

2003 INNOVATIONS AWARDS PROGRAM
Application Form

Submission by the State of Ohio, Department of Natural Resources

1. Program Name – Project Employee
2. Administering Agency – State of Ohio, Department of Natural Resources (primary);
Ohio Department of Administrative Services, Office of Collective Bargaining
(secondary)
3. Contact Person (Name & Title) - Shelly Ward, Labor Relations Officer
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8. Please provide a two-sentence description of the program. – Through the collective bargaining process with the Ohio Civil Service Employees Association (OCSEA), a new provision was created that allowed state departments the ability to discuss/create a new appointment type category through their local labor-management process. ODNR and OCSEA jointly developed guidelines to create a Project Employee appointment type category which is a limited duration, union employee to perform work on specific projects usually tied to federal or state grants for identified period no less than 6 months and no greater than 3 years.
9. How long has this program been operational (month and year)? - December 1, 2000
10. Why was the program created? (What problem[s] or issue[s] was it designed to address?) The Ohio Department of Natural Resources is routinely asked by other Ohio departments or federal agencies to perform specific work for research projects. Other time, the Department seeks and is awarded grant monies to fund a particular program. Often this created a need to hire additional staff or enter into a personal services contract to administer and or perform the work associated with the project. Many of our divisions found the state’s contracting process to cumbersome and often could not be completed in time to meet the grant programs deadlines and criteria for receiving the grant. The State of Ohio’s civil service law and/or collective bargaining agreements identify the various employment categories that are available. Limited

duration categories did exist, but were limited to 1,000 hours per year (an intermittent). This was not long enough as most grants were one to three years in duration. Some divisions hired full-time permanent employees, but at the end of the project, they have had to formally abolish the positions resulting in layoff. Again, the abolishment process is administratively very time consuming and disruptive to the entire work force. (See attached layoff provisions.)

11. Describe the specific activities and operations of the program in chronological order.
 - November/December 1999 – State negotiators proposed the project employee concept during negotiations with OCSEA.
 - January/February 2000 – No agreement was reached regarding specific details defining a project employee. Instead, the parties agreed to very generic language which authorized that “project employee” was an appropriate subject of labor-management committees.
 - February 2000 – ODNR – OCSEA Statewide Labor-Management Committee began discussing the topic. The committee had recently received labor-management training focusing on the interest-based problem solving process or win-win bargaining. Through the use of neutral facilitators, the committee began identifying mutual interests and potential problems and issues in creating/utilizing this new concept.
 - March through October, 2000 – Team members were assigned certain research assignments. Once all applicable information was available and all potential issues were identified, the generated potential solutions and selection criteria. Management and Labor co-chairs worked with their respective leadership to garner understanding and support.
 - October/November, 2000 – Both parties sought approval from leadership and constituents.
 - December, 2000 – A Memorandum of Understanding was entered into by the parties outlining the parameters of the new employment category.
 - 2001 – Only one project employee was filled in response to a federal grant
 - 2002 – Approximately 4 project employees were filled. Three were specific to grant work while one was to assist in developing an operations manual.
 - March, 2003 – The MOU language was incorporated into the parties’ agency-specific labor agreement.

12. Why is the program a new and creative approach or method? – It is a win-win for both the Union and Management. The Union gets a bargaining unit employee while they are employed. The position pays union dues/fair share fees, whichever is applicable, and also is covered by most provisions of the contract. Current regular bargaining unit employees do not have bidding rights to these positions. When posted, management must identify the duration of the project. Management has the flexibility to end the appointment earlier if necessary by providing at least 60 days notice. At the end of the project, the employment relationship is ended. Management does not have to go through the tedious and lengthy process of a formal layoff. The

Union also meets their need to protect bargaining unit work by having union employees perform the work instead of contract employees. Permanent union employees are protected in that the project employee does not earn seniority and therefore cannot compete for jobs on the same level as other union employees. The parties do have the ability to pursue making the project employee permanent if the work becomes permanent.

13. What were the program's start-up costs? (Provide detail about specific purchases for this program, staffing needs and other financial expenditures, as well as existing materials, technology and staff already in place.) - No direct costs. Indirect costs of committee members' salaries of meeting one or more times a month during the development process.
14. What are the program's annual operational costs? – Not applicable
15. How is the program funded? – Not applicable
16. Did this program require the passage of legislation, executive order or regulations? If YES, please indicate the citation number. – It required negotiated language in a labor agreement to provide authorization. Contract between the State of Ohio and OCSEA, 2000-2003, Article/Section 7.09. Website link:
<http://www.state.oh.us/das/dhr/ocsea/01art07.htm>
17. What equipment, technology and software are used to operate and administer this program? – Not applicable
18. To the best of your knowledge, did this program originate in your state? If YES, please indicate the innovator's name, present address and telephone number. Unsure.
19. Are you aware of similar programs in other states? If YES, which ones and how does this program differ? Unsure.
20. Has the program been fully implemented? If NO, what actions remain to be taken? - Yes
21. Briefly evaluate (pro and con) the program's effectiveness in addressing the defined problem[s] or issue[s]. Provide tangible examples. – Overall, very effective. We

have not had any negative experiences. All requests for project employees are reviewed by the Office of Human Resources and are discussed at the statewide labor-management committee. The committee has approved all requests. Human Resources, however, has turned down at least three requests as they did not fully meet the intent of the agreement.

22. How has the program grown and/or changed since its inception? - Management experienced problems within in the its own structure. Civil service law requires that some positions if not filled pursuant to a collective bargaining agreement must be filled through certification testing or in some cases recall/layoff lists. To avoid these administrative barriers to quickly filling a job, the parties recently changed the category from classified service to unclassified service which provided the necessary exemption to those provisions.

23. What limitations or obstacles might other states expect to encounter if they attempt to adopt this program?

Attachments: Project Employee original agreement
An actual project employee request/description

Add space as appropriate to this form. When complete, return to:

CSG Innovations Awards 2003

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DEADLINE: All original applications must be postmarked or e-mailed by April 11, 2003, to be considered for an Innovations Award for 2003.