

SEIU District 1199 WV/KY/OH
Department of Health

Agency Professional Committee Meeting
September 23, 2021

Union Attending:

Julie Keegan, Public Health Consultant
Sherry Kraft, Surveyor (Non LTC)
Angela Ball, Surveyor (LTC)
Charles Abernathy Jr, Public Health Consultant
Chris Binder, Surveyor (Non LTC)
Heather Searfoss*, Public Health Consultant
Jessica Warner, Public Health Consultant
Geoff H. Davies, Administrative Organizer

Management attending:

Elaine Stewart (Labor Relations Administrator)
Jaime Erickson (Human Capital Management Administrator)
Rebecca Sandholdt (Bureau Chief)
Jill Shonk (Asst Bureau Chief)
Belinda Kerr (Payroll Benefits administrator)

Housekeeping

1. Scheduling APC dates for 2021 – **December 16, 2021**
2. Scheduling Health & Safety Committee meetings 2021 TBC

Agenda

1. Updates on return to work & telework policy

- *Where are we going? What's moving forward?*
 - *What is current situation? Who is where?*
 - *When return, and what model?*
 - *Where is the state in this process?*
 - *Criteria for telework eligibility*
 - *Logistics of telework (IT, equipment, wifi, cataloguing current equipment, standards of connection at home (condition of employment?, standards of conduct)*
 - *Notice period*

No current updates, still doing remodelling.

Edn date for remodelling work? Its ongoing, theyre going floor by floor.

District offices – no updates at all. We wont wait for an APC, we'll pull it together when we know. There are so many moving pieces. No discissions planned on it nothing at all.

1.a. Scheduling Health & Safety Committee meetings 2021 TBC

- 2. Frequent travelers saying based in Columbus HQ – what is my headquarter location? This is also item 6.g.**

- *If I'm Type 3 its my house, am I paying Columbus or my location?*
- *And who do I pay?*
- *Need an explainer. Who should be doing what? It needs to be clearer.*

Belinda Kerr: Management would defer to tax professionals on how they're filing. We do signoff on refunds through the payroll office.

So there's been no change from the policy.

AB: field surveyors brought to me that she filed in Columbus refund in 2019. When she filed 2020 she was told since she was teleworking in 2020 that Columbus would be keeping her income tax. She had to pay her Perrysburg as well as Columbus and didn't get refund from Columbus.

Elaine: there is some legal activity that impacts those who work from home, its not just the state. Its separate from us, you'd have to have your tax professional look at it.

Julie: I live in Maumee but my work HQ is Toledo. Working from home do I work from Toledo or Maumee. Who tells me that?

Jaime: **We have not changed your work HQ location, we have not changed the agency employees work location to your home.**

3. Deadlines for mandation of vaccination – if you accept funds from Medicare/Medicaid – where is ODH? What is the position?

At this time we're waiting for CMS. Got nothing. They're still working through. There is no ODH mandate, we're waiting what's happening with guidance coming down.

4. Flex days – recently restricted to Nursing home surveyors only. Explain yourselves please? Why are you singling out the holding class?

- *At the discretion of the Employer, field surveyors may be offered flexible schedules at various periods, including around holidays, throughout the year that include days outside their normal weekly schedule (i.e., Friday, Saturday, or Sunday). If a field surveyor accepts such a flexible schedule, they shall not be approved for any vacation or compensatory leave that falls on those days. Field surveyors shall be able to cancel previously approved leave to accept a flexible schedule in this situation.*

Is there a benefit? LTC vs NLTC

The email offered it to nursing home surveyors only. What's the difference? There's work to do even when NLTC aren't open.

Elaine: we've been doing the flex for a while. Operationally we need weekend nursing home visits. In order to help that and o give opportunities for folks who do NH we continued to put that out. It has never included NLTC.

SK: in the past we (NLTC) have been offered that. Binder and Martin can attest to that.

GD: reason why it can be offered to NLTC?

ES: because they don't have weekend facility visits, so not sure what they would be doing. We don't out you on weekend assignments. Also, we can decide as management what work we put

5. **Complaint editing:** As complaints come in, does the complaint unit censor out rudeness and/or political incorrectness from the contents of the complaint? In other words, if, during the call, the caller makes a politically incorrect statement, for example, involving provider staff, does the statement go into the complaint, or do they leave it out? More broadly speaking, how does the compliant unit manage political incorrectness from the public on the compliant line?

The complaints are sanitary, why? are they cleaning them up. Why is it important? Bc the complaint used the term males nurse repeatedly and I've never seen white nurse/female nurse etc. Does it affect context of complaint and ability of surveyor to investigate?

Is it recent? Just last month.

Link to sexism? Men doing abortion clinics but not maternity?

ES: What is your interest?

CB: are words used verbatim, or is it the policy to clean up the complaint?

Jill: No, nothing taken out. I fit was an email it would be attached. Allegations are written e.g. abuse by a nurse. But that specific would be included on the complaint.

CB: I rarely see swear words in complaints, which I find hard to believe. Do you leave in swear words?

Jill: Sure, they swear on the phone, but we don't put that in. We would out male or female nurse if its in the email etc.

- *Also, what oversight is there for new people assigned to complaint unit? Concern that there are allegations that are not actually included in the complaint, or there are multiple complaints where it should/could be one*
 - *David: some of these complaints need to be triaged better. I had one complaint that was 9 allegations that could have been fewer*
 - *Sandholdt: you can call your supervisor to amend those or get clarification. There is oversight.*
 - *Sherry: might be helpful: I know the regs for the dialysis I could word it in a way to show what not met in regulations. Are those on the phone not versed in the regulations to word it?*
 - *Sandholdt: We could leave allegations out, is that what you're proposing?*
 - *Sherry: no, but once the person triages the call, maybe have one of the supervisors review it for efficiency and to make sure it makes sense?*
 - *Sandholdt: we can look at that.*
 - *Angela: is it possible that when incoming complaints can we get the actual dates the complaints examples happened? We get a lot of general "no staff day and night" and the surveyor has to do days and nights. Easier on the surveyors to get more specifics.*

- ES: yes, and thank you for the feedback, where we can get it we will try.

6. Surveyors

a. Backlog and need to increase staffing, don't have enough, complaint volumes up, no time to take off, mental health – WHAT IS THE PLAN?

- What is current volumes, what is the backlog?
- We have more surveyors but more opportunity off (still limited to 12 slots)
Email from Acton and one from new one both say to take time off for mental wellbeing

We have increased staff, hired six more in August 12 pending in October. Our numbers speak for themselves, we've had a lot of complaints. We've not mandated in September.

So what are the numbers?

ES: its not static, were not able to trend it. It has increase since the summer. We are increasing staff.

Our turnover isn't any different than it's always been.

In terms of rest and mental health – that's everyone.

We're doing the canvass for next year and quarterly – there are still dates open so still opportunity.

DM: MH, what would we tell a member who misses weekend court visit, for them to do weekend? Are there options to refuse or skip mandation?

ES: we follow the contract and go through the list. Its no different from others.

DM: are you allowed to take a day off on your good day?

ES: On the canvass you can take off and not be mandate

DM: you said before we could take a day off or short vacation and you wouldn't be mandated.

ES: we cannot give anyone a bye, what can we do? We're open to listening to anything you have to say on it in terms of alternatives.

David: concern of abuse of mandation – what the is the plan to avoid mandation?

Geoff: so mandation are down in last three weeks, but that's not the long term trend. When they go back up what is the plan? Do the current hiring make full staff? How many openings are the and how many pending filled?

I don't have the staffing level in front of me. We wouldn't hire more than we can staff.
Sandholdt: we had 150 surveyors, we run around that generally. With survey suspensions we have people in training. Suspension of surveys due to covid of course. Not linked to decrease in mandation.

SK: log on mandation, we have LTC surveyors reaching out ton complaints for Tuesday or Wednesday that involve weekend observations, that though not mandation is a weekend.

AB: Aug 28 was last mandation But last two weeks of July and first two of august we had 7 nurses mandated two weekends in a row, and others. So surveyors are asking why mandated every other week. There is an ebb and a flow of course, but what is the long term plan? To continue doing what we're doing? Or are we looking into other solutions?

ES: so you feel there's a lot more mandations, sure that could happen because we use distance from persons home. We don't know what facilities have a complaint filed against them. We also don't know who is going to volunteer. We don't know.

Charles: do you have exit interviews of those who have left?

ES: not we don't know how to do that?

Charles: can you say more about that?

ES: the coding. But exit interviews are qualitative data not always incoming. Do you choose not to track it?

What happens to that info then? ES: a questionnaire is sent out. Employees choose to respond. Don't know who reads it.

ES: JE: when someone retires or resigns, there's the normal stuff and then there's the exit interview which is optional. We do keep and review to look for trends, or feedback we do reach out to that area to let them know. A lot of time the interview doesn't have name on it (not required). We also offer an interview with HR, and we look for trends and we address areas if needed.

CA: Can you explain the difference with what Elaine said?

JE: Elaine doesn't really know. We do keep a record

SK: do you review for trends recently?

JE: not recently but we can

CB: when you do report out who do you report to?

JE: no committee we meet with the program or area

b. **Mandatory OT is increasing** – WHAT IS CURRENT LEVEL AND WHAT IS THE PLAN?

- *What gets mandated? What is cause?*
- *Where are the mandation happening?*
- *Is urgency of complaint affected by need to meet fiscal year ending sept 30, mandation have dropped off in last couple of weeks. What determines a mandation?*

c. **2016 auditor recommended a complaint team**, what is the obstacle/objection to following that recommendation? – federal surveyor (off the record) says states that have complaint teams don't have **the scheduling issues Ohio seems to have**. Why aren't we doing the solution? Complaint team or more surveyors.

We've had three iterations of the complaint unit, we would be interested if it worked.

Angela Ball: you have a complaint team available if you out it up for volunteers.

Heather: do we have a quality department who looks at processes?

JE: this has been through the Kaison several times. Have been adjustments made on it. 2016 or 17.

CB: im grade dputting a proposal together because the auditor did and they weren listened to.

Geoff: What didn't work? About the complaint teams? What worked what didn't what lessons?

We did based off the audtrs report we have multiple teams from various areas and the feedback was some complaint template shcmages etc, but having people constantly assigned to the complaints wasn't favourable to them, and we had trouble getting volunteers.

Ideas on tha – how would people be assigned, how would it work.

Ball: previous discussions was I we sent out an email to all qualified who are on the mandation list and you go geographically by seniority if you gave enough that sauy they'll do it, they can be used fo rthea nnual too. The oens that want to volunteer and you just schedule them for complaints, and f you have a weekend complaint, and 10 days
The majority of th emandations are 10 days, we want to cut those down, could we do that through the complaint team.

David: how about give a handful of people Monday off instead of Friday. That would alleviate a lot of mandates. Most are on Friday, not weekend.

ES: have you factored in the annual surveys? Make that proposal, but factor in the number of pending nursing home that need to be done. And the number of complaints that come in. Rebecca will give you the numbers.

SK: multiple people tell me they're looking for another job because they don't want to be mandated. But what about the new surveyors, they have to see and end in sight or we'll continue to lose them.

Hospitals aren't doing the mandations, and with the incentive pay for OT that's where nurses will be going.

CB: you should know what these numbers are bc staffing is based on it.

If there is information that will help you generate ideas we'd be happy to hear it. I the complaint unit is something you think would solve.

ES: we made a POD proposal that was rejected.

SK: let us have them we'll look at them.

ES: Happy to share information.

Heather: we're missing the mark when it comes to parity. I'm not saying you guys are not doing anything, but to say this affects you like it does those who are mandated is a false comparison. Our folks are upset, they're feeling it.

ES: I'm not dismissing that but in the last few months we've had six former surveyors coming back. What can we do about unpredictability, lets shar information.

Charles: we could have a facilitator help with that, to get though the stressors.

- d. **Not keeping new people.** Starting them on complaints before they become independent, they're getting mandated every other weekend, they're not sticking around. They don't have a true picture of the expectation when hired.

e. Scheduling of 2 day and 10 day complaints. Review process to identify areas for improvement

- Good faith effort to schedule the 10 days surveys
Being mandated six days before (Friday before the Friday) 10 days is due is not good faith. Negotiations in this said good faith is a high legal standard, so what is the state doing to meet this?
Putting it up on the board is not a good faith effort – sherry to give example. Leading to “continuation of assignment” on a Saturday. Should be in the normal work week, not Saturday. Why and how would that happen? Members are not required to flex to make up for it. What is the policy?

Is urgency of complaint affected by need to meet fiscal year ending sept 30, mandation have dropped of in last couple of weeks. What determines a mandation.

SK: log on mandation, we have LTC surveyors reaching out ton complaints for tiesday or Wednesday that involve weekend obsevrations, that though not mandation is a weekend.

ES: we have active grievances on this: what is the defieniton of good faith, so need to do that.

But how tendays assigned when it becomes a mandation

JS: assigned to a regular week and out for voluntary OT. If not volteered and not on regular week whtever is left thrudsay morning at 10am are then mandated. Wednesday and Thursdays put out there. Surveyors notified. Its variable, dpeneding on how many coming in. If surevore could not get to their Thursday assignment they could be mandated by day 8. So if a complaint isnot finished it would dbe mandated by day 8.

ES: per agency specific we have to make a good faith effort and then only after the 5th day of the complaint.

What does the good faith effort consist of? If they can get to them in the week. Jill: we offer the OT and have it on the regular work week. But after 5th day if they need to put it out they do.

GD: the complaints are in addition to regular surveys. Given the complaint is unpredictable

JS: Surveyors are doing complaints in the week and annual surveys.

GD: so basicall whether someone gets mandated depending on the volume of complaints that come in. So if that’s not predictable then mandation must therefore be a scheduling tool.

AB: we get money from CMS, are we getting pair dfrom a different fund for complaints from annuals.

~~f. Surveyors are now based out of Columbus regardless for taxes, Belinda Kerr is telling surveyors. Income tax stays in Columbus regardless. Previous to 2020 we would do the majority of where we work to claim money back. RITA has said if they changed t from home they would stay Columbus — is that this?~~

g. Classification merger safety issues

We have supervisors who are not qualified/experienced to supervise certain individual with certain provider types.

Examples: Dana supervisor is a Social Workers supervising, member provides services in dialysis and other facility types that her supervisor not allowed to go into the building. Surveyor needs guidance advice from someone who has knowledge more than me. Her

survivors forward her back to the original LTC supervisor. It's a liability. Managers managing outside their scope of practice and competence. Social Worker cannot do the nursing stuff when overseeing/reviewing medication/pressure ulcer, medication etc. How does supervisor critique or enforce standards? E.g. A doctor supervising an airline pilot. Isn't it CMS regulation? Social Work Board? Also, is this best practice?

7. Covid leave – sick time, disability?

Are employees required to get covid test before coming back to work after calling off sick.