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CHRO Welcomes a new deputy

Jessica Knieling joined DAS on January 25, 2016, to serve as the Deputy CHRO. Most recently Jessica was the HR Manager for Corrections, and prior to that the HR Manager for Employment. Jessica is no stranger to DAS, she served a short job rotation to help implement ACA.

In addition to supporting Madilyn Zike, Jessica is responsible for DAS' employee services team, which includes recruiters, HR analysts, and Client Managers - all of whom serve the HR needs of DAS employees, managers and client agencies. Jessica also leads the CHRO Policy Team - the group that oversees development and implementation of HR policies across state government in support of the state's goals and agency business needs.



CHRO Organizational Changes

DAS' previous structure included two human resources groups, CHRO to address statewide functions and EHRS to serve DAS and client agencies. We have blended the two groups under one leader, Madilyn Zike, to emphasize her belief that people are our most valuable resource. Together they will comprise the Chief Human Resources Office.

The primary parts of the department will report directly to Madilyn, including the Deputy CHRO, Classification & Compensation, Workforce Development, State Labor Relations, HRIS Project Team, Documentation and Records Management. Most areas will have a manager or lead workers who will support the day to day functions of the teams.

Jessica Knieling, the Deputy CHRO, will manage DAS HR, including Client Managers, Safety, and Recruitment. She will also manage Statewide HR services – such as the Policy Team and Executive Recruitment.

Mark Rasmussen, the Classification & Compensation Manager, will continue to manage Statewide Classification and Compensation but he will also manage Classification and Compensation for DAS and Client Agencies.

State Labor Relations will report directly to Madilyn, and will function day to day with lead workers, Nettie Pye and Craig Cowan.

HRIS Project team, which is located in the Real Estate Building, will report directly to Madilyn with Project Business Manager, Twyla Lawson ensuring day to day operations continue.

Lastly is the development of a new part of the structure, Documentation and Records Management. This area will be managed by Bonnie Poole. She will manage administrative staff and the HR Assistants. We believe coordinating our administrative functions under one individual will allow us to provide more coverage, cross training, and career ladders.

Oregon Sick Time Legislation

The new Oregon [Sick Leave](#) law was effective on January 1, 2016. CHRO collaborated with OSPS and DOJ to update the Sick leave policy, create a toolkit that contains an FAQ and payroll process flow charts.

Temporary employees who work for the State are now eligible to accrue sick leave. The law requires employers to provide one (1) hour of sick time for every thirty (30) hours worked. Employees may use the sick leave on the 91st calendar day of employment.

See the State HR Policy, [Sick Leave with Pay](#) (60.000.01) for specifics on how the state applies the law to policy.

New legislation allows employees to take accrued sick leave for their own condition and to care for family members (as defined under OFLA) with health conditions. Employees must give agency advance notice. The law prohibits discrimination against employees for inquiring about or using sick leave. Violations are considered an unlawful practice subject to BOLI jurisdiction.



Additional Information

BOLI has created a [webpage](#) specific to the new [law](#). You can access [frequently asked questions](#), the [administrative rules](#), and a [representative](#) to ask questions.



Labor Relations >>>

Safe & Healthy Workplace Committee

The 2013-2015 collective bargaining agreement between SEIU 503 and the Department of Administrative Services established a statewide Labor/Management Committee on Safe and Healthy Workplaces. (Letter of Agreement 101.00-13-249.) The Committee is comprised of three union representatives and three employer representatives.

The Committee's purpose is to develop strategies to promote safety and health in the workplace, to provide support and direction to local Labor/Management Committees, it will further to recommend resolutions to the DAS Director for safety and health issues be resolved by local Labor/Management Committees and referred to the statewide Committee.

Additionally, agencies are to annually report to the Committee those positions receiving trauma training. The Committee will establish the method for agencies to report that training.

We have created a form for agencies to use to forward issues on to the committee which are not resolved by local Labor/Management Committees.

The form can be submitted electronically to: Safe-andHealthy.LMC@oregon.gov.

The committee plans to be at the next HR Director's meeting to share more information about the purpose of the committee and to solicit input on potential areas agencies would like to see additional focus related to safety and health in the workplace.

Committee Members

Mary Stewart, Labor Representative
Steve DeMarest, Labor Representative
Mike Filippelli, SEIU Non-Committee Attendee
Robert Salinas, Management Representative
Donald Smith, Management Representative
Nancy Cody, Management Representative
Nettie Pye, DAS Non-Committee Attendee

You can access the [Issue Statement](#) on-line.

OFLA!

Reminder! Agencies should not terminate health insurance coverage for employees out on unpaid leave under the Oregon Family Leave Act (OFLA). Agencies are required to pay their portion of the premium and make arrangements to collect the employee's portion.

For more information go to BOLI's [Technical Assistance for Employers site on the Oregon Family Leave Act \(OFLA\)](#).

Arbitrator Awards Back Pay

Arbitrator awards back pay in paid administrative leave case.

Background

An employee represented by an AFSCME local was placed on paid administrative leave during an investigation concerning a complaint that the employee had physically abused a client. The investigation did not result in any disciplinary action and the employee was returned to work. A grievance was filed on 9/11/14, stating the employee had not been paid any Overtime Pay he would have received, if not while on the administrative leave.

Management's position was since the employee did not work overtime, he did not earn the penalty payment associated with overtime.

The Union argued Management's decision was improper discipline without Just Cause.

The grievance resulted in an arbitration hearing on July 31, 2015, with final Post-Hearing Briefs submitted by September 24, 2015. Arbitrator Gary Axon issued his decision on November 13, 2015.

Arbitration Decision

The Union prevailed in its interpretation. The Arbitrator determined the Employer had violated the provisions of Discipline and Discharge in the collective bargaining agreement, and ordered payment for the lost overtime opportunities, time when the Grievant was Duty Stationed at Home. Mr. Axon found there was sufficient evidence the parties could:

"...calculate with reasonable certainty the amount of overtime opportunities (the Grievant was denied when he was duty stationed at home for the seven-week period."

He also cited, as support for his decision, a relevant Collective Bargaining Agreement clause which states,

"Where an employee is placed on administrative leave with pay during an abuse investigation or disciplinary investigation, and that employee agrees to volunteer to be placed on M-F, day shift without penalty for the period of the investigation, that employee shall continue to be paid any shift differential for which he/she would normally work."

The Arbitrator concluded the withholding of the overtime payment was a reduction in pay without just cause, constituting discipline.



Criminal Records

Statewide Criminal Records Rules were implemented on January 4, 2016 for all authorized agencies. The administrative rules and criminal records information can be found at <http://www.oregon.gov/das/HR/Pages/crc.aspx>.

Updated Forms

CHRO is working to update all of its forms. For a complete list, please visit our [DAS forms](#) website. We have already updated forms and sample letters in the [Family medical leave](#) toolkit. In addition, look for a new [Recruitment toolkit!](#)

More information and forms to come!

Legislative Update

Following is a list of enrolled bills for the 2016 Legislative Session:

- [HB 4067](#) - Whistleblower
- [HB 4086](#) - Provides temporary unemployment benefits to individuals unemployed due to lockout.
- [HB 4106](#) - Limits temporary adoption, amendment or suspension of rules.
- [HB 4127](#) - Requires gender neutral language regarding defining marital status.
- [SB 1532](#) - Minimum wage
- [SB 1587](#) - Requires itemized statement to each employee each pay period.

ask the experts >>>

Q: Does sick leave and holiday leave count toward temp hours?

A: Yes

Paid sick leave and holiday pay (when applicable) DO count toward an employee's 1,040 temporary hours per year.



DOL fair labor standards

The Department of Labor (DOL) is proposing to update the regulations governing which executive, administrative, and professional employees (white collar workers) are entitled to the Fair Labor Standards Act's minimum wage and overtime pay protections. The DOL last updated these regulations in 2004, and the current salary threshold for exemption is \$455/weekly, \$23,660/annually. With this proposed rule, the Department seeks to update the salary level required for exemption to ensure that the FLSA's intended overtime protections are fully implemented, and to simplify the identification of nonexempt employees, thus making the executive, administrative and professional employee exemption easier for employers and workers to understand and apply.

Overview of Proposed changes

- Annual indexing of salary level
- Increased salary level test to \$970/weekly, \$50,440/annually
- Increase the highly compensated employee salary level
- Eliminated fee basis for Administrative & Professional employees
- Duties test is essentially the same

Currently CHRO has a workgroup working on how the state will implement the change. We are uncertain at this time when and if the proposed rule will take effect. The April 2016 Issue of Thompson Guide "FLSA Handbook" reports that the DOL's Solicitor of Labor, Patricia Smith says the final rule will be released in July of 2016. Once released, we have 60-days to be compliant.



human resources >>>

Current Openings

[HR Analyst 1 \(Recruiter\)](#)

[HR Analyst 2 \(Business Partner\)](#)

[HR Analyst 3 \(HR manager\)](#)

hris update >>>

Change Management from HRIS

Implementing a new HRIS for the state is a big change! One major key to the success of the new system will be how well we manage this change. To help with this, last fall I became a [Prosci®](#) certified change management professional. My plan is to begin to help share this knowledge with the HR community through different efforts such as training, articles and more. Below you will find information about change management to get us started. Next we are planning to provide a basics of change management training at our upcoming HR Community event. Please mark your calendars for June 8 and watch for details. We hope you will join us! – Twyla Lawson, Business Change Manager, HRIS Project, CHRO

WHAT IS CHANGE MANAGEMENT?

Change management is a formal discipline that guides how we prepare, equip and support people to successfully adopt change to drive organizational success and desired outcomes. While all changes and individuals are unique, research shows there are things we can do to help influence people in their individual transitions through change. Formal change management provides a structured approach with tools and models we can use as HR professionals to move our employees from their current state to a future state, thus achieving greater success for the organization.

Change management starts with looking at the

individual and their part in change.

Individual Change Management

(by PROSCI®)

While it is the natural psychological and physiological reaction of humans to resist change, we are actually quite resilient creatures. When supported through times of change, we can be wonderfully adaptive and successful.

Individual change management requires understanding how people experience change and what they need to change successfully. It also requires knowing what will help people make a successful transition: what messages do people need to hear

when and from whom, when the optimal time to teach someone a new skill is, how to coach people to demonstrate new behaviors, and what makes changes "stick" in someone's work. Individual change management draws on disciplines like psychology and neuroscience to apply actionable frameworks to individual change.

After years of studying how individuals experience and are influenced in times of change, Prosci developed the [ADKAR® Model](#) for individual change. Today, it is one of the most widely used change models in the world.