

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

Agency Professional Committee Meeting
January 24, 2023

Co Chairs:

Elaine Stewart, ODH, Labor Relations Administrator
Geoff H. Davies, SEIU 1199, Coordinator

Union Attending:

Heather Searfoss-Allaire, Public Health Consultant (Union Executive Board Member)
Julie Keegan, Public Health Consultant (Union Delegate)
Molly Kelly, Public Health Nurse Specialist (Union Delegate)
Susan Thompson, Reviewer (Union Delegate)
Chris Binder, Reviewer (Union Delegate)
Angela Ball, Surveyor (LTC) (Union Delegate)
David Martin, Surveyor (Non LTC) (Union Delegate)
Sherry Kraft, Surveyor (Non LTC) (Union Delegate)
Geoff H. Davies, Coordinator

Management attending:

Elaine Stewart (Labor Relations Administrator)
Jaime Erickson (Human Capital Management Administrator)
Rebecca Sandholdt (Bureau Chief)
Jill Shonk (Asst Bureau Chief)

Housekeeping

1. Scheduling APC dates for 2022

January 24
March 6
June 6
September 18
December 12

Agenda

U = Union, Mgt. = Management

1. Non-field Return to offices

"In 2023, we will build upon these initial successes to become a hybrid workplace that is more intentional, more consistent, and more collaborative to help us maximize our time in the office together. Our end goal is a workplace that strategically combines on-site and off-site work, prioritizes customer needs first, fosters regular collaboration within teams and between teams, re-energizes our staff, and offers our employees the continued benefits of flexibility that can lead to increased productivity, and a better work-life balance."

Bruce T. Vanderhoof, December 2

Specific questions from the Union:

- When did management make the determination to change the hybrid requirements? It was very casually announced December 1, with an effective date January 9. Similar changes made in the summer were announced, discussed, and implemented over three months.

- What was the impetus to change the model with one month's notice. Where is the data?
- At what point did the Agency determine that the summer RTW changes were a "first step"? They were never discussed as a *first step* during our extensive discussions at the time or in any APC since.
- APC held November 1 – absolutely no mention from management about changing the requirements.
- When were supervisors in the Bureaus informed of the changes?
- Newsletter isn't required reading. Why wasn't it direct communication from HR or someone to all?
- What happened to all of our requests for info and updates and to meet and discuss that you "passed to leadership"?
- Timing of change – over holidays, less than a month's notice. Very disrespectful to members and their families. Why then?
- Who is monitoring this process? HR did it all last summer, with all the communication.
THERE IS NOTHING NOW.
- What are the expectations based on operational needs?
- Exceptions: what are the parameters, how are they evaluated? Fair framework to evaluate on
- Mileage and travel times – when is it unreasonable/impractical for someone to travel to the office twice a week?
- Recent hires told once a month in the office. Now two days a month, changing the conditions. HR person consistently told hires that they would not be in the office. They were lied to. What is the exception for them?

Discussion:

- U: We are fielding a large number of complaints/concerns.
- Mgt: There is evidence of a plan bc it was implemented on 1/9. Not just ODH, but state agency-wide
- U: not all agencies are implementing the same, if this was planned, why was this not mentioned in November APC.
- Mgt: There is confusion on that there are 2 separate plans, the plan was always there will be a RTO but we didn't know what that would look like. Tried to be transparent with staff that we would be going to a hybrid schedule. We had a lot more people continuing to WFH, so we needed to get back on track. Early on there was always a plan for hybrid. Never intent to RTO 5 days a week. We're looking for a balance.
- HS: Why are our managers' wishes being ignored
- Mgt: Managers were missing the mark re: enforcing a hybrid schedule. Was inconsistent throughout departments. As an agency, we missed the mark. What we asked was for managers to re-visit their schedules, and to re-address to commit to set schedules in the goal of a hybrid schedule.
- U: Why don't managers know, if there was so much talk, why was all the response that "we don't have any guidance". If this was part of the plan, why have you not brought it up in other APCs. Why dropped so informally.
- Mgt: Hybrid was always the model. If EE were not meeting that mark, that needs to be corrected. Yes we eliminated space in Columbus, Toledo and Akron and downtown we'll be giving upon more. What I said is that we are not planning to go back to pre-covid days, not 100% back in the office Still stand by that. What we are looking for is a hybrid model. It's not unreasonable. It's midway halfway, and if WFH is the desired state its still more home than office.
- EE benefit due to still being 3 days WFH. Us asking to set schedules is management rights
- U: We're not arguing your management rights, what we are arguing is the lead-up/prep/communication.
- Mgt: Hybrid was always the intent. If it didn't get rolled out. We had quite a bit of lead up, we communicated. We gave ample notice, and we took care of hardships on a one on one basis. We are well aware of the angst and issues.
- U: You ignored our requests to meet and talk. If this was planned please show your work.
- Mgt: That is irrelevant to the position here. Let's let Jamie continue with her thoughts on this. You are being rude. I thought we had a good thing doing much better.
- U: I'm being polite compared to how members are feeling about this. It feels that you are not wanting to address our members concerns.
- Mgt: You want answers to things (who said what/did what). Acknowledge that it is upsetting to folk

Mgt: They may be exceptions. Brought to management, to their bureau chiefs, to HR.

U: Can you give more info on giving up space in the Toledo office. No guidance. Inconsistent tech logistics (Wi-Fi). Re: air quality, etc.

Mgt: I can find out the specifics. I don't think we have anyone in the Toledo office on a regular basis.

U: My question is going forward, is that going to be included in the job postings?

Mgt: What were we trying to do is get schedules in place including for those to be hired, so that can be communicated to those in the hiring process

U: Is it possible that someone coming through the hiring process would be told they must come in on "X" & "XX" (set) as their.

Mgt: It is dependent on the work. ODH provides a service, we need to meet that need.

U: We have members told the expectation in hiring process and they specially accepted the position under those expectations. They're now pissed. Broken promises. Now they have been provided a solution that isn't so bad but it's still not what was agreed upon on hire.

Mgt: Yes I hear it, but I under no circumstances believe it's limited to ODH. Things change and we adapt and move. We don't want people to leave, where we can be flexible we will.

U: who do hardships get addressed. How are they judged

Mgt: when managers met with EEs, it should have been addressed. We know about those scenarios through the managers. I am under the impression that it has been implemented and we have worked through the issue. If there is someone that needs to be addressed, they can be brought to me (HR)

U: what are the parameters that are to be met? No car. Told they would not have to come in

Mgt: Those are all examples of scenarios that we knew could be possibilities.

U: is there a mileage range?

Mgt: possibly

U: members are confused and irritated that factors are not being considered consistently.

Mgt: I do not believe anyone planned on a pandemic, change like this (including private sector). Not just ODH issue

U: what is an issue @ ODH is there was a change according to plan that was not communicated properly. We hear you that you are saying it was part of the overall plan, but we are not seeing that through the roll-out. ODH is specifically responsible for how they communicate to their EEs. It feels that you are obfuscating.

Mgt: we had to bug out fast, in RTW, we were planning for hybrid and to do it

U: 2 weeks after the fact we are hearing this. When was the decision made?

Mgt: you got the notice per contract. Managers were not meeting the mark. You are wanting info that we do not have in hand. We do not have the who/what/why. They are working with folks for concerns.

U: when did you (HR) learn they going to know.

Mgt: *the day before it was announced.* we've known about the hybrid since last year.

Mgt: JE and I knew within a day or 2 before announcement.

U: you were only informed a few days before.

Mgt: we put together very quickly with bureau chiefs. When it became clear to our leadership that the hybrid was not being implemented, they tasked us with getting it on track.

Mgt: (shutting it down).

U: logistics listed to be addressed.

Logistical Concerns

- NWDO Toledo environmental concerns – air quality, cleaning – ripped up carpeting
- AKRON office – is it appropriate given its size. Akron office relocated during covid. It's a closet. Where are you going to go? There are 20-30 people.
- What is the requirement? Each bureau/position
- Consistency on:
 - who is required, who is not
 - Maternal: some required some not. Field nurses not at all.
 - BOSC: huge segment not going in at all.

Discussion

Mgt: Who is required? depends on the program. We don't know there's a lot of travelers. We don't have that answer. Most office base people expected to work 2 day a week
Are some circs that some programs petitioned to have employees work off site for efficiency reasons

U: My nursing friends in children with handicaps. They told me they were so mad, they just came in for a meeting and were released but now we have to stay 8 hours. Molly replied a meeting at the statehouse didn't count for us.

U: we need this in writing, clear guidelines and rules.

Mgt: A lot of this is management discretion.

U: You can always put that disclosure in there. But there's a lot of supervisors who don't know what to do.

Mgt: Each employee should have their set schedule. There may be some here and there still in the works. Most part majority has a set schedule. Will everyone agree? I don't know. Probably not. We're going to run the business.

U: it's not about agree or disagree, its about the notice, the transparency. People are feeling disrespected. So many missed opportunities to bring staff along. I didn't hear this last spring. Because the communication was there.

Mgt: Right because a lot of people did not come back.

U: It was what managers expected from their staff to be effective, they made those operational decisions that made sense. If you'd have said all of what you just said in advance people would have understood, but they feel disrespected.

Mgt: Each EE should have their set schedule in for the hybrid model.

U: People feel disrespected

Mgt: Hear that it was a shock.

U: Highlighted inconsistencies. It needs to be fair. Both managers/members asking for clear written guidance. Can we coordinate cubes better. Share between a few people.

U: Employee engagement?

Mgt: Working on FAQ's now

To be followed up by management in writing:

- Return to Offices/Hybrid
 - What is the guidance for... (will you need to re-schedule another day in the office within the same week?)
 - ...if your "day in the office" falls on a...
 - Holiday
 - Scheduled vacation day
 - Day that you take sick time
 - Day that you need to use FMLA
 - Day I am sick, but able to work, just shouldn't be around others for risk of spreading illness.
 - For selection of "in office days", how is seniority applied?
 - Can you eliminate a scheduled "in-office day" if you are required to report to the office for an in-person training/conference and it falls on your NOT "in-office day"?
- Parking
 - Accessibility Parking (with permit)
 - What was being provided to members before COVID?
 - What is being provided now w/ hybrid scheduling?
 - Who is eligible to park in the garage at 35 Chestnut?
 - What is the rate?
 - What is the process for application?

2. Surveyor PPE (follow up from last APC)

- Having to wear full PPE and Face shields.
- Requirement in non-patient areas, being able to eat etc.

Mgt: Yes, new procedures do address some of this. Going with CDC guidance

Mgt: Yes, communication does address this. See "levels not high". We're getting lots of questions we'll put together for an FAQ. GO through FM to ask then goes to me. Communication would address eating. Unless facility is requiring it you wouldn't need.

U: Most questions around when need/not need to wear PPE when not in patient areas. Agree that FAQ would provide needed clarification.

Mgt: New guidance is based on infection levels

3. Complaint Unit

Complaint intake training – more senior not offered it, handpicked people were. OT. Why?

Mgt: There was a group trained for triage etc. During covid had limited work offered to staff for phone work etc. That's where that pool of people came from.

U: so if there are positions available in complaints as hybrid will it be straight telework or hybrid.

Mgt: no position posted to be applied for now. Workload high so we're limited in the trainings we can offer, so can promise we put that out. We evaluate all the time. How many worked OT hours. It is what it is. If we get to that point we'll definitely offer it to staff.

U: need to make it clear in the posting, they appear vague. "May" be hybrid.

Mgt: sure. Will action that.

U: be clear in the description so people know what they're getting

U: also "occasionally" because we got lot from outside central ohio.

Some surveyors offered light duty in the Complaint Unit, some not.

Mgt: that would be confidential between HR and the EE. Inappropriate to comment. ST: 2 issues, one member was permitted another was not. RS: we have staff who are assigned desk reviews, and other instances. We are not singling people out. Based on work and need that we have.

Offering telework positions – what are they and will they be pulled like we just were? In a year from now they'll be forced into an office?

Mgt: During hiring it is communicated there is an expectation there is a presence in the office, based on need and work. There is always times when you will be asked to come to the office. It has never been the case. For those trained in the call center, they are now moving to these roles.

U: Question was about the "complaint depart". Members were asking if it would be true-WFH. Can more senior staff be trained to be eligible to work that position and add to their skill set.

Mgt: No positions currently in the queue for someone in the complaint department. It will be offered if needed.

U: Make it clear in the posting, avoid words like "may".

Mgt: Will take that back as an HR action.

U: Also, the word "occasional"

4. State Cars

How is the need for someone to have a state car evaluated?

Can we have the evaluations and an expectation of how many miles until get a state car. People are confused about the process and whether they can or should have a state car.

- U: It used to be quarterly. Concerning now since remote work, the need for cars for each individual evaluated quarterly?
- Mgt: Will look into it. 8704 miles, looked at quarterly. If there are any specific situations have them reach out.

5. Telematics – State Car Tracking

What is the status of this policy?

- Mgt: DAS has slow-walked it. Determining how to get the equipment into the cars.
- U: Wish we would have known that. A member just left due to the conversation that was addressed at the last APC.
- Mgt: Looking for trends and use metrics. We are not sure how the reporting will come back to the agency,
- U: Can we have that in writing?
- Mgt: No you can have that in conversation the oversight we have now is that if agency is contacted that state vehicle. Misbehaved, no one has the time to monitor/micro-manage. To my knowledge no one has left specifically bc of it.
- U: It is based on the lack of communication, bc they don't know.
- U: FSM request that DAS be informed that their cars will be idle due to eating lunch/taking breaks in their cars.
- Mgt: the intent is to keep people safe and find efficiencies. Not to play gotcha. We do not have any updates of how/when it will be implemented. Bear with us we will supply once it is given by DAS.
- U: What does slow-walk mean
- Mgt: They have slowed it down. They are negotiating on the logistics. We are waiting.
- U: Concern is that when an investigation is brought up, there is no limitation on how long back you can look back. Will other instances that appear be used. How long will data be stored?
- Mgt: When we hear of an incident, we look at that incident.
- U: We would like that to be in writing.

6. Surveyor Vacation Approvals

Offer vacated or withdrawn requests to previously denied members

Denials because schedule full but then Tuesday leave is retracted someone else leaving slots open. How can we get those out to members. Members denied should be offered that same day. It would enable more members to take off. Many retract their vacation Tuesday. Happens more than you think. Transfers leave time on the books, closing off the opportunity.

- Allow retracted requests to be filled by the next person who was denied.
- Waitlist during canvas
- Retracted Tuesday, don't get the schedule until Thursday, gives two day window of freedom.

- Mgt: No. Because when a spot opens we put it up so everyone can see it and bid. If you just go back and give it to that person another more senior might have wanted it had they known it was open way back when. Going back retroactively doesn't give the same opportunity.
- U: The more senior person didn't put in for it. But I accept your answer
- U: Is there anyway that cancellations can be done first then grant the requests?
- Mgt: Why we do, if we did cancellation first people would not know what was/wasn't open so that people know what they are putting in for. So that people are not applying in the blind confusing the process. Do not want a high amount of denials/requests that are based on non-existent spots.

Remove time off from transfers to open the slots and offer out.

- Mgt: Yes, their slot gets removed. If you see any, let us know. Internal transfers? They should not stay if they are no longer in the canvas.

7. NLTC Surveyor Overnights and Remote Working

- NLTC down to half staff – single digits

- Need recruitment incentive, what are ODH doing to get more NLTC
- We get pulled to do LTC specific but not vice versa
- Giving us less time for the surveys, one day and meant to use best judgement if needs to be overnight.
- These are all complaints, triaged. They put “Hold for Survey” on the next day. *How do I plan for that?*
- If they need to schedule two days then do it ahead of time, so we have notice and can plan.
- if it is one day schedule that, then allow return home and follow up remote with paperwork etc. if needed (we did remote during pandemic)
- Not knowing ahead of time is unfair, unfair to my family or my own personal commitments.
- If I had to return home there would be no reimbursement, either hotel or drive home on own dime.

U: First day the expectation is take a bag in case. That's not fair. You make that decision. If you're 80 miles away I want to plan. Give me a one day assignment. If I need the next day I'll just drive back. What is the issue? You would pay mileage or hotel either way. You're going to spend the money either way. Probably spend less on mileage. Hotel, per diem etc. you'll pay more than just mileage. Language says may, why do you care? Some NLTC facilities close, you can't go in early and stay late. Wasting my own time.

U: What is the expectation for 1-day over 75 miles?

Mgt: I have addressed that and it should be fixed in the SharePoint, if not let me know.

U: what is the rule? Example of member not being paid)

Mgt: do not know the specifics. You never know what you're walking into.

U: when you are scheduled 2 or more consecutive days you are required to stay overnight, but if it is not scheduled why would someone not be compensated for commute (travel time).

U: it is also when it is put on the schedule “hold for survey”.

Mgt: we do that bc we may not have identified all the complaints (example).

U: the way it was described was that a hold for a potential second day for the same survey.

Mgt: not the intent of “hold for survey”. Don't use it for that. We are not doing that.

U: so if we have to go home, will we be paid?

Mgt: can't speak to contract language.

Mgt: if you go home, it is on you.

U: RS addressed that its not intended for that.

Mgt: AB makes a good point to work through your FM. If we can work it out, we will. Needs to come up the chain to adjust.

U: can you give me clear yes/no on my example? Why can't we communicate that with our supe and commute? (silence inserted). RS and ES will talk offline and get back.

8. Surveyors: Weekend complaints by desk review

Follow up to August and November APC. ODH made request to Center for Medicaid Services in August. Waiting for follow up.

Mgt: CMS said no.

The Following is responses from management in writing on the items we did not have time to cover in the meeting itself.

Update on vacancies

- Numbers compared to November. Please provide specific details in each area.
- What efforts have been made to recruit and what success?
- What is ODH long term plan/vision?
- Is ODH requesting more money as part of the budget process?

- **Update on vacancies**
 - Numbers compared to November. Please provide specific details in each area.

<u>Date</u>	<u>Count of Filled</u>	<u>Count of Vacant</u>	<u>Total Positions</u>
1/30/2021	350	56	406
1/30/2022	338	80	418
9/30/2022	349	81	430
1/30/2023	343	85	428
 - What efforts have been made to recruit and what success?
 - What is ODH long term plan/vision?
 - Is ODH requesting more money as part of the budget process?
 - **We are anxiously waiting to see what the budget process will mean for ODH.**
- Return to office
 - What is the guidance for... (will you need to re-schedule another day in the office within the same week?) **Managers should be seeking guidance from their bureau/office chief to address the below based on operational need....if your “day in the office” falls on a..,**
 - Holiday
 - Scheduled vacation day
 - Day that you take sick time
 - Day that you need to use FMLA
 - Day I am sick, but able to work, just shouldn't be around others for risk of spreading illness.
 - For selection of “in office days”, how is seniority applied?
 - **Seniority is not a factor in determining office days.**
 - Can you eliminate a scheduled “in-office day” if you are required to report to the office for an in-person training/conference and it falls on your NOT “in-office day”?
 - **The supervisor will determine your scheduled in-office days and any variation to that schedule will be reviewed on a case-by-case basis.**
- Parking
 - Accessibility Parking (with permit)
 - What was being provided to members before COVID?
 - **DAS is responsible for the parking garage. DAS provides a finite number of parking spots in the garage for its tenants, like ODH. Handicap parking spaces were never part of ODH's parking allocation.**
 - What is being provided now w/ hybrid scheduling?
 - **The number of allocated spaces were reduced and as we vacate more office space, the number of spaces will likely further be reduced.**
 - Who is eligible to park in the garage at 35 Chestnut?
 - **Garage parking eligibility has not changed. Exempt employees are still eligible up to our allotted ceiling.**
 - What is the rate?

- Rates determined by DAS.
- What is the process for application?
 - Eligible exempt ODH employees must request garage parking from HR.

Ideas and suggestions to make in-office more effective/efficient/tolerable.

- Instead of the free-for-all hotel space, can we go back to the dedicated space for each section/program/department?
 - Each bureau or office has designated space in the building and program staff will sit in their program's assigned space. Program staff will not be scattered around the building. While no one will have a dedicated space in their unit, they will work closely with co-workers.
- Share cubes between a few staff?
 - Depending on the number of available cubicles in the unit, and scheduled days in the office, this may be possible. However, there is no requirement that programs provide this model.
- What is happening now; each workstation is not equal regarding technology (extra monitors, docking stations, keyboards, mouse, chairs in good working order). This causes staff to scramble every time they are in the office to acquire these items leading to pilfering from other workstations (which perpetuates the problem).
 - Equipment needs need to be shared with the supervisor for leadership approval. Equipment is not to be moved from station to station. Each station will be equipped with standard items and anything more than that will need to be requested with a justification.
- Member suggestion: each manager of staff be provided with a locker that is accessible to their team to store items that are needed while in the office to avoid those items being used by others (examples: ADA items: lumbar pillows, foot lifts, keyboards to address carpal tunnel, etc.).
- Implement/re-introduce cultural opportunities.
 - Special events (i.e., MLK presentations, Black History Month presentations, etc.)
 - Comradery items
 - Decoration competitions
 - We have added these suggestions for future management discussions.