, OHPELRA remains a strong and viable force in public sector labor relations throughout the country. Last, but not least, I want to thank our Board of Directors. These are true leaders of OHPELRA. They work tirelessly to make OHPELRA work. Joy, Doug, Kathy, Jan, Brooke, Lisa, Marsha, Jim, Steve – you are truly PRICELESS! Thank you all so much!

The OHPELRA Annual Training Conference was excellent from beginning to end! It was particularly energizing with the *diversity* of attendees and topics. We learned how to *earn respect for what we do and how to do it legally!* We heard about *best practices that we can apply now and in the future.* We all continue to be challenged with *health care cost issues* and now there's *HIPAA and defined contributions*, not to mention that never ending deadly triangle of *FMLA, ADA and Workers' Comp.* There was bargaining: *bargaining without money, interest based and traditional bargaining.* And when we think we're done, there's *layoffs!* Always remember to *keep it all in perspective – the world is ever changing and we must change with it.* (The italics are the topics presented at the 2003 OHPELRA Annual Conference). **WOW!**

Spring has finally come after the blustery, snowy and cold winter we just had! BRRRRRRRRR! With spring come new life, new challenges, and BUDGET CUTS! Most of us are experiencing the severe reduction of budgets in our organizations and we have to think very differently about how to deliver quality services. I encourage you to use the resources through OHPELRA to ask questions and seek suggestions from your colleagues. Because many members are facing the same budgetary challenges, now is a good time to find out what others around the state are doing to address the issues. Use the **membership listing** to target specific organizations or use the **discussion board** to contact OHPELRA members

Continues on page 2

NPELRA Annual Conference — Smaller Can Still Be Successful

By Douglas E. Duckett
OHPELRA Treasurer

NPELRA HELD ITS 32ND ANNUAL Training Conference in Newport Beach, California April 6–10, and the budget woes affecting state and local government everywhere took its toll. Attendance was down by about 30%, and Ohio's delegation was sharply cut, from the 30 or so of the past two years to only 13 this year. With training budgets axed and out-of-state travel often banned outright, NPELRA took something of a hit. That was a special shame because the quality of the program this year was so outstanding. Several Ohio attendees called it the strongest professional program in some years.

As usual, Ohio and Iowa teamed to offer the finest state reception of the week on Wednesday evening, this time joined by the Michigan and Florida PELRA chapters. We made a lot of new friends, including the unforgettable Jim Sexton of the City of Sebastian, Florida. We also enjoyed including our honorary

Continues on page 2



OHPELRA members gather for the Ohio/Iowa/Florida/Michigan Reception at the 2003 NPELRA Conference.

OHPELRA's 19th Annual Conference = "SUCCESS!"

By James A. Sennish
Erie County Director of Human Resources
OHPELRA Board Member

EVALUATIONS WERE DISTRIBUTED TO ALL members attending the 2003 OHPELRA Annual Training Conference held at the Cherry Valley Lodge in Newark, Ohio. From over 60 responses, we are pleased to see that this conference was a great success!

Based upon the evaluations of the 2003 Annual Training Conference, the Overall Content rated out at "Excellent" with regard to content, relevancy, applicability and as a source of ideas for attendees' jobs. Respondents complimented conference organizers as the program satisfied long time members while eliciting several comments from first time attendees who felt the program was great for newcomers to the field of public sector labor relations. A couple of members mentioned that it wasn't fair to Monday afternoon's speakers to follow a lasagna lunch! Well, nobody's perfect!

When evaluating the Overall Presentation the ratings hovered between "Well Done" and "Excellent" as some members wished that there were handouts for all the PowerPoint presentations. With the advent of PowerPoint presentations there are subtle, but recognizable, expectations that speakers who use this format distribute copies of the slides. In some cases, the PowerPoint slides are the intellectual property of the speaker who for business reasons may not want to have them distributed. Again, respondents were split evenly over the quality of handouts, PowerPoint presentations, length of presentations, and the ability of the same to hold their attention.

In order to plan for future conferences, respondents were asked to evaluate the Cherry Valley Lodge. Nearly 70% rated the Cherry Valley Lodge as an "Excellent" location for our annual conference. The high ratings complimented the location, overall facility, ability to hear presenters, and of course, food and beverages at the various receptions. Several members complimented the high quality of the conference binder/materials along with the OHPELRA briefcase and umbrella. A new member and first time conference attendee summed things up very well. "What an excellent program! Bravo to your board. I was very intimidated by the attendee roster - all HR except for me, from New York City, Chicago, Cleveland, Cincinnati, Dayton, etc. Everyone was friendly, talkative, welcoming. Thank you - I'm so glad I joined OHPELRA!"

In conclusion, the officers and board of directors would like to thank respondents for their responses confirming that our "Promoting Excellence in Public Service in Ohio's Bicentennial Year" was a great success!

NPELRA Annual Conference from page 1

member, **Paul Marcus Hutchins** of the City of New York, in all of our state functions.

We know that many of you could not join us because of budgetary restrictions, and your Ohio colleagues truly missed you. While we don't know what the coming year holds, try to plan to join NPELRA for the 2004 Annual Training Conference in Washington, D.C., March 28-April 1, 2004.

OHPELRA Bids Farewell to Past President J. Kevin Sellards

J. KEVIN SELLARDS, WHO SERVED as president of OHPELRA in 1987, died on Friday, May 2, 2003, of cancer. Kevin was diagnosed not long before the OHPELRA Annual Conference, but we did not learn about it until afterwards. He fought his illness bravely and with his usual indomitable spirit. He had retired just last March after decades of service to Clark County and Mahoning County, and of course, he was a key part of OHPELRA's history and our professional family. OHPELRA Treasurer and past president **Doug Duckett** said, "I last spoke with Kevin in late March when he surprised me with a call, and he sounded just like Kevin: funny, determined, full of life. He told me then how much his OHPELRA friends meant to him, and that he could feel our prayers. I know he and his family still do." Another past president and close friend, **Marsha Jordan-Smart**, remembers Kevin playing the piano for fifteen or so members at the OHPELRA conference at Maumee Bay State Park in the early 1990s, and what a wonderfully gifted pianist he was, a side of Kevin many of us did not know.



Kevin was 53 and is survived by his wife Nan and a son and a daughter. He is only the second past president of OHPELRA to have died. The first was **Bob Burnett** from the City of Cincinnati, who preceded Marsha as president. Kevin was also very active in the County Commissioners Association of Ohio and a past president of the Ohio County Personnel Association.

We will miss him as a colleague, mentor, and very good friend. His memory is a blessing.

Letter From The President from page 1

throughout the state with questions or suggestions. This information and more is available on the OHPELRA website: www.ohpelra.org. Remember, OHPELRA is about sharing and networking.

As the summer approaches, the OHPELRA Board is busy planning for the rest of the year. In the coming months, look for information about the Summer Luncheon Program, the Fall Conference and of course our Annual Conference. If you have ideas, speaker suggestions and topic suggestions for the Annual Conference, e-mail a board member to share your thoughts.

Again, thank you all for entrusting me with this organization as your President!

A handwritten signature in dark ink that reads "Stephanie R. Echols".

Stephanie R. Echols
President

We Welcome New Members To OHPELRA!

Since the last issue of *OHPELRA Update*, the following new members have joined OHPELRA and NPELRA. Welcome to our organization, and we hope to see you at our next event!

Donna M. Andrew, Esq. and Kevin J. Locke, Esq.
Pepple & Waggoner, Ltd.
Cleveland (New Sponsor)

Felicia Bernardini
Bernardini Consulting
Columbus (New Sponsor)

Sheila W. Brantley
Mahoning County Department of Job & Family Services

Tiffany Brinkmoeller
Administrative Assistant
Delaware County Engineer

Louise S. Brock, Esq.
Dinsmore & Shohl
Cincinnati

Andy Cherryhomes
Human Resources Program Manager
City of Columbus, Division of Water

Joan Coffaro
Administrative Technician
Metropolitan Sewer District of Cincinnati

Michelle Cole
Admissions Director
Butler County Care Facility

Mark S. Cundiff
Personnel Director
City of Troy

Brian Dostanko
Human Resources Manager
City of Marysville

Tracy Duvelius
Payroll & Employee Benefits Coordinator
West Chester Township

Susan Geckler
Director of Nursing
Butler County Care Facility

Dawn Huston
Human Resources Coordinator
Delaware County

Jill A. Lucidi
Finance Director
City of St. Clairsville

Susan L. Martin
Administrative Secretary
Greene County Combined Health District

Brent L. McKenzie
Labor Relations Manager
City of Dayton

Jeffrey Mullins, Esq.
Coolidge, Wall, Womsley & Lombard Co., LPA
Dayton and Xenia (New Sponsor)

Paul Nolan
President, Personnel Profiles, Inc.
Covington, Kentucky (New Sponsor)

Charles Odimbge
Executive Director/CEO
Stark County Regional Transit Authority

Reagan D. Parsons
City Administrator
City of Pataskala

Rob Pierson
Personnel Administrator
Summit County Child Support Enforcement Agency

Lyn Risby
Administrative Assistant
to the Mayor
City of Portsmouth

Loretta Rokey
City Manager
City of Milford

Sam Sutherland
Director of Water Works
City of Portsmouth

Pamela Stotts
Deputy City Auditor
City of Lebanon

Jaime Tuggle
Assistant to the Mayor
City of Portsmouth

Health Privacy Regulations Impact All Employers with Group Health Plans

By Baker & Hostetler LLP

SIGNIFICANT PRESS COVERAGE OF THE new privacy regulations for personal health information has alerted patients that their hospitals, doctors and dentists must safeguard their health information effective as of April 14, 2003. Less well advertised is the impact on health plans sponsored by both large and small employers under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA").

Almost all group health plans (e.g., medical, dental and vision plans, flexible spending accounts and cafeteria plans and most employee assistance plans) are subject to these rules. HIPAA's privacy requirements apply to employer plans because much of the same sensitive health information is collected and handled by group health plans when deciding whether to pay health benefits (e.g., medical bills and filling of prescriptions).

The deadline for large group health plan was April 14, 2003. Small group health plans have a delayed effective date of April 14, 2004. Small group health plans are: (1) self-insured group health plans with less than \$5 million in annual claims, (2) fully insured group health plans paying at least \$5 million in premiums annually, or (3) a combination of self-insured and fully insured group health plan options with a combined \$5 million in premiums and claims. As a reminder, group health plans covering fewer than 50 employees that are *completely* self-administered (meaning no insurance company or third party vendor is involved) are exempt from HIPAA privacy requirements (note: very few group health plans will qualify for this exemption).

Depending on the type of group health plan (insured versus self-funded) and whether your human resources department routinely assists participants to resolve their group health plan claims, implementing a HIPAA privacy program required by the law may be more or less expensive and time-consuming. At a minimum, most employers will need to distribute a notice of privacy practices to all plan participants **prior** to the applicable compliance date (for small plans – April 14, 2004; April 14, 2003 for large plans) and will need to amend their group health plans. In addition, self-funded plans that work with non-insurance company vendors, such as flexible spending account administrators, may need to have special business associate agreements in place prior to the applicable compliance date to properly secure health information. The sending of the notice of privacy practices by an insurance company providing benefits may not be sufficient for the group health plan unless very strict limitations on information handling are in place.

As a reminder, the HIPAA privacy rules do not impact disability, life insurance, workers' compensation or other non-health benefits programs.

Baker & Hostetler LLP is a contributing sponsor of OHPELRA. For more information about the firm's services, please contact Ronald G. Linville, Esq. at (614) 462-2647 or at linville@bakerlaw.com.

OHPELRA THANKS ITS 2003 CONTRIBUTING SPONSORS

See the links on our web site at ohpelra.org for links to these sponsors and more information. Please consider our sponsors when seeking professional services, and thank them for supporting OHPELRA!

Baker & Hostetler, LLP - Columbus, Cincinnati, and Cleveland

Bernardini Consulting Services - Columbus

CareWorks - Dublin

CompManagement, Inc. - Dublin

Coolidge, Wall, Womsley & Lombard - Dayton and Xenia

Diversity Effectiveness, LLC - Cincinnati and Cridersville

Downes, Hurst & Fishel - Columbus

Dublin Management Group Limited - Dublin

Frost Brown Todd, LLC - Cincinnati, Middletown, and Columbus

Horan Associates, Inc. - Cincinnati

McGohan Brabender, Inc. - Dayton

Pepple & Waggoner, Ltd. - Cleveland

Personnel Profiles, Inc. - Covington, KY

Bumpy Budget Road... Will it Lead to Opportunities?

By Cheryl Subler
Senior Policy Analyst
County Commissioners Association of Ohio

***“If you can find a path with no obstacles,
it probably doesn’t lead anywhere.”***

— Frank A. Clark

THE FORMULATION OF OHIO’S BIENNIAL budget for state fiscal years 2004 and 2005 is full of obstacles. Some individuals believe the obstacles, or rather challenges, will lead to opportunities for this Great State. That will be determined once the dust has settled and the budget bill, House Bill 95, is implemented. In the meantime, we strongly encourage members to communicate regularly with lawmakers and Governor Taft while these policy makers develop a spending road map for Ohio’s next two years.

One of the major obstacles in developing the state’s operating budget for July 1, 2003 through June 30, 2005 is **revenues**. The current fiscal year is balanced on \$1.5 billion of one-time funds. “In order to bring our budget into structural balance, we must stop paying for a significant portion of the state’s ongoing expenses with one-time revenues,” stated OBM Director Tom Johnson in his testimony to the Legislature.

In addition, the economy in Ohio, as well as around the country, has resulted in a road that has been quite unpredictably bumpy and rough.

Another major obstacle, to put it simply, is **expenditures**. Medicaid – “the Pac Man of Ohio’s budget” – is returning with a growing vengeance. Growth is also expected in funding for primary and secondary education due to the *DeRolph* Supreme Court decision as well as for corrections.

For the most part, funding in House Bill 95 (HB 95) for state programs and other items is either cut, frozen, or minimally increased.

As a result, there is a push in some areas for greater **cost shifting of programs**, perhaps through user fees or simply by letting local governments and other partners pick up the difference. This in turn could result in (1) growing expenditures for local jurisdictions; and (2) possible changes in local programs and services, such as possible reductions and/or possible increases in local fees or taxes.

One such example is with the State Employment Relations Board (SERB). The Governor’s Executive Budget as well as the House passed version of HB 95 provides that SERB will no longer pay half the costs for a fact-finding panel after a mediator has been appointed. This will obviously impact on public employers (as well as unions), which will have to pay the full cost of fact-finding and conciliation.

Also, the Department of Administrative Service’s County/University Human Resources line item was substantially cut in the House passed version. The bill provides \$400,000 in fiscal years 2004 and 2005, when the line item is currently receiving approximately \$805,541 in this fiscal year.

At the same time, there is interest around the Statehouse of coupling major **tax reform** with the budget. A core source of new revenue for the House-passed version of the budget was generated by

a temporary **1 cent state sales tax increase**, from 5 cents to 6 cents. But, the increase would end June 30, 2004 if voters approve on the November 2003 ballot to allow **video lottery terminals (VLT’s)** at Ohio’s horse racing tracks, which would generate revenues for the state’s coffers.

There are also provisions included in HB 95 to help **government, state and local, run more efficiently**. These provisions do not cost more money but simply require language changes to the Ohio Revised Code.

House Bill 95 is pending in the Ohio Senate, which is expected to vote on the bill in early June. A Conference Committee of the House and Senate, if necessary, will convene in June to iron out the differences between the two chambers. The Legislature must enact the budget and the Governor sign it by the end of June, so funding is available for the new state fiscal year beginning July 1.

Ohio’s lawmakers and Governor Taft are facing one of the most memorably challenging budgets in recent times. The decisions these individuals will make are difficult. You should take the time to express your priorities and thoughts to them to help Ohio get past the obstacles and ensure there are opportunities ahead for us and our families.

OHPELRA Offers Free Summer Program for Members Combined with NPELRA Labor Relations Academy

AS YOU KNOW FROM PAST ISSUES of *OHPELRA Update*, NPELRA will be offering two segments of the Labor Relations Academy, our national professional certification program, in Ohio in June. Academy II – The Arbitration Process will be held on Thursday, June 12, and Academy III – The Negotiations Process will be held on Friday, June 13. You have received materials on these programs from the national organization, and you can register at www.npelra.org for these valuable programs.

OHPELRA is proud to host the NPELRA Academy in Ohio for the first time, and whether or not you are participating in that program, we are offering some additional learning opportunities for you. OHPELRA’s Summer Luncheon Workshop will be on **Wednesday, June 11 at Grand Host East in Reynoldsburg**, starting with registration from 11:00 a.m.–12:00 noon, lunch at 12:00 noon, and the program will run from 12:45 p.m. to about 2:00 o’clock. The subject will be one close to all of us in these dark financial times: **Tough Budgetary Times: What Is the Impact in Negotiations and Human Resources?** Cheryl Subler of the CCAO staff will speak on the current status of the state budget process, and Steven J. Loeffler, the new Deputy Director of the State of Ohio Office of Collective Bargaining, will talk on the impact on negotiations and compensation strategies, particularly the recent fact-finding award in the state contract negotiations. Appropriately for the topic, the cost will be **FREE for OHPELRA members** and \$50 for non-members. You can register on-line at www.ohpelra.org.

Finally, OHPELRA is offering a reception for attendees of the NPELRA Labor Relations Academy on **Wednesday evening, June 11**, starting at 6:30 p.m. at the **Hyatt Capitol South** just south of the Statehouse in downtown Columbus. All OHPELRA members are welcome, whether or not you’re attending the Academy.

We hope to see you at all or part of this outstanding week of programming!

OHPELRA's Arbitration Reports

We continue our series of reports and summaries on arbitration decisions submitted by members. The views expressed herein are those of the member and do not necessarily represent any evaluation or opinion of OHPELRA or its Board of Directors.

Fraternal Order of Police/Ohio Labor Council, Inc. (Deputies, Sergeants & Lieutenants) v. Erie County Sheriff

Conciliator: Jonathan Van Pelt

Issues at Impasse:

1. Vacations, union wanted to add one week at each increment, Sheriff proposed current language;
2. Compensatory Time Off, union proposed being able to carry up to 24 hours of comp time throughout the year, Sheriff proposed current language;
3. Injured On Duty Pay, union wanted to have injured employees be paid for one full year, Sheriff proposed current language of 182 days;
4. Hospitalization/Major Medical, union wanted to retain "Traditional Plan" where there is no PPO restrictions and no employee contribution to monthly premiums, Sheriff proposed a PPO plan with MMO



- as the network and employee contribution to premiums in 2004 and 2005 and other cost saving measures;
5. Wages, the union proposed 5% per year, the Sheriff proposed the factfinder recommendation of 3.5% per year; and
6. Uniform Maintenance, the union proposed a dry cleaning service laundering 2 complete uniforms per week, the Sheriff proposed a dry cleaning service of one basic uniform per week with coats, etc. as needed.

Outcome of the case: The Conciliator found for the Sheriff on Vacation, Conversion Time Off, Hospitalization/Major Medical and Wages. The Conciliator found for the union on Injured On Duty Pay and Uniform Maintenance.

Rating of the Conciliator (with 5 as the highest):

- (a) **Conduct of the hearing:** 4 – Professional to the parties, maintained fair and open discussion, while keeping the parties on task by repeatedly stating "I will read the submitted material" when either side's explanations became lengthy.
- (b) **Grasp of the Issues:** 5 — Seemed to understand all the issues and what was going on around the State on same.
- (c) **Soundness of the Overall Decision:** 5 — Well-reasoned, well documented, readable and fair to both parties.
- (d) **Avoidance of Bias:** 5
- (e) **Willingness to decide case rather than split decision:** 4 — Good overall decisions with an inevitable "giving the union something."
- (f) **Willingness to use this conciliator again:** 5 — A professional, articulate and generally fair conciliator.

For more information, please contact James A. Sennish, Erie County Director of Human Resources, at (419) 627-7678.

Have a case you want us to summarize? Please send the information in this format to Jim Sennish at JSennish@erie-county-ohio.net or to Doug Duckett at duckettd@butlercountyohio.org.

Allen County CSEA Strike Continues; No Resolution in Sight

By Steven D. Barker
Personnel Administrator
Allen County DJFS
OHPELRA Board Member

AFTER WORKING WITHOUT A CONTRACT since October 27, 2002, 39 employees of the Allen County Child Support Enforcement Agency, represented by the Communication Workers of America Local #4319, took to the picket line on March 26, 2003, after negotiations failed to secure a

new contract. As would be expected, wages and the escalating cost of health insurance are the crucial issues.

"The money is there and we want our share", adorns the picket signs and reflects the union's belief that Allen County CSEA management is unwilling to loosen the purse strings on what they perceive as an abundance of state funding. The rank and file rejected a Fact Finder's report and the County's last offer of an increase of 3% a

year for each year of the contract.

Following a number of years with health care premiums increasing over 20% per year, strikers adamantly rejected the County's offer to reduce the employee's contribution from 25% to 20% of the total premium cost. The union is demanding a larger reduction in the employee's contribution and a cap on future increases.

On April 17, the Allen County Commissioners and CSEA Director Lisa Merkle implemented management's "last, best offer". Wage rates were increased by 3%, employee's share of health care premiums were reduced from 25% to 20% of the total cost, free life insurance coverage was increased from \$20,000 to \$30,000, and

hourly supplements based on an employee's longevity were increased.

The strike continues with no negotiations scheduled and no end in sight. Management personnel and those bargaining unit employees who crossed the picket line are working daily from 7:00am to 6:00pm and four hours on Saturdays. Local sister agencies support the cause by loaning management staff whenever possible. However, Director Merkle says that "operations continue with little disruption of service. We are coping."

EDITOR'S NOTE: Information current as of 5/6/03; see www.limanews.com for updates.

Civil Service Reform Legislation Stripped from Budget Bill; Efforts to Pass Continue

EFFORTS CONTINUE TO PASS H.B. 94, the bill that would enact the reform recommendations of the Civil Service Review Commission chaired by Rep. Stephen Buehrer. The bill had been added to the budget bill pending before the Ohio House of Representatives, and its advocates hoped for fast-track passage. OHPELRA members have played a key role in the development of the bill, particularly **Jonathan J. Downes, Esq.** of sponsor firm Downes, Hurst & Fishel, **Marsha Jordan-Smart** of Greene County, and **Rick Gatien** of the City of Canton (all of

whom were recognized at the NPELRA 2002 Annual Training Conference with the Pacesetters' Award for their efforts). On April 2, 2003, organizations supporting the bill, including OHPELRA, the County Commissioners Association of Ohio (CCAO), the Ohio Municipal League (OML), and the Inter-University Council, testified before the House Finance Committee advocating prompt passage of these important reforms. Legislative Chair **Doug Duckett** testified for OHPELRA and fielded questions from the Committee; **Jon Downes**, **Marsha**

Jordan-Smart, and **Rick Gatien** had all testified earlier that week.

The bill is opposed by a large group of public employee unions, including AFSCME and OCSEA, SEIU, the FOP, and the IAF. Unfortunately, the bill has been stripped from the budget bill, but it remains pending as a separate bill before the House Finance Committee. We need our members to come forward in support of this legislation **now**, because our friends in the labor movement are certainly responding to the call for action from their leadership. Even more important is support for

H.B. 94 from mayors and city council members, county commissioners, school board members, and other elected officials. For more information on who to contact or how to help, contact **Lori Torriero** at dtorriero@dhflaw.com or by phone at (614) 221-1216, or **Cheryl Subler** of the CCAO staff at csubler@ccao.org or (614) 221-5627. But please don't sit on your hands on this one; if we don't make this happen now, we have lost the opportunity for many years to bring civil service into the 21st Century (or even the 20th).

PAGE 6

The logo features a stylized outline of the state of Ohio in black, with the letters 'OH' inside. To the right of the outline, the word 'PELRA' is written in a bold, black, sans-serif font, and the word 'Update' is written in a larger, bold, black, sans-serif font.

c/o Butler County Department of Personnel
315 High Street, 6th Floor
Hamilton, OH 45011-6016