

ODH APC Agenda
December 10, 2019

Members: Geoff Davies (1199) & Elaine Stewart (MGT) (Co-Chairs); Union: Chris Binder, Cathy Mockus, Heather Searfoss, and Julie Keegan. Management: Rebecca Sandholdt, Ricky Hoover, Jill Shonk, and Jaime Erickson.

1. Mandated OT Complaint team. Per Audit Complaint team.
 - Current status – no finished product yet.
 - Suggestion: ask surveyors who want to, to just do complaints. If have too many, determine by seniority. We know of 8 on west side. Others on East side.
 - Would be willing to flex to do weekend surveys? Once a month, every couple? – Mandation list shows 4-6. Maybe it'll cut down on mandation/OT.
 - Mgt: we can take that back, thank you for the idea. Last we met we discussed idea (for the settlement) for certain surveyors to take part. Beginning of 2020. First of the year. ish.
 - The issue with it was though was management would choose the surveyors.
 - Mgt: its problematic because of schedule. It was an idea, an olive branch. If not comfortable we can withdraw it.
 - There's a compromise on how to select.
 - Its we choose or not.

2. Safety of the surveyor! This is a big issue currently. More surveyors are being harassed, threatened, yelled at, and intimidated by providers.
 - Imposter issue. Need a general safety briefing when appropriate.
 - That's fair
 - Not blocking calls/numbers
 - Its not a directive we have put out. We can follow up with Kathleen Mitchell (Regional Manager)
 - No warning of complaints/problem providers. We need to know.
 - Not unreasonable, but we don't get in with the providers (Bureau do). Agreed we need better guidance and education.
 - Bureau: once we have the complaint, we follow up to resolve or take action.
 - No follow up from FM after complaint about provider or complainant?
 - Provider: if you feel threatened should contact Field. Regional or central. We can terminate that survey. State Operational Manual. We do follow up. We can take away certification. You may not hear back from it.
 - Members don't have closure on that. Also, we're held to ODH policy on discipline.
 - If issue with Complainant: report to FM. Requirement to make contact, let them know you are investigating. No requirement to give name and number etc. Refer to main office. We need to follow up with CMS.

 - Surveyor to leave facility if unsafe – CMS rule allows it.
 - Yes, but follow up with FM.
 - Where is policy on safety?

3. Inclement weather and government closures could management explain whether surveyors are considered essential employees and the reasoning behind that.

- *Are we essential employees?*
 - No. Not essential.
 - Public Safety Emergency Policy is now “Required/Not Required to during a weather emergency” as called by Governor or Director of Dept of Public Safety. Dir can do county by county also.
- *County specific – state people still come in?*
 - Can be by county. But although county level declaration does the Dir. doesn’t declare it just because the sheriff did.
 - What do we tell the Sheriff?
 - If was in your county and can’t leave you can use leave (vacation, comp, flex). You would not be penalized. If no leave, then no pay.
 - If in another county, then ask for reassignment or other options including work from home.
 - There was an inclement weather update sent out last month
 - This is a statewide approach. It’s not ODH specific.

4. What is management's position on professional ethics, i.e. is it something it endorses? I attached the one for nurses and am aware there are others for other professions. *Non licensed professionals managing us. Nursing ethic is primary focus is the pt. not provider. Licensed health professionals whose JDs require licenses and to maintain licensing have to follow professional ethics. We have been instructed not to puts hands on patients for example. Out ethics/licenses says we must.*

- Trying to understand the need for this.
 - The issue is what can I do as a nurse in situations? Pts in distress etc.
 - We would not adopt a position, but we are respectful of the ethics of the license professional fields. We not of the boards who would oversee that.
- As a nurse you have an ethics policy, but as a surveyor you are not.

Recording issue: if we’re being taped, we feel it sours. Discussion on the issue. Never been the case before that its being taped. We request for it not be be. And erased. Geoff will follow up on how to do that. Recording stopped.

5. Can management present the results of exit interviews from staff that have left in the last three years? A presentation in the format employed by the state auditors in their report would be appreciated. *Auditor results show that exit interviews were being done but management said they didn’t know. What are the results of the exit interviews? Are they consistent? Offered?*

- Good except for the exit interview part.
- Part of problem is they’re inconsistent on who will even talk to you.
- The number of people resigning is not going up. We have more surveyors.
- Nurses leaving according to report issued by auditor.
- Top reasons for leaving: don’t know except anecdotal. We weren’t sure what you were asking for. We would like to know for trending, issues, things we can resolve.

- Auditor reports reasons varied.
 - Format – we offer a range of way (form, phone etc.)
 - People don't always do it. We offer it though.
 - We're concerned why people leave, especially millennials. Can we get it broken down?
 - That's not info we have here available.
6. Cathy: Office based are asking when can I put in for vacation? I put it in a year in advance. Office based don't do a canvass, so they're asking in advance but if you're more senior you can't bump out someone, so you've got to put it in a year in advance. What if I planning a cruise for two years' time? Minimum staffing? What is it? Have to find own coverage if none? Agency specific language. Just asking the question how far in advance can I put it in. Just sensible timeframes.
- Year is too long. Bureau and business program should sort out what they're needs are.
 - Simultaneous request issue. It was defined for surveyors as anytime during a week period Tuesday to Monday for field surveyors. For non-surveyors it could be same day. It comes down to supervisor. Not defined. Clarifying though that same request for the same day. Whoever puts in first. Timeframe in advance – it depends what the unit does. Also, what the holiday coverage schedule may be in that unit. Its not well defined and it's a management function. Direct back to supervisor.
(union to discuss separately)
7. When management send out solicitation for responses its often late Fridays. This makes it difficult to track on Monday. Appropriately timed emails.
- Its not something we can mandate when emails go out. We're asking that management be sensitive as to when they're sent out. Often, we are but sometimes they get out. We will endeavor to enhance that.
8. Please explain why management included the following in their vacation procedures for field surveyors. "Once discretionary leave has been approved, field surveyors shall not be permitted to switch the type of approved leave from vacation to comp or vice-versa."
- Don't care of use comp or vacation. Correct. Abiding by the agreement. But once its been approved do we have an obligation contractually to allow it to be switched? No.
 - Sometimes we can't, for example because canvas was for vacation.
 - Also, if people change it, in Kronos, it would be an error if for example you switched vacant confirmed at a certain point the switched to comp time for that period in which you didn't have any. You may have comp now, but you didn't then. Once its approved it gets pulled from your balance.
 - Can't we fix the Kronos issue? For quarterly requests e.g. Not being able to switch the time was not in the LOA, that was new.
 - We are saying we don't care if comp or vacay, but we can't just do willy nilly.
 - Past practice was that we were able to switch. We did not discuss this.
 - On the quarterly basis can use the comp time
 - What was it that prompted this? Why wasn't it brought up? We're less able to use comp time now.

- During the operationalizing of the agreement it came up. We discussed this issue at APC before. It's a management procedure, it wouldn't have to be brought up.
- Issue raised on issue of expiry – management will examine the issue that when the time comes you can't take the time because it expired?

9. Why are current employees being drug tested?

- They were. Unintentional. We had a couple transfers, new people in HR, we have repaired our processes. We do have positions that require drug testing, but not in 1199 positions at ODH. Only reasonable suspicion.

10. Requiring a doctor's note for pre-scheduled sick days or a sick call off on Friday, Saturday or Sunday. Anytime calling off sick having to bring one in.

- If call off a mandation, yes required. We have done it since 2016.
- Contract says can but won't be capricious or arbitrary. No specific policy for this just for a call off.
- If sick Friday, we may be off also Monday because need to go to the doctor.
- Scheduled sick time was requested

11. Updated ODH Policies

03-HR-01	Employee Conduct and Accountability	Outside employment: if employed outside should declare – fill the form so you're covered. HR will make the determination.
03-HR-05	Standards of Appearance & Attire for Employees	<p>"Professional presence...business like at all times...radical departures not permitted."</p> <p>Tactical pants and boots? Its situation specific. If you have an example though.</p> <p>It feels like its based on however the supervisor feels. We haven't received any complaints.</p> <p>Why is Birkenstocks singled out? It's a style of sandal. It's a therapeutic shoe for some. Pg. 3. It should just say what it is which is not showing toes. It's about safety.</p> <p>Political buttons pins etc. – union pins?</p> <p>Its not union affiliation, its espousing a political view as an ODH representative. Use good judgement. Union affiliation but not political statement.</p> <p>Black tennis shoe rule? Exceptions are available.</p>
HR-06	License Certification Verification	No objections raised
HR-08	Workplace Non-Discrimination and Anti-Harassment	No objections raised
HR-10	Drug Free Workplace	<p>Medical marijuana – coordination with state policy.</p> <p>We legally have to restrict presence in the workplace because it's a federal requirement still. If we allow it to be used in the federal workplace it would be a violation of federal law. It just can't be brought in in the same way as other prescription medication. Still have to be fit for duty. You can bring in your</p>

		<p>prescription opioid etc. as part of your regimen, but not medical marijuana.</p> <p>Threshold for testing positive for marijuana? 50 ng/mls on first then 15 ng/mls for the confirmation test.</p> <p>At work status as part of policy? Yes, when on stand-by have to be fit for duty. This include drug status.</p>
HR-18	Enhanced Selection Process	No objections raised
HR-20	Criminal Background Checks	Self-disclosure – if employee arrested/convicted where there's a nexus to the job. Example? You work in revenue and get arrested for a financial crime.

12. OT and Mandation Procedure - updated

- December 3, 2019 update. OT volunteer assignments – entry level restriction. They are not SMQ tested. Entry level surveyor offered overtime before senior surveyor. AB: contradicts the contract.
 - This was discussed with Amanda Schulte. Been working that way since 2016