

OHPELRA Update

THE OHIO PUBLIC EMPLOYER LABOR RELATIONS ASSOCIATION NEWSLETTER, WINTER, 2002

We're Legal! OHPELRA Turns Eighteen

JOIN US FOR THE 18TH ANNUAL
TRAINING CONFERENCE



BY NOW YOU HAVE ALL RECEIVED the registration materials for the OHPELRA Annual Training Conference February 3-5 in Cherry Valley. We turn 18 this year, and as usual the conference is packed with informative and enjoyable programs.

The past year has been one none of us will ever forget, and our conference will open on that note. Our national president, Steve Larson, has noted that there is a strong public service aspect to the attacks of September 11. As we all know, hundreds of New York City firefighters and police officers were killed in the collapse of the

Twin Towers. Many employees of the New York Port Authority and the Labor Relations Authority of the City of New York were killed as well. In Washington, the section of the Pentagon hit housed many of the human resources employees of the Department of Defense. And of course, the public service has led the way in responding to the attack. Our keynote speaker, Paul Marcus Hutchins, will talk about what it was like in New York City that day, and what it has been like to manage labor relations in New York in the aftermath. It will be a talk to remember.

Our other sessions cover a wide range of topics for human resources and labor relations professionals. Attorneys Don Crain and Ron Linville will lead us in a mock trial on substance issues in the workplace, and you will be the jurors! Other workshops include "smarter bargaining" with Downes & Hurst, ethics issues in labor relations, documenting and investigating discipline, First Amendment and privacy issues, and controlling health care costs. We will close with a legal update by Ursula McDonnell and our final session featuring nationally renowned attorney Sarah Weddington, who argued one of the most significant constitutional cases of our age before the US Supreme Court at the age of 26.

In the evenings, we will enjoy each other's company as we always do. Come on Sunday for the Leadership Forum and then our opening reception and Super Bowl party! The Annual Conference is the highlight of the OHPELRA year, and it won't be the same without you. ►

Letter From The President

Greetings!

OHPELRA'S 18TH ANNUAL CONFERENCE will be held February 3-5, 2002 at Cherry Valley Lodge in Newark. The ever popular leadership forum on Sunday afternoon returns, along with the Super Bowl party and opening reception. Join your colleagues in learning the most from top notch speakers and from each other. Please join us!

OHPELRA's Fall program, "Conquering Absenteeism — A Ray of Hope" was a true success. Over 150 human resources professionals attended and contributed to the success of the program. Thank you!

NPELRA's annual conference will be held in April in Clearwater. OHPELRA is honored to have Stephanie Echols, OHPELRA Vice President, serving on the conference planning committee. This conference will be another great opportunity for learning and networking.

Most of you may know that Lynn Leslie from Portage County had to resign from the Board. In October the Board approved the appointment of Richard Gatien from the City of Canton to replace Lynn. Rick will be responsible for attracting and retaining sponsors for OHPELRA. Please join me in welcoming Rick to the Board!

Please regularly check out our website www.ohpelra.com — it provides another avenue for sharing information with each other.

Since this will be my last contribution to the newsletter as OHPELRA President, I want to take the opportunity to acknowledge members of the Board. Each one of them has taken their responsibilities seriously and dedicated themselves to making this a great organization. In addition to their already overwhelming work loads, they take time out of their professional and personal schedules to take on their OHPELRA job — and do it with a great deal of pride. It has been a great pleasure to work along side of them. I thank each and every one of them!

Sincerely,

A handwritten signature in black ink, appearing to read 'Janet J. Campbell', located below the 'Sincerely,' text.

Janet J. Campbell



Register today — we have included another registration form in case you've misplaced the earlier mailing. Fax your registration to Treasurer Joy Campbell at (513) 785-5199 today!

See you at Cherry Valley!

Meet The OHPELRA Board Members:

Kathy Weisgarber OHPELRA Secretary



KATHY SERVES AS THE HUMAN RESOURCES DIRECTOR for the City of Miamisburg, Ohio, and has served the city for 15 years. She became the city's first Human Resources Director in 1996, and was promoted to Director in 2000, and she was elected OHPELRA Secretary in February 2001.

Kathy received her bachelor's degree in psychology and sociology from Miami University, and her master's in business and industrial management counseling from Wright State University. He has also been certified as a Senior Professional in Human Resources (SPHR). Kathy is most proud of her selection by Rotary International as a member of the 1999 Group Study Exchange Team, which resulted in her spending four and a half weeks in Sweden as part of a professional exchange program.

Kathy believes in community work. She is currently involved with a mentoring program at the Miamisburg City Schools, and mentors a fifth-grade "at risk" student. She has also tutored another elementary student for three years.

Kathy says that "being a member of OHPELRA has been the best professional affiliation of my career. I am proud to be associated with the caliber of professionals that represent OHPELRA. Serving on the Board is an honor and has given me yet another perspective of the professionalism and dedication of this organization. And besides all that . . . OHPELRA people know how to have a great time!"

And we are proud to be associated with Kathy!

Conquering Absenteeism Or At Least Denting It A Little

OHPELRA'S FALL PROGRAM TOOK ON THE BANE of all human resources managers, particularly in the public sector, *absenteeism*. The program was very well attended by some 140 members and friends, and gave us all ideas for new tools to confront an old and very costly problem.

Attorney **Lori Torriero** of Downes & Hurst opened with a session that tackled the top ten questions posed by conference registrants, a feature made possible by e-mails sent out soliciting the questions. Lori's program covered an array of topics, but particularly helpful was her analysis of the differences between policing sick leave abuse under a paid leave program and under the Family and Medical Leave Act, and when it makes sense to take some risks. **Steve Gulyassy**, the Director of the State of Ohio Office of Collective Bargaining, shared his experience in reducing sick leave use through creative contract language, and helped counter the myth that employers cannot reduce sick leave abuse. OHPELRA members representing all levels of government, **Raquel Dowdy-Cornute** (state), **Ursula McDonnell** (city), and **Marsha Jordan-Smart** (county) shared their experiences in dealing with discipline cases in an afternoon session and entertained us with war stories from the front lines. Our final speaker was perennial OHPELRA favorite, **Deborah Adams** of the Cincinnati law firm Frost Brown Todd, and Debbie carried out her theme from last year's Annual Conference on having the difficult conversations with absentee employees.

We thank our members and sponsor law firms who helped us put on this fine program, and we thank you for attending and supporting OHPELRA. Keep sharing your ideas for future programs with any member of the OHPELRA Board.

Welcome New OHPELRA Members!

SINCE THE LAST ISSUE OF THE NEWSLETTER, the following new members have joined OHPELRA and NPELRA. Welcome to our organization, and we hope to greet you at the Annual Conference!

William Fodor
Human Resources Manager
Public Services-Engineering
City of Columbus

Jeffrey Fogt
Human Resources Director
Lorain County

Patrick Garrity
Director of Finance and Personnel
Franklin County Sheriff's Office

Kari Geiser
Human Resources Technician
City of Mason

Lisa Hoffman
Human Resources Specialist
City of Sandusky

Sue Irwin
Administrative Assistant
Union County Engineer's Office

David Kessler
President
Dublin Management Group
Contributing Sponsor

Pamela King
Assistant Director
for Human Resources
Ohio Department of Education

Douglas Kruzel
Manager of Employee Relations
Bowling Green State University

John Leasure
Human Resources Manager
Scioto County Department of Job
and Family Services

Debbie Leslie
Human Resources Specialist
City of Sandusky

Charmie Marcum
Human Resources Manager
Ohio Department of Education

Tamela G. Moore
Human Resources Officer
Scioto County Department of Job
and Family Services

Gloria B. Oesterling
Personnel Manager
City of Lancaster

Robert W. Schultz
Director of Administrative Services
City of Sandusky

Hon. Steve Stolte
County Engineer
Union County Engineer's Office

Joan Tumbelson
Assistant to the Director
Butler Metropolitan Housing
Authority

Check Out The OHPELRA Web Site

OUR NEW WEBSITE, www.ohpelra.org, continues to expand. We now have a members-only section with information, including job postings. The



user name is **ohio** and the password is **buckeye**. Check the discussion

board often to see if you can help colleagues out with their questions, or post questions or requests for information of your own. Note that we have copies of the conference brochure available in a downloadable form.

Use this site — it is only as good as you, our members, make it. Let us know if you have ideas; our webmaster is **Board Member Steve Barker** at barkes@odjfs.state.oh.us.

OHPELRA'S Arbitration Reports

WE CONTINUE OUR SERIES OF REPORTS and summaries on arbitration decisions submitted by members.

Miamisburg Firefighters, IAFF Local 3115 v. City of Miamisburg

Arbitrator: Mitchell B. Goldberg, Esq.

Issue: Whether the union and employer had an agreement within the meaning of the Fair Labor Standards Act to exclude paid leave from hours worked when determining the FLSA calculation for overtime, based on the practice of not counting such time for many years.

Outcome: Grievance denied; there was no agreement to include paid leave in "hours worked."

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

- (a) **Conduct of the Hearing:** 4
- (b) **Grasp of the Issues:** 4
- (c) **Soundness of the overall decision:** 4, while the ruling on the merits was quite sound, the arbitrator did not rule in the employer's favor on the timeliness issue, despite the fact that the union had acquiesced in this practice for several years.
- (d) **Avoidance of bias:** 4
- (e) **Willingness to decide the case and not split the decision:** 4, again only not a 5 because of the timeliness ruling, which seemed to throw a bone to the union.
- (f) **Willingness to use this arbitrator again:** 4, very good arbitrator, especially on technical, legal issues and those involving complex statutory or regulatory matters.

For more information, contact Don Crain of Frost Brown Todd at (513) 422-2001 or at dcrain@fbtlaw.com. Have a case you want us to summarize? Send the information in this format to Doug Duckett at duckett@butlercountyohio.org or Judith Pepper at jpepper@mvrta.org.

OHPELRA Discontinues SERB Quarterly Subscription

AS YOU NOTICED IN RECENT CORRESPONDENCE from the State Employment Relations Board, OHPELRA decided to discontinue our group subscription to the *SERB Quarterly* effective at the end of 2001. While this is a very worthwhile publication, it cost OHPELRA some \$5,000 per year to purchase a subscription for each member, and with many jurisdictions have multiple members, many copies went to waste. Accordingly, the Board of Directors decided that other projects had higher priority for this money. If you remain interested in the publication, contact SERB at (614) 644-8573.



**Steady Leadership in
Uncertain Times**
(Don't forget to register)

2002 Conference Registration Form

Name:

Title:

Agency:

Address:

City: State: Zip:

Telephone: (.....) Facsimile: (.....)

E-mail

Fees

Total Enclosed:

Member Rate \$175.00 \$

Non-Member Rate \$205.00 \$

Single Day Registration **Only:** Monday or Tuesday (Check Day Desired)

Member Rate (one-day) \$ 95.00 \$

Non-Member Rate (one-day) \$ 110.00 \$

Please bill my organization: (TOTAL FEES) \$

Make all checks payable to OHPELRA. Taxpayer ID# is 31-1614788.

Will you be attending the banquet on Monday, February 4, 2002?

Yes No

If yes, do you need a vegetarian entree? Vegetarian

Note: Dress is casual for banquet and all receptions, programs, and meetings.

Registration fees, minus a \$40.00 administrative fee, will be refunded if the written cancellation is received no later than **January 30, 2002**. Substitutions may be made at any time. No refunds will be offered after that time.

Hotel reservations must be made **directly** with Cherry Valley Lodge. Please mention this conference to take advantage of our reserved block of rooms. **NOTE: Room block guarantee expires several weeks before the conference, so reserve your room early!**

Contact Cherry Valley Lodge for directions and information at (740) 788-1200, or www.cherryvalleylodge.com.

Please mail or fax completed form to:

Laura Joy Campbell, *OHPELRA Treasurer*
Butler County Department of Personnel
315 High Street, 6th Floor
Hamilton, Ohio 45011-6016

Phone: (513) 887-3595

FAX: (513) 785-5199

E-mail: campbellj@butlercountyohio.org

OHPELRA Continues Leadership Role In Civil Service Reform Effort

WE HAVE MENTIONED IN THE PAST OHPELRA's key role in the work of the joint House-Senate Civil Service Review Commission, including the fact that OHPELRA members **Jonathan Downes**, **Marsha Jordan-Smart**, and Board Member **Rick Gatien** chair three of the four subcommittees, with former ODAS official **Sharon Downes** chairing the fourth. That Commission took its draft report out on the road in November and December, with regional hearings in Dayton, Findlay, Zanesville, and Canton. We tried to notify as many members as possible of the hearings, on very short notice, and OHPELRA turned out most of the public employer representatives who supported the committee's recommendations. **Board Member Doug Duckett** presented OHPELRA's overall response to the draft report in Dayton, and **President Jan Campbell** testified in Zanesville as well. For the other OHPELRA members who appeared and submitted oral or written testimony, thank you so much!

Our work in this area is just beginning. Much of organized labor opposed the Commission's work, with the familiar claim that everything is fine and nothing needs to be fixed. We will need our members to support the legislation introduced to carry out the recommended reforms, and

OHPELRA Thanks Its 2001 Contributing Sponsors

Baker & Hostetler, LLP
Columbus, Cleveland, and Cincinnati
Dublin Management Group, Dublin, Ohio
Downes & Hurst, Columbus

Frost Brown Todd, LLP
Cincinnati, Columbus, and Middletown

McGohan Brabender, Inc., Dayton

Check out more information on our sponsors at our web site.

look to future newsletters and mailings for information on how you can help.

Thanks again to OHPELRA members **Jonathan Downes**, **Marsha Jordan-Smart**, and **Rick Gatien** for your critical leadership role, together with **Sharon Downes**. These four gave countless hours of time and decades of experience to the work of updating our civil-service laws.

OHPELRA Update

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