

Ohio Department of Health and SEIU District 1199
Agency Professional Committee Minutes
April 3, 2023

Attendees:

Mgt: Jaime Erickson, Rebecca Sandholdt, Jill Shonk, and Elaine Stewart

Delegates: Angela Ball, Chris Binder, Heather Searfoss, and Geoff Davies

1. Clarifying using union leave

- Clarify 'de minimus'

Within six minutes is how ODH considers de minimus time. The time depends on the context of the situation. Small increments of time. Management-labor-management convos etc. Not all parts of ODH, managers, may be on the same page. Understanding from Elaine is that it is best judgment and raise if concerned.

2. Return to offices

- Still need clarification on "waiver" process, still getting report that supervisors don't know, or HR is not aware
- What is the process for "switching days". (Example; someone decides to take online classes. Their workday is over at 4:30, their classes start at 5:00. Members would not be able to travel from the office to their home before class begins. If they were WFH that day, they would be able to attend. The member wants to switch their current in-office day to another.
- Members are being told their days in the office are due to "business case". Members do not know what that means and their supes are unable to provide a definition.

The issue is that managers don't know how to apply the rules. Switching days because of a time commitment should be allowed. Supervisor says business case. Why couldn't switch. What's the guidelines that allow it?

Mgt: The official process is to use a form through the supervisor to ask for date changes for in office days. Coverage for the office is needed. It's addressed in the policy released. If supervisors are shaky, call HR and can help them through it. We're not hearing problems. Only have a couple exceptions (what you call waiver) that have been mostly worked through. If you have others let us know. There is a policy, form attached to policy. Telework Policy.

- We need a dedicated union space (for us and OCSEA). This "you can just jump into an empty office" is not acceptable.

Mgt: ODH's model uses fluid space. We don't assign space for most units. Can always get meeting space through ODH conference rooms. Even management staff have to use different rooms for meetings. ODH cannot give a dedicated space for union business. Many conference rooms on different floors. Shouldn't have a problem finding a room. Ad hoc needs, for privacy with a member on phone or otherwise, you can request. There will be somewhere for meetings and if not, there are rooms on each floor. Keyword for available rooms in the system. Jen Valentine (HR) can show you how to find rooms in Outlook.

- Can there be a better way of identifying open cubicles based on days? A member was in the office for a project. They took an “open cubicle”. However, someone who goes in regularly (like Tues/Thur) came an hour later and wanted to work there. The member then has to find another space.
- Can there be a sign placed of available days at the cubicle for those that report scheduled, so if you come in on a different day than scheduled or for a project you will know what is available? Members often use the same cubicle, can lead to conflicts for others coming in late.

Mgt: It’s just part of the change. Management will provide a bank of cubicles but not assign them to a particular employee.

Union: Also, there are not always enough cubicles that are properly equipped for everyone in the office.

Mgt: Employees cannot reserve cubicles. It’s up to managers to make sure there is enough space and material for employees on their assigned day.

- Equipment and workspace need:
 - A large number of workspaces are still not adequately equipped to just “plug in” when coming into the office.
 - Not all set up with screen/keyboard/mouse. Not all cubicles are the same.

Mgt: Cubicles are set up with standard items and if extra things are needed just request from your supervisor. Standard items include a monitor, docking station, strip, and keyboard.

Mgt to follow up and confirm equipment assigned to cubicles.

- Internet is very slow
 - Slow in the office, lots of not responding etc. Connecting to the network through docking is noticeably slower. Also dropping calls through mobile phone. Second floor NE specifically.

Mgt: Is it just more repeaters needed? Submit a ticket to OMIS for review.

- “Drills” were held yesterday at the 35 Chestnut building. We were alerted at 1:17 (see email attached). We still have staff occupying the 4th floor. Also, considering the events of yesterday (Nashville), to not provide advanced notice of this is unacceptable. This “drill” could potentially cause unintended trauma to members/staff especially those already experiencing PTSD.

Mgt: We didn’t get notice either. DAS/ODH communication. The agency is working together with DAS Safety and Security to prevent repeating this incident. The drill was conducted last minute. Requested DAS provide advance notice as far in advance as possible to HR.

3. Communications

Recently the process to communicate with external stakeholders and to perform job duties (hold meetings, provide technical assistance, capacity building) has been changed and is impeding work in our bureau (HIV, STI & Viral Hepatitis).

- Is this consistent with other bureaus?
- Requesting clear guidance coming directly from leadership (bureau chiefs, deputy director) be communicated to bureau NOT through dissemination through supervisors (is leading to inconsistencies).
- Requesting a clear process for material review through Comms, including specific timeframes to submit and approve so we can plan.

Union: it's not only communications it's going to chief of programs. We don't know how long things are taking to get through or put back to be able to plan or cancel now, for a presentation in May.

Mgt: HR is aware of backlog and continuing effects. It is impacting all areas of the agency. Those that release data and needed reports. It's not just the Communications unit that reviews presentations, it also is reviewed through the Policy unit.

Union: The department leadership should communicate with Comms about what expectations there are especially when comes to template data or not new/updated data. Can we have guidelines on what lead times should be for specific data/reports. What needs reviewed, what doesn't, what the review timelines expectations are or report from Comms and Policy?

Is Comms doing content and form or is from Policy?

Mgt: Comms is more content/layout/presentation. Some presentations will require policy review as well. There will be a review to mitigate, also have department leadership take it up the chain (HR) to expedite. Ask for estimates and act accordingly.

4. Surveyor PPE – need FAQ



- Union: Is the PPE up to date now? Supposed to follow facility guidance and revert to CDC where there is no guidance. Is there a cut off date for precautions, May 11TH?

Mgt: Finding out answers. County levels are available on the CDC website. Full PPE guidance for conferences/meetings in facility may change May 11 with end of COVID-19 emergency. As of now CDC is still applicable. CDC is now likely to treat covid like flu. Will update as we go. Concrete updates to come when they come.

5. Complaint unit

- Members believe that management is inconsistently posting office-based surveyor vacancies. HR needs to make it clear in the posting if the position is remote, work from home or hybrid. It needs to be clear in the description, so people know what they are applying for.

Mgt: There are no office-based surveyor positions posted for surveyors. The workload in the complaint unit is high so we're limited in the training we can offer for staff. There was confusion about the posting for a complaint unit office-based surveyor. Will normally put hybrid on posting, however that wasn't affirmed when we originally posted. There is an active grievance that will be scheduled for mediation on management's decision not to repost the vacancy. For future purposes all complaint unit positions will be telework from home until further notice.

6. Telematics policy – review and feedback

- How will the information in Fleet Telematics be used?
- What is the purpose of the information?
- Is this about the vehicle or the human?
- Kronos and vehicle movement? Is it being monitored? Getting home vs actually stopping working? Crossing threshold?

Mgt: The leased vehicle policy is already effective and the new telematic information is embedded within. After this week, the equipment will be installed on all agency fleet vehicles. There is no other information available about the operation of the equipment at this time. We will update at APC when that information becomes available.

Union: There is nothing in the policy to address how management will use the data. Will the collected information be used for performance issues and potential disciplinary actions and investigations.

Mgt: If there is a complaint or performance/attendance issue, management would have a reason to look. HR would use every tool to investigate a rule violation.

Union: Would you look at a specific incident or all info?

Would review of car data be for routine use or incident specific?

Mgt: incident specific or performance related. This is a DAS effort; they own the vehicles and the monitoring equipment. They might do quarterly reports.

Union: diagnostics/monitoring? Who is doing that? Can the data be compressed by environmental conditions? Will it measure a surveyor sitting idle while having lunch. What are they looking at?

Mgt: They're looking at trends, not specific issues. Cannot address how it can/is to be used.

Union: We disagree its ability to use the data is not circumscribed. You say its not but there's no disclaimer or waiver to describe it. If you are not paranoid, you are not paying attention. How is the data stored/used? Geocoding, potential for sale etc.

Mgt. No expectation of privacy. It's all DAS and we can't say how they'll share it.

7. Overnights – response due from management

Many field surveyors are requesting to not stay overnight due to the schedule changes being within the same week. If we do not know our schedule on Monday, how can we be expected to plan for overnights on Wednesdays? This is clearly management not realizing that field surveyors have lives and cannot continue to give up our time with our families, especially not being paid travel time for a simple 2-day survey. This is bad retention practice also.

- Ex. schedule update Monday for Wednesday to Thursday.
- Need at least four calendar days notice, if not then grant travel time within shift.

You have to get paid for travel time. If you're scheduled for two days your travel time back is not paid. The issue is not enough time with the schedule change.

Two issues:

- Overnight may be required
- short notice

If its short notice and does not require the overnight stay, allow you to drive home on paid time (within shift). Contract says three or more, then okay but that's in advance and is scheduled. But if you schedule me overnight within the week without enough time, that's not reasonable to make arrangements for changes. Frequency? Happened to me twice this quarter. Had five other people this year asking to file a grievance. Have advised to work with field manager. If assignment today, and you realize you have to go back next day? – my FM stated because not scheduled then pay for travel time. Over 90 miles but obviously not prepared. But if its continuation not had anyone say they were required to stay.

Wasn't a big issue previously. What has changed? Unknown.

Mgt: will report back next week on our internal discussion on this. It could be staffing or emergent issues. Yes, but it's about the management discretion to require.

Mgt: Response from “hold for survey” – this has been addressed. We’re not putting hold for survey because we’re expecting a survey the day before to go over, its ahold for another survey yet to be assigned.

Union: So, there is no expectation of overnight or staying there? Is this terminology used.

Please consider using a different phrase/label – To Be Assigned, Survey Not Yet Assigned etc.

Okay.

8. NLTC (ACC) Overtime

- Concern of repeatedly mandating what few NLTCs we have
- Subcontracted surveys? How many ESRD surveys are being contracted out? What is the extent of contracted out surveys, NLTC and LTC
- Plan for NLTC vacancies/numbers?

Mgt: We haven’t mandated an Acute and Continuing Care Surveyor (ACC) for more than a year. The holding class is generally going to be attritioned out. We will have to train people to take the different surveys. When we put out the opportunities, the senior surveyors in the holding class take them, which limits opportunities to get other LTC surveyors trained in ACC provider types. There are only so many slots available and they will need a long time to fulfill the on-the-job training required. If we offer slots for OT/PT, there may not be slots to get others onboard to help those in the holding class. When mgt has only one surveyor for that provider type we need to build a bench. When we have gaps in provider types and when someone leaves, we put out notices for training opportunities and the training unit sends out the email. People respond and then seniority rules when equal. End up with ACC surveyors asking to be trained. Solution, let others get in there for the various survey types.

9. Concern about outsourcing ACC surveys

Mgt: There has been no discussion about outsourcing that we are aware of. There are time CMS will ping the states for ESRD surveys they can do. CMS do separate surveys, “look behind” they might be federal surveyors or a contracted-out surveyor but they’re doing the work for CMS for a specific survey. Its not a general outsourcing of our surveys to federal or anyone else. We know when CMS announces and then they ask us to repond within couple of days. Its irregular.

10. Vacancies

- Update on current vacancies (number, filed/unfilled) – **ODH will provide**
- Upcoming budget – “eagerly awaiting” what is ODH asking for, what is it earmarked for?
- We want to make sure we are on the same page where we can be in what is being required and what for.

Mgt: Good points, but no details yet. Also new department Child and Family. Watch the directors budget testimony – it clearly lays out what was in the proposal.

- anticipated retirement dates. Recruiting needs to be proactive to replace those leaving.

Mgt: We do have reporting on employees eligible for retirement but often employees stay. Sometimes we can do closed predictions if an employee gives notice of retirement early.

Union: We have new supervisors, and the rumor mill is there will be a reorganization.

Mgt: We will be notifying staff April 9th.

11. Write Up Time

- Field surveyors have been instructed that in order to receive time to finish their assignments they must give detailed explanations of ANY write up time requested. Even with the detailed explanations multiple surveyors are being denied writeup days and even overtime for write up.
- *Rebecca Sandholdt, May 2022: "As I've been having these meetings with field staff, I've been specifically talking about write up time. It is to be given. I've said if you come to your FM and you have 6 hours of writeup time and you have logs, admin and so on as well put that in your ask to your FM to allow that field manager to approve to request that day for you."*
- Standardized form to request COA – justification. What now is that any overtime/COA is getting sent to regionals. Requirements for detailed justification for extensions etc.

Mgt: There is no form required to ask for writeup time. FMs have authority to give write up time. You have to provide justification or a reason in email or verbally of why and what is left to do and how much you need. They may respond and approve four or six hours to see where you are after that. If its overtime though they might so no or do it Tuesday.

Union: So, this detailed justification isn't required? RTS vs OT request, that's the form provided to us.

Mgt: Don't know what all the FMs are doing and will clarify with them at the next managers meeting. If surveyors have issues, I would encourage them to reach out to Sandholdt directly so we can pinpoint and identify areas that need addressed.

12. Field Managers – what is the current organizational structure/table.

- Increasing need for further approval from regionals.
 - There's no requirement for more. Its awareness and consistency. Informing the administrator doesn't stop the process of whatever was requested.