

CHRO NEWS

Chief Human Resources Office Newsletter

January 2017

Inclement Weather Policy

Inclement Weather

It's that time of year when we need to worry about the weather.

The central [Building Closure Notices / State Offices](#) web page provides the following information:

- Current building closure announcements
- An employee's ability to receive text messages or emails about certain building closures
- Resources which include sample posters an agency may customize for printing and posting in the worksite, and a link to the Temporary Interruption of Work policy

You can review our [Temporary Interruption of Employment policy](#) and [Leave Guide](#) on our website. If you have additional questions you can contact CHRO policy unit via [email](#) for policy questions and your [DAS Labor Relations Manager](#) for Collective Bargaining Agreement questions.



2017

Legislative Process

The CHRO Policy team will be tracking all of the human resources bills. Once all of the bills are reviewed we will be dividing them up amongst the team for tracking (Susan Hoeye, Wendy Heckman, and Susan DeJooede). The bills will be sorted based on knowledge of the subject or by whomever is assigned the applicable HR policy.

There are lot of bills to be reviewed and we will do our best to keep you informed. Look for updates in HR Directors meetings. If you have a question or see a bill you think we should be tracking please email the [CHRO Policy box](#).

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Bargaining Timelines Made Easy

Negotiations for successor collective bargaining agreements between the state and organized labor are under way.

Background

Our collective bargaining agreements expire on June 30 of each odd-numbered year, so the LRU negotiates successor contracts to continue most provisions, but update some economic provisions, such as wages, insurance and often other non-economic provisions. The negotiations are authorized and subject to statutory provisions known collectively as PECBA—Public Employees Collective Bargaining Act. They start at ORS 243.650 and continue through ORS 243.762.

Bargaining Starts

Bargaining typically starts when representatives of management and organized labor meet and exchange proposals, but it can also start by mutual agreement between the parties. The parties then meet and sign an agreement to initiate negotiations, which typically occurs between December and March.

150 Days of Good Faith Bargaining

The PECBA statutes place a period of 150 consecutive days of good faith negotiations as a reasonable period for bargaining. The parties may reach agreement on all issues raised at bargaining prior to the expiration of 150 days and thus complete bargaining, or may mutually agree to extend the period, depending on how close they are to resolution of all matters. It is very rare, but failure to meet and bargain in good faith within the 150 days can trigger a complaint with the Employment Relations Board, and potentially result in the parties required to extend bargaining by the demonstrated period in which good faith bargaining did not occur. In at least the last 22 years, that complaint has not been raised by either the state or organized labor.

Mediation

After the 150 days has expired, either party may request the assistance of a mediator from the Employment Relations Board. Mediation starts on the day of the first mediation session, and must continue for at least 15 consecutive days, unless the Mediator declares impasse earlier. It is not uncommon for mediation to continue longer than 15 days, if the parties are making progress in resolving the pending issues. It can be difficult to schedule the services of a mediator, because there are only three to serve all public employers within Oregon. In most years, mediation with the state lasts longer than 15 days, and can extend into June.

May Revenue Forecast

One of the key milestones in state bargaining is the May revenue forecast. The legislature relies heavily on this forecast to reach budgetary funding conclusions, and the parties to state collective bargaining also take careful note of this event. The forecast tends to bring closure to many of the funding decisions that may be waiting for confirmation of revenue levels. It also brings finality to the amount of funds available for the negotiators to bargain with.

Mediation Does Not Result in Settlement

If 15 days of mediation does not result in a settlement, then either party, management or organized labor may declare impasse. If this is done then the parties have seven days to submit the final offers and cost summaries to the mediator. These are then published through newspapers of general circulation or are otherwise made public.

Cooling Off Period

Upon publication of the final offers, negotiations enters a 30 day period known informally as the *cooling off period*. Mediation frequently continues during this period in an effort to reach resolution, and in most cases does result in a tentative agreement.

End Game

At the end of the cooling off period, if settlement has not been reached, then the employer has the right to unilaterally implement its final offer. Organized labor also has the right to strike, provided they submit a ten day notice to the employer to do so and provided their contract has expired. However, strikes against the state are rare. The last one occurred in October, 1999, and was resolved within a week.

Summary

Given the statutory time lines for bargaining, mediation and tentative agreement, it is reasonable to expect contract settlements to occur in mid to late July, at the latest. The state has an experienced and capable team of professional negotiators in LRU, and organized labor has capable and pragmatic negotiators representing their bargaining units, so we are looking forward to constructive talks over the next several months and win-win settlements.

2016 State of Oregon Salary & Benefit Report

The Classification and Compensation Unit completed the [2016 State of Oregon Salary & Benefit Report](#). This report is done biennially. It compares the compensation of over 500 state executive branch job classifications to the compensation rates found in relevant job markets. The report facilitates the state budgeting process and collective bargaining negotiations as they relate to state employee compensation and benefits.

The Classification and Compensation Unit recently completed studies of 75 state job class specifications. This involved working with agency subject matter experts to update or revise the description of work, re-evaluating their minimum qualifications and/or salary ranges. In most cases, implementation of new or revised class specifications is subject to the collective bargaining process that will begin in early 2017.

[Comprehensive list](#) of current class studies.

Tips for Storing Paper Files Electronically

Brought to you by the CHRO HRIS Project Team's Employee Processing & Business Team Lead, Jay Wayland



Identify the copy of record.

A common tendency is to keep multiple copies of a document in many locations. Moving all of these copies to an electronic database wastes time, is inefficient, and can lead to confusion.

Gain buy-in from Senior Managers that migrating to electronic storage is right for the agency.

Talk about the cost / benefit including the cost savings in terms of payroll, physical space reduction and how much easier it will be to access documents from a single electronic source.

Begin talking about it with your staff, and think about formal change management efforts.

It's hard to break a habit that you've been doing for years. It's natural to print and file PAs or emergency records, timesheets and offer letters. Focus on the benefits, and reinforce the behavior you want to see within your agency.

Begin reviewing the Secretary of State's [archive rules section](#).

If your files are past their scheduled retention period, what guidelines are you following to ensure consistency? Make sure that when you purge, you are following Secretary of States archivist schedule. A common tendency is to keep multiple copies of a document in many locations. Moving all of these copies to an electronic database wastes time, is inefficient, and can lead to confusion.

Ask other agencies for help.

Over the last two to three years, several state agencies have moved to a paperless environment. Reach out to your colleagues and learn from their successes and mistakes.

HIPPA is not a "blanket" covering everything.

Only a small fraction of documents encountered by HR departments are covered under HIPPA. [Read the rules](#), and be informed.

Agree on a file structure that makes sense to staff.

If the new electronic file structure doesn't make logical sense, or if the software isn't user friendly, staff will wind up more frustrated than ever. This may begin a process where documents are saved in multiple unknown and potentially unsafe areas.

Visit the [HRIS Project webpage](#) for more project information and to contact project staff with any questions.

Department of Labor - Overtime Eligibility (FLSA)

Over the past year, the Chief HR Office has tracked the Federal Department of Labor's development of rules that would affect the overtime eligibility status of millions of workers. In preparation of the rules that were to take effect on December 1, 2016, we identified 12 state job classifications that would need to have their lower steps dropped from the compensation plan in order to maintain exempt status. This would have resulted in approximately 95 employees receiving unscheduled step increases to remain above the new salary exemption threshold. We also found, in light of the new rules, another 20 state job classifications should move from exempt to non-exempt status. This would have impacted approximately 55 employees in 26 agencies.

Our Labor Relations Unit was in the process of finalizing letters of agreement to make changes to classified represented compensation plans. Compensation plan changes for both represented and non-represented employees were planned to be implemented immediately after reporting to the Legislative Emergency Board on December 14, 2016.

On November 22, 2016, a federal judge granted a preliminary injunction to halt the DOL's implementation of its rules. While we anticipate subsequent court determinations and/or appeals, it is unclear when a final decision will be reached. Consequently, we are placing a temporary hold on all compensation plan changes related to the federal rule change. We have reached agreement with SEIU and AFSCME to hold the pending LOA's in abeyance for the time being.

The CHRO will continue to monitor legal developments and plan compensation adjustments accordingly. The CHRO Class & Compensation Unit will identify which of the 55 employees whose positions should be individually reviewed for FLSA exempt/non-exempt status under the current federal regulations. Staff from the C&C Unit will contact agency HR staff and/or management directly regarding these situations. Please contact Mark Rasmussen, Classification & Compensation Manager, by [email](#) or phone at 971-283-6814 if you have questions.



Criminal Records Check

CHRO is anticipating follow up from the legislature regarding the implementation of HB 3168 from the 2013 legislative session, which required DAS to adopt state-wide administrative rules for consistency in the criminal records process. These rules became effective on January 4, 2016. As a result of the implementation of these administrative rules, agencies are required to comply with HB 3168 from the 2013 session, which states the following:

SECTION 6. Notwithstanding section 1 of this 2013 Act and the amendments to ORS 181.533, 181.534, 181.537 and 418.016 by sections 2 to 5 of this 2013 Act, rules adopted by an authorized agency, as defined in ORS 181.533 or 181.534, and the Department of Human Services or the Oregon Health Authority under ORS 181.533, 181.534, 181.537 and 418.016 that are in effect on the effective date of this 2013 Act continue in effect until superseded or repealed by rules adopted by the Oregon Department of Administrative Services under section 1 of this 2013 Act.

If you have any questions about repealing or amending your agency administrative rules, please contact Wendy Heckman by [email](#) or telephone at (503) 930-6770. Wendy will be reaching out to agencies individually to discuss the necessary steps for compliance.