

**SEIU District 1199 WV/KY/OH
Department of Health**

**Agency Professional Committee Meeting
March 3, 2022**

Co-chairs

Geoff H. Davies, Coordinator State Division, 1100
Elaine Stewart, Labor Relations Administrator, DOH

Union Attending:

Heather Searfoss*, Public Health Consultant
Julie Keegan, Public Health Consultant
Molly Kelly, Public Health Nurse Specialist
Susan Thompson, Reviewer
Chris Binder, Reviewer
Angela Ball, Surveyor (LTC)
Sherry Kraft, Surveyor (Non LTC)

Management attending:

Jaime Erickson (Human Capital Management Administrator)
Rebecca Sandholdt (Bureau Chief)
Jill Shonk (Asst Bureau Chief)

Housekeeping

1. APC dates for 2022
March 3
May 5
Aug 4
Nov 3

Agenda

1. Return to Offices



Ohio Department
of Health - Return to

Plan will not dump everyone back to office at once. Bringing exempts back first will allow kinks to plan and office space to be worked out (e.g., office equipment, space, files).

Director wants staff onboarded with flexibility and there is no expectation that people return at the same time, but people will come back.

Office and Bureau Chiefs planned the staff need for their areas.

Set schedules include: 1-2 x per week or more often depending on operations.
Irregular hybrid may have different office schedule depending on work need.

Remote (surveyors same as now).

Mgt. retains the right to pull people back into office as needed.

UNION:

- People are happy. Thank you this is good news.
- Define irregular hybrid schedule.
Mgt. Variable as needed.
- Toledo and Akron plan?
Mgt. Akron is being renovated now. ODH cannot give up the space as we have a lease for at least a year. We plan on reducing the space after the least is over. Operational need will drive ofc. Employees will be held to same policies. Toledo ofc. has completed renovations. ODH still has a lease and cannot reduce space. People will work in ofc. as directed but there will be flexibility.
- Expectation of communication? How much notice will spv give EEs?
Mgt. Leaving communication with individual staff to the bureaus and offices as they work differently. Using shared space so spv. needs to plan who is in office at one time.
- Will hybrid last?
Mgt: ODH has given up space in the buildings? We no longer have enough space for everyone at one time. Our plan going forward is using this model, which allows us flexibility.
- Can we park in the parking garage when we come to building?
Mgt: Parking garage closed off Feb 1st for open free access. Garage will return to exempt paid parking. Continuous conversation with DAS on if there will be more additional parking spots in the future since person may only use garage 1-2 times per week.
- Will we still be allowed to park in the garage if we pick up a state car?
Mgt: Don't know. Probably maintain same process.
- People monitor the mail and come in for a short-term and then leave. Clocking in and clocking out. Will a person need to be there all day?
Mgt: If a person is scheduled 1x per week, they would be there for the entire shift, assuming they have been issued a laptop. If not feasible to return during their assigned phase, they will be pushed to a later phase.
- How is it determined if a person comes to the office 1 or 2 per week?
Mgt: Office and Bureau Chiefs have already mapped this out and made decisions. Still can be somewhat flexible if operational needs are met. Other than surveyors, employees will be brought back in some fashion.
- What is the communication plan for RTO?
Mgt: Meet with unions, working on teleworking policy, will be shared. Goal, the agency gets a director's communication putting people on notice. Tomorrow or early next week.
- Will there be a FAQ?
Mgt: Yes, send questions via email to HR address. HR collects questions and drafts FAQs.
- Health and Safety Committee, when will that start again?
Mgt: Mid- April. Looking for 2 1199 employees for the committee. Heather Searfoss is one of them.
- Will DAS test for Legionella?

Mgt: DAS informs us of any building hazards.

- What are the surveyor expectations?
Mgt: Nothing changes. Continue current process.
- What happens when field surveyors come into the office? Will use pod-hotel space?
Mgt: There will be cubicles on 246/2nd floor for surveyors to use.
- What is the sanitation when it comes to cleaning?
Mgt: DAS will do extra cleaning including sanitizing common spaces.
DAS provided the below updates that were shared at last APC.
 - **We have the new Everwipe Stations throughout the NHSC facility for folks to use. They are containers with the Clorox wipe type dispensers.**
 - **In the 35 Chestnut Street facility, basement level, DAS has added touchless hand sanitizer dispensers located around the common areas, and meeting room entrances.**
 - **An ASHRAE guided water sanitation program is in place.**
 - **All the elevators have been fitted with clean air ionizers.**
 - **All the filtration for the air handlers has been fitted with highly rated HEPA filtration filters.**
 - **Green cleaning happens throughout the day, provided through the Goodwill housekeeping contractor. All the door handles, elevators, front entrance areas, are wiped down daily for high touch point sanitation control. All the water fountains are sanitized daily in this process. This is a service provided in addition to the normal daily housekeeping.**
 - **There is signage placed in high traffic areas that highly encourages the use of a mask if unvaccinated**
 - **All the elevators are clearly marked with recommended occupancy amount by all cars on each floor.**
 - **In the event there is a COVID+ test, Goodwill provides an extra sanitation measure to mist a space to kill any viruses in the area upon request.**

2. Vaccination mandate update

- a. Please provide specifics on how the mandate will impact out members
 - b. Non-vaccinated surveyors – what will they be doing?
 - c. Will vaccination status be known? Members right to privacy vs members right to safe work environment?
- Vaccination mandate, biggest concern is that surveyors who are exempted for religious beliefs from being vaccinated and not allowed in facilities. CMS said must be fully vaccinated for position.
Mgt: If exempted still goes in facility with accommodation. 2nd group are people who vaccinated but have not received 2nd shot. Takes more than 30 days to get fully vaccinated. Jan 24 – Feb 24. If got 1st dose, we gave office work until 2nd shot completed. Accommodated short-term as if someone was exposed.
 - Surveyors ask facility about their % of staff who haven't received vaccine. Do we have a % of staff that are not vaccinated?

Mgt: Requirements of nursing home staff is different than surveyor requirements. Facilities are not allowed to ask if you're vaccinated. Surveyors are not assigned differently. All must do essential duties.

- Job load, will surveyors get special duties at a nursing home depending on their vaccine status?
Mgt: We are not informed of how teams assign duties on site.
- Does fully vaccinated mean boosted?
Mgt: No, just normal shots plus 2 weeks. Newly hired surveyors will need to be vaccinated or obtain an accommodation.

3. Current staffing matrix and positions open in each bureau

Follow up discussion from January

Mgt: Hiring freeze has not officially been lifted but we are able to hire for many positions. Quite a few ODH postings are currently available. Since January 2021, we have had 83, 1199 positions filled and have 81 vacancies remaining. 66 of those vacancies are currently in the hiring process (i.e., been posted or interviewing or final selection). Excludes internal routing process. We are on a roll and getting things filled. Still scrutinizing vacancies and ensuring funding. Talk with supervisor if vacancy is causing distress.

- Who is the FM hired for Westside opening?
Mgt: Candidate has been selected but not approved by DAS yet. Cannot confirm yet.
- What determines how many positions are vacant.
Mgt: Based on funding by CMS or entity who is paying for the position. More federal money for surveyors requested for October. No confirmation response from CMS yet. Bureau and Ofc chiefs have knowledge of which vacancies that will be posted.

4. Field staff fit testing – what is the status of all surveyors? What is the plan?

- Fit testing has expired for many surveyors. Should we be out in a facility?
Mgt: Updated fit testing vendor contract yesterday. Contract signed interim to final contract. People are signing up on site (30 people already signed up). Somebody signed up today and got in today.
- What can do to make sure there are no gaps in fit testing process going forward?
Mgt: Permanent contract and renewal for future. Do need to follow state procurement process.
- In the meantime, will surveyors not wearing proper PPEs be disciplined?
Mgt: Fit testing does not expire. Fit still should work unless special circumstances.
- What if your fit does change and you need a different mask size?
Mgt: EE needs to talk to spv and HR to take care of this issue.
- Shouldn't we start fit testing before the one-year deadline? Can surveyor get fit tested prior to year?
Mgt: Would want it as close to one year as possible.
- What is guidance for team if COVID+ facility. Surveyor gets isolated from team if needs to go into COVID+ unit. (Jaime needs conversation with survey process).
- The union believes an employee must be fit tested every 12 months under OSHA. Article 32.01 says member can refuse assignment if they feel unsafe.

5. Tax Changes – changing our tax status location to our home?

Mgt: Just received guidance and will send out tonight or tomorrow. Communication will come from HR BBR memo.

6. Surveyor Improvements, December – management responses

Mgt: Improvements being made:

- Surveyor trainee surveyed on their training experience.
- Training on IJs, surveyors providing expertise on IJ with new surveyors. Info communicated to new hires.
- Laying out detailed onboarding document to surveyors. Prescribed info delivered to new surveyors.
- BSC has tried two complaint pilots and has detailed lists of frameworks for this. Mgt is interested in 1199 suggestion for what a special complaint unit would like.
- Survey with weekend allegation. What is union's suggestion. We offer several options including flex to cover this situation, but weekends are the nature of our work.
- No, surveyors should not communicate directly with scheduling. Scheduling doesn't make that decision. Only FM makes that decision and that is where surveyors should direct questions.
- Ofc days for paperwork was available some time ago. We still give write up days if you're behind in travel, etc. as negotiated with spv. But this should be on occasion only. Will not assign everybody a specific day paperwork day. Will put us more behind if we pull staff from field for office time.
- There is an expectation to read QSO. Don't delay those readings.
- The suggestion to send more surveyors if there are more than seven allegations is not a simple decision. There are many variables when assigning surveyors. While onsite, if there is a need for more support, surveyor should contact FM.
- Schedules being changed frequently and not from schedulers.
 - Mgt: Maybe we are experiencing this more since complaints have increased, as complaints are more time sensitive. There is more predictability with annuals than of complaints.
 - We are only doing five annuals this week. That means 20 people have fixed schedule. Others have complaints.
- Last minute updates on Thursday that changes your schedule for the following week. Get update at 3-4 PM on Thursday. If we must travel, what do we do with children or elders. Sometimes the assignment says Tuesday, or Wednesday and I must stay overnight. My FM allows me to come home or stay overnight. But if I come home, I can't claim the travel time. That adds hours to my day. I think the bureau should pay for my travel time when I go home on the 2nd day and return the next day to the survey. That would be cheaper than per diem and Hotel expense.
 - Mgt response:
 - Contract is clear on travel and payment if you return home instead of staying overnight. No payment of time.

- While we hear your suggestion and will consider all options, we intend to follow the contract.
- This is discussed with new surveyors during orientation.
- No reason to for complaint on weekend. Can they do complaints by desk review?
 - Other states have brought up this suggestion and CMS has not responded. CMS is reviewing AFSMA and is working on establishing a workgroup to identify efficiencies for survey process. SOP does say complaints onsite. We will bring up the idea again to CMS.
- What about weekend only positions? Trade weekends, schedule OT one time a month?

Mgt:

 - Not opposed to weekend only positions but would need to work with HR on funding and staffing. Not sure if we have the staffing numbers for such a model.
 - Trading mandated weekends is difficult because it would interfere with mandation list and be difficult to track.
 - Scheduling OT by area of other models would need mapped out before management could consider.

Union Notes from improvements Discussion

44 surveyors have quit since January 2021. 9 in last two month, which is a faster rate for this year than last year. There is a need to improve working conditions.

Style and quality of training for new hires

Sandholt: I also did a reach out to eh new class of surveyors in the past year what did you like/didn't like about training etc. Just to get a feel. I asked them to be honest and wasn't sharing them.

They felt they were rushed through RCF, so we've added an additional for more time

Wanted to have check in opportunities with their cluster they came in with

Training lack of and comments related to training: we have either put in place or in process of adding

Training specific to Immediate jeopardies – surveyors providing expertise and experience about how they've communicated an investigated that

Comments by you regarding info communicated to new hires so we are laying out a detailed onboarding document that identifies the topics each week the FM needs to cover with them and check ins along the way, including you can stop to use the restroom.

Complaint specific teams of surveyors who want to do complaints – we have done that and provided a detailed list previously. I'd suggest the surveyors, or you all make a proposal about what this looks like, willing to entertain.

Allow for weekend entry surveys (regardless of the weekend day that it's entered) and offer for flex, not mandate

Surveyors have the ability to flex, they can ask for. But if you're looking to implement permanently for a group of people we'd ask what does this look like? We offer several options to allow these things to occur

Allow surveyors to communicate with scheduler

It's not the scheduler who scheduled that it's the FM to make those determinations. So that's why we ask you to go through the field manager

Office days for paperwork

I know that was available years ago but we reached a tipping point that we give you write up days that you continue to communicate with your FM so those days can be assigned so that 25 people can come into an office. If you need that time ask your field manager.

Is it possible to then request a day each month?

I think it's possible but not reasonable to accommodate a set day. They're given survey write up days. eLearning are scheduled by the scheduler.

Angela: part of the admin Geoff is referring to is QSOs regularly, etc. Emails, receipts, expense reports etc.

If you're not able to get things complete led timely, then communicate with your FM.

Susan: what's the expectation on the QSO?

Jill: it say effective immediately so asap before you go to a survey.

Main point is management doesn't want you letting stuff stack up so you have a full day of work or reading to do.

Rebecca any others you want to discuss?

Geoff: all of them, that's why we gave to you.

Elaine: the two areas we'd entertain more conversation is complaint unit, and weekend allegations. There is not anywhere we can move on the other areas.

Beginning every pay period we have to submit for next two weeks.

Every other Monday coordinates with pay period everyone gets an hours to do their travel.

Why are surveys that require weekend work not counted as mandation?

Elaine – we've had mediation on this in the last six months. It's because its apiece of the larger survey they're doing.

When there are more than seven complaints they schedule two days, or more than one surveyor. The number needs to be reduced and the time allotted and # of surveyors allotted should be based on number of complaints and *complexity* of complaints. Also, complaints need to be triaged more effectively. Number of *allegations* needs to be considered also.

ES: the complexities are evaluated. If they need more time on a survey they just need to ask. A one allegation could take two weekend and a ten allegation could take a day. We have people our

schedulers looking at it, they won't get it right all the time. If you ask they'll assign you time. They use the best tools they have with the information they have.

SK: it may be field manager specific too, I've never been denied a request for more time.

JS: it's also based on priorities and workloads and needs

SK: some surveyors might not feel comfortable going to their FMs just because of the response they get. If there was an anonymous reporting system so avoid fear of evals etc. I'd feel more people be inclined to do so.

Why do members get day to day schedules? Schedulers are being directed by management, not scheduling per the complaints coming in. Members don't always know what they are doing next day or week. Lack of consistency. Last minute updates on Thursdays – what do surveyors with children do?

JS: we have two day or ten day complaints and it might get put on your schedule. There was more predictability when we had more annuals and less complaints.

GD: will that switch back? With everything opening up?

JS: twenty people would have a

Last minute changes on Thursday is about the following week. They get two days on site complaint on Thursday at 3 in the afternoon, or we might get one on Thursday for the weekend. If we have to travel sometimes on Monday I'll get a survey for that Tuesday and Wednesday overnight. My manager will work with me. But having to travel and not knowing my schedule ahead of time, if you tell me Monday how can I be prepared? Suggestion: with the approval of FM we are not required to so we don't have to give up four hours of our win time travelling. So if I'm schooled to do a survey and it takes about two hours to get there and it's got 13 allegations I'll be there two days. Because it's 75 miles I may be required to overnight. But I cannot stay overnight and my manager said I can travel back and forth but drive time will not be paid back second day. Cost wise: per diem, hotel cost etc. During would be \$57 ES: it's paid time too though

E: we're not prohibiting you, it's a possibility. But it's a hard sell. The issue is not given adequate notice to plan.

SK: yes, I'll be heading home and not got the schedule and it's not until Monday that I know where I'm going.

Core issue is you'd appreciate more notice. We will have some conversations on this topic after this call.

There is no reason to schedule complaints on the weekend unless there is an allegation. They could work with CMS to do some complaints via desk reviews.

Jill: other states have brought that up but it's not gone anywhere.

They could offer weekend positions only and pay them full time or Create positions that work weekends and allow people to bid into them. Very rare that there would be no surveys or complaints to do, but if no complaints their desk reviews and other work that can be done. Any complaints can be done on weekends, even non-weekend related complaints.

Not opposed to it but think that would be something we'd have to work with HR on.

ES: it would start with us but also OCB. The biggest thing to look at now is staffing numbers and funding. We can do a lot if the need is there, it depends on if it fit in to what you're budgeted.

Allow staff to volunteer for flex schedules to include weekend coverage as needed AHEAD of time so can plan for medical appointments and family events. For example-Have surveyors choose to work weekends each quarter like how we ask for vacation. Allow surveyors to trade weekends to accommodate unplanned circumstances.

We've tried this kind of model, the quadrants etc. and right to refusal. The union wasn't interested though. It works well when you have a good representation of where people live. Because you could still have the same people getting hit. We're not saying no, it would take a lot of work to decide if it was plus or minus. We entertained it before. It would have to be update also. We're not saying no just how would it work?

Sherry: some of the people who just left is because of the mandation and some asking what we can do and I can only say we're putting it to management

ES: yes, unpredictability is part of the job unfortunately. The flexibility we've provided is appreciated but not enough to feel you have control of your schedule. That's why Jill and Rebecca have done the plan A plan B and compress the schedule.