

Flextime /Alternative Work Schedule Changes

Frequently Asked Questions

When did OCSEA learn that management might attempt to change work schedule policies?

During the second week of February, the union obtained a copy of a Feb. 5 memo from DAS concerning time and attendance policies. Union staff began to monitor state offices for any changes. On Feb. 14, we obtained a recently revised Dept. of Commerce policy concerning hours of work that appeared to be issued in response to the DAS memo. At the same time, the union started receiving complaints from DAS and Commerce employees who indicated that they were being told that flextime and alternative work schedule arrangements were going to be lost. This week, a *Columbus Dispatch* reporter also called the union to tell us that they, too, had received several complaints from state workers about work schedule changes. On Feb. 21, OCSEA was again contacted by the *Dispatch* reporter who said that he was able to confirm that DAS and Commerce had issued their respective memo and policy change to crack down on flextime and alternative work schedules. OCSEA's communications director was interviewed by the reporter for the story that ran in the paper Feb. 22.

How does the labor contract between OCSEA and the State of Ohio address this issue?

Beginning with the agreement first negotiated in 1986, the contract has contained Art. 13, Section 13: "Flextime/Four Day Work Week." This section has been only slightly modified over the years and says, essentially, non-standard schedules can be offered "where practical and feasible" using methods such as flextime, four-day workweeks and other flexible hour methods.

Art. 5 gives management the right to determine the starting and quitting time, and the number of hours to be worked by its employees. In addition, Section 13.02 also states that management has the right to limit the number of persons scheduled to be off work at any one time.

Section 44.04 states that OCSEA shall be notified prior to the implementation of any new work rules and shall have the opportunity to discuss them.

Art. 8 calls for agency labor-management committees to meet at least twice a year to promote a climate of constructive employee-employer relations and to discuss changes contemplated by management, future needs of management and union suggestions of alternatives to contemplated changes.

Finally, Art. 14 establishes the "quality" program to foster collaboration of management and bargaining unit talents to develop and deliver quality services.

Does this mean that flextime isn't guaranteed in the contract?

There is no promise or guarantee of flextime in the contract. Management has always insisted on the right to determine work schedules and sufficient staffing of state offices. When flextime and alternative schedules have been established, management has the right to change or end these arrangements when they are no longer practical and feasible. But Art. 44 and 8 would suggest that management has the duty (if not the ethical obligation) to notify and discuss these changes with OCSEA in advance, which was not done.

If management already had the right to set customer service hours and review flextime agreements, why did DAS issue its Feb. 5 memo?

That's a good question. It's difficult to read the memo and not believe the purpose was to prod state agencies into canceling flextime and four-day workweeks. Indeed, at least one agency (Commerce) did just that.

An even better question is why did DAS on Feb. 22 feel the need to issue a "clarification" of its memo if there wasn't a problem with how state agencies were implementing it?

Haven't some of these flextime agreements been in place for years?

Yes. We believe some flextime agreements, which were the result of significant discussion, research and revisions by various labor management committees, may have been in place for over 15 years.

Some of these agreements are also rooted in the old Quality Services through Partnership program under former Gov. George Voinovich. In 1994, one of the first Quality recognition events honored the work of a labor-management team in a state agency that reorganized its work schedule in order to be able to offer more hours of telephone-based assistance to the public.

Doesn't management benefit from these flextime and alternative schedule arrangements?

Yes, they – and taxpayers – have benefited a great deal. Consider three examples.

- To improve customer service, some agencies and divisions decided to expand office and telephone hours such as from 7 a.m. to 7 p.m. Management realized that this would require staggered report-in hours to avoid excess overtime or hiring additional staff, and worked with the union to establish a system that would make sure that these programs were sufficiently staffed during the additional hours.

- To save money, some agencies and divisions realized that some of their employees who worked in the field could work more efficiently by working four ten-hour days. This would eliminate the need for one set of hotel and meal expenses per week per employee while still getting the job done.

- As the largest employer in central Ohio, state officials were approached in the 1990s to see what could be done to ease rush hour traffic congestion in the Columbus area. Transportation planners said the traffic jams were costing tens of millions of dollars a year in wasted productivity and fuel costs. Management and union officials then worked to implement flextime programs to spread state worker commutes to times outside of normal rush hours.

Management alleges that changes are needed because flextime and alternative schedules is leaving some state offices nearly empty on Fridays.

We don't know whether or not some offices are understaffed on Fridays, but if that's true, the DAS policy memo is not going to fix it.

Is management showing any signs of retreating from this issue?

It's too early to know for sure, but after two weeks of silence, DAS officials sent out an email on the day the *Dispatch* article appeared, to "clarify" that non 8 a.m.–5 p.m. work hours (such as 7:30 a.m.–6 p.m.) and flextime "may be considered" and that a four-day work week may be used when warranted for "business reasons."

Thus, it appears that DAS may have flip-flopped on these issues, but only time will tell. OCSEA will continue to monitor the situation in each agency and will be asking union leaders who serve on labor-management committees to keep a close watch on the situation.

Did Gov. Strickland order DAS to issue its memo?

We don't have any evidence that he did or that he played a direct role in this matter. He may have been informed at some point about the memo but we doubt that any of his cabinet members briefed him on the history and reasoning behind the various flextime and alternative schedule arrangements that had been in place for years.

We suspect the responsibility for the memo rests with some ill-informed bureaucrat who was not fully aware of the negative consequences that could result from such a policy change.

What is OCSEA is doing now about this situation?

The union is preparing a letter to be sent to Gov. Strickland. The union also is seeking to meet with him and his cabinet members to discuss history behind some of the flextime agreements. OCSEA also wants to press for getting supervisors and managers trained on how to schedule their workforces properly to avoid situations where offices are left with only skeleton crews during normal operating hours.



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