

# OHPELRA Update

THE OHIO PUBLIC EMPLOYER LABOR RELATIONS ASSOCIATION NEWSLETTER, SPRING 2006

## Letter From The President

LET ME BEGIN BY THANKING THE MEMBERS of OHPELRA for electing me as your President. As you may already know, I am now the Vice President of Human Resources at Firelands Regional Medical Center in Sandusky, Ohio. This new opportunity was certainly unexpected and, well, the timing couldn't have been worse for my OHPELRA duties. With the hospital being a not-for-profit organization rather than a public entity, I must phase out my duties as President. Fortunately, my new employer and the OHPELRA board of directors have agreed to allow me to carry out my presidential duties for the next six months. At that time, Marsha Jordan-Smart of Greene County will take over the office. As always, I appreciate your support!

The annual training conference at Cherry Valley Lodge in Newark, Ohio set another all-time attendance record with 190 attendees! Our theme of "Learning Together" resonated with our members and the quality of the programs presented by members and friends of OHPELRA was top-notch. Learning from those who have served this organization from its earliest days while pursuing successful careers in public sector labor relations really added to the quality of their presentations. I always enjoy the camaraderie that goes along with the great training at Cherry Valley and this year was no exception. It is clear from the evaluations of the conference that even in difficult economic times for many of our jurisdictions OHPELRA is still selected for the high quality training we provide.

I think the success of our organization has always been rooted in the strength of our membership. Your support, ideas and participation in OHPELRA's various endeavors is truly amazing. Our membership continues to grow and this, along with strong sponsorship support, enables us to expand training opportunities to our members both here in Ohio and on the national level. At the end of March, I along with several OHPELRA members attended the NPELRA annual training conference in Newport Beach, California. OHPELRA shined at this conference as our members helped plan the conference, served as moderators and actually made presentations. I had the good fortune of making a \$1,000.00 donation on behalf of OHPELRA to the NPELRA Foundation at the annual business meeting. We are now the second largest affiliate behind California!

The Board of Directors is busy planning for the coming year. This summer we will be offering the NPELRA Academies I & III in Columbus on June 21 and 22, 2006. These academies will be followed by Academy II in conjunction with our 2007 Annual

Training Conference in Newark. Completion of these three academies and the writing of a paper will earn you the Certified Labor Relations Professional (CLRP) designation from NPELRA. We have also planned a free-to-members program in conjunction with these academies on June 23 where the program will feature a panel of arbitrators commenting on "do's and don'ts" of the arbitration process. Mark your calendars and watch for details in the mail or on our website; [www.ohpelra.org](http://www.ohpelra.org). Again, thanks for all you do!

Sincerely,



Jim Sennish, *President*



## Arbitration Symposium to Cap-off Academies

YES, ITS TRUE, the NPELRA Academies I and III are coming to Columbus on June 21 and 22, respectively. And, Academy II is coming next February to the OHPELRA Annual Training Conference creating a unique situation that Ohio labor relation professionals can get all three academies completed in less than a year. Even better, for the two June Academies, OHPELRA is paying \$50 per Academy of the tuition for members to encourage the OHPELRA membership to attend and complete these very practical and effective training programs.

If that is not enough encouragement to attend the Academies this summer, OHPELRA will cap off the Academies on June 23 with a very dynamic arbitration symposium featuring six well-known arbitrators who will educate those attending on the essentials of arbitration in "The Arbitration Seminar."

Topics that will be discussed include *Alternatives to Formal Arbitration* presented by Sara Cole, *Just Cause in Discipline Elements Needed to Convince the Arbitrator* presented by Harry Graham, *Preparation and Presentation of Witnesses and Documents* presented by Marty Fitts, *Contract Interpretation – Keys to Success, With Case Studies* presented by Mike Paolucci and Dwight Washington, and *Dealing with Principals and the Public – Pressures External to the Process* presented by Gene Brundige.

Like the Academies, the symposium will be held at the Hyatt on Capital Square and will be **free** to OHPELRA members and

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any **NPELRA member** attending the Academies. Non-members of OHPELRA or NPELRA will be charged \$150 to attend. Registration will begin at 8:00 a.m., the conference will begin at 9:00 a.m. and is scheduled to conclude around 3:00 p.m. A continental breakfast and lunch will be provided. Pre-registration is necessary to assure that adequate materials and meals are prepared. Registration materials have been mailed to all members or register online at [www.ohpelra.org](http://www.ohpelra.org).



**Lori Torriero, pictured here with OHPELRA board member Kathy Weisgarber and newly elected President, Jim Sennish, accepts the Award of Excellence.**

## “Learning Together” at Cherry Valley

**Provided Excellent Value for Training Dollars.**

THE ANNUAL TRAINING CONFERENCE, held this year on February 5 through 7, provided a really superb opportunity to gain new insights into Ohio’s public sector labor relations issues and concerns. We learned together with our peers from presentations provided by some of the best in the business, who happen to be Active or Affiliate members of either OHPELRA or another state’s PELRA.

Those who arrived on Sunday afternoon had a chance to hear Paul Hutchins with the New York City Transit Authority talk about workplace adversity, both in the aftermath of 9/11 and following a tragic workplace violence episode that resulted in the death of two Transit Authority supervisors. Paul said, “At the end of the day, some battles won or lost aren’t worth the war”.

With record attendance at this year’s conference (190), the welcoming Super Bowl Party was moved to a larger venue. And whether you were for the grunge rocking Seahawks or Pittsburgh’s men of steel, you could find enough of your ilk to either revel or seek solace in the outcome.

As with past annual conferences, it was impossible for one person to do it all, as several concurrent sessions forced difficult choices between such diverse topics as *Workplace Romance and Off-Duty Misconduct Issues* and *When to Hold ‘Em and When to Fold ‘Em – Deciding When to Settle a Case*. Though some of this year’s highest rated concurrent sessions may appear in future years as plenary sessions.

Many of the sessions provided insight into legal and economic changes that will be affecting our business. Did you know Starbucks spends more on employee healthcare than on coffee? Or that healthcare is not a guaranteed OPERS retirement benefit? Strategies were discussed for dealing with these realities at the negotiating table.

Everyone could, however, attend the organization’s annual meeting, where 2005-2006 President Joy Campbell turned over her gavel to newly elected President Jim Sennish from Erie County. In a very personal dedication, Joy announced the very first *OHPELRA President’s Award* to an obviously touched and speechless Doug Duckett. Doug, as outgoing Treasurer, reported our relatively strong financial position, and long-time Associate member Lori Torriero was surprised when presented with the Award of Excellence for her years of selfless dedication to the organization.

The final session of the conference, *Why What We Do Matters*, was presented by Doug Duckett, a past President of both OHPELRA and NPELRA. And while it may be impossible to please everyone, 50 of 58 respondents rated his remarks as “excellent”.

Judging on the strong attendance and favorable feedback from attendees, the conference seemed a huge success. Kudos to conference coordinator Brooke Carnevale, the Board of Directors, and the entire roster of attendees for making this a most memorable learning experience.

## Arbitration — The Good, the Bad, and the Ugly

Submitted by Maurice Evans, *OHPELRA Board Member*

SIXTEEN YEARS AGO I BEGAN MY JOURNEY into the public sector as a Human Resource Analyst and my first experience was arbitration. My first arbitration which was with the police department was a fast track learning experience. During a lengthy conversation with an FOP attorney I learned the two most important things about arbitrators.

*First, is that arbitrators are people.* You never know what type of day the arbitrator is having and how that will affect his or her decisions. For example, if the arbitrator received a speeding ticket on the way to arbitration, she may not be exactly happy with the police that day. Or, if the arbitrator’s cat was stuck in a tree and the firefighter that saved the cat is the grievant, the arbitrator may find him a little more credible. Or, simple things like if the waste collection worker did not pick up the arbitrator’s trash, it could influence how he rules. So, rule # 1 is the moods, actions and how good or bad their day is going directly reflects how arbitrators may rule once they arrive at the arbitration.

*Second, when you come to the arbitration, come prepared.* For example, know if the union has past history or past practices on their side and if they have always “done it that way.” Your witnesses should be professional, prepared, and tell their stories credibly. Using visual aids, such as graphs, charts, power points and photos can maximize your case as well. And, know how the individual arbitrator wants evidence presented and how he typically rules on similar cases. So rule#2 is what side has the best story and tells it the way the arbitrator likes to hear it usually prevails.

Over the last thirteen years, **THE GOOD** was when we were

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able to predict 90% of what an arbitrator would write and the other 10%, after reading the arbitrator's decision, we could understand the arbitrator's methodology and reasons for the decision. This provided us with tools to select the arbitrator: knowing his/her previous tendencies, presentation style preferences, and decisions, which could enhance your chances to prevail.

**THE BAD** is we've become complacent and now the unions have advanced their arbitration understanding which has increased the need for management to be two chapters ahead of the unions. Today, the unions are becoming better prepared when selecting the arbitrators and when presenting to those arbitrators. Further, unions have conducted symposiums with arbitrators to ask the arbitrators how they prefer information to be presented. This has had a two-fold positive effect for the unions: 1) the unions know what the arbitrator wants and how she wants it, and 2) the arbitrators are more familiar with the union representatives and less familiar with the employer.

**THE UGLY** is since the tragedies of 9/11, some arbitrators' decisions have appeared to be more favorable towards the safety forces. Sometimes this has spilled out into non-safety force contracts because the unions use the decisions from the safety forces' contracts in negotiations and fact-findings.

Since the "Good" appears to be decreasing, and the "Bad" and "Ugly" appear to be increasing, your OHPELRA board has been discussing different ways to help the membership present cases to arbitrators with increased effectiveness. As such our Spring/Summer Program, *The Arbitration Seminar*, will be a symposium with a panel of arbitrators. The topics of discussion are "what do the arbitrators like and dislike" in presentations, and "what are the best methods to convince an arbitrator to rule in your favor."

This information will help our members have direct access to the arbitrators. This will allow you to understand specific arbitrators and how they rule thus providing a basic understanding of the arbitration process. So until the good returns to management, don't let an arbitrator rule against you simply because his or her cat was saved from the tree!

## NPELRA Labor Relations Academy Comes to Ohio!

ONE OF THE MOST SUCCESSFUL PROGRAMS offered by our national parent organization, NPELRA, is the Labor Relations Academy, a professional certification program in public-sector labor relations and collective bargaining. The program consists of three segments:

### **Academy I – The Foundation of Labor Relations**

### **Academy II – The Arbitration Process**

### **Academy III – The Negotiations Process**

Participants who complete the three segments and then write a paper on an approved topic are designated as a Certified Labor Relations Professional (CLRP). This certification brings your employer value and helps your own professional growth. We've started to notice agencies listing this certification as a plus when recruiting professionals in our field.

We are pleased to announce that NPELRA will be offering Academy I and III in Columbus, Ohio at the Hyatt on Capital Square on June 21 and 22. We will then offer Academy II in February 2007, allowing our members to complete all three segments required for certification without leaving Ohio. In addition, OHPELRA will be subsidizing the cost for members to attend the two programs in June. These Academies will be offered right before/after the OHPELRA Summer Workshop on June 23. That program, entitled *The Arbitration Seminar*, will also be held at Hyatt on Capital Square, and is free to all members and anyone attending the Academies.

Normally, a single Academy cost \$250 each for members, and \$325 for non-members. (All OHPELRA members are also members of NPELRA.) There is a discount when two Academies are held together, so members pay \$450 for both and non-members pay \$600.

But as a way of bringing value to our members, **OHPELRA is paying part of the cost of the Academies in 2006 for all members! Specifically, OHPELRA will pay \$50 of the cost of each Academy for members, to a maximum of \$100 for a member who attends both.** This would reduce the member's cost to \$200 for a single Academy or \$350 for both. People who are not OHPELRA members will continue to pay the full non-member rate, and remember that OHPELRA memberships are individual, not by jurisdiction. So non-members who happen to work in a member's office will still pay the non-member rate. Perhaps a colleague in your office would benefit from these Academies; this is the perfect chance to make him or her an OHPELRA member. Not only will they save the \$150 price difference for the member rate, they will save an additional \$100 because of OHPELRA's subsidy for members. Since membership in both OHPELRA and NPELRA only costs \$185 per year, that's a deal that is hard to pass up.

Finally, NPELRA has agreed to offer Academy II – *The Arbitration Process* on Wednesday, February 7, 2007, the day after our Annual Training Conference at Cherry Valley Lodge in Newark. This will allow our members to complete the third, required segment of the Academy in a period of eight months, all without leaving Ohio. This is very unusual, and reflects how much our national organization wants to work with us, as the second largest affiliate chapter.

You can register on-line at [www.npelra.org](http://www.npelra.org), and we will also be sending out registration materials with the announcement of the Summer Workshop. We hope to see a big Ohio crowd there, and to have a lot of CLRPs in Ohio by this time next year! For questions about the Academy, contact Doug Duckett at (513) 887-3257 or [duckettd@butlercountyohio.org](mailto:duckettd@butlercountyohio.org).

## Subler Elected to Ohio Lobbying Association Board

CCAO SENIOR POLICY ANALYST CHERYL SUBLER, a member of OHPELRA, has been elected by fellow lobbyist to serve on the Ohio Lobbying Association Board of Directors. The Ohio Lobbying Association is a non-profit organization that supports and promotes Ohio's lobbying community through the dissemination of information, organizing of events, and effective education programs designed to promote both the public interest and the interest of the Association. *Congratulations to Cheryl.*

## OHPELRA Welcomes New Members

SINCE THE LAST ISSUE OF *OHPELRA UPDATE*, the following new members have joined OHPELRA and NPELRA. Welcome to our organization, and we hope to see you at our next event!

HON. TED ANDRZEJEWSKI Mayor City of Eastlake	DIANNE M. GAUDER Personnel Specialist Logan County Engineer's Office	Clark County Department of Job & Family Services
DAWN BARNETT Human Resources Technician II Washington Township	JEANNE GRECO Human Resources Manager City of Green	SHEILA ROBINSON Human Resources Manager Butler County Sheriff's Office
CAROL BECKER Human Resources Manager City of Beavercreek	CAROL HAUSER Senior Director of Human Resources Miami University	TOM SPRING County Administrator Miami County
SHARON BOGDAN Human Resources Generalist City of Columbus- Transportation	GINA LACAVA Director of Human Resources Lucas County Treasurer	PATTI TSCHANZ Coordinator, Classified/ Certificated Staff Akron Public Schools
JAMES BOWERS Human Resources Director City of Huber Heights	ROBERT C. LONG, ESQ. Littler Mendelson (New Sponsor)	LORI TREGO Human Resources Manager City of Worthington
JUDY K. BROWN Human Resources Generalist Greene County	JERRY MAPES Human Resources Administrator Ohio Department of Insurance	MIKE WARNER Fire Chief Concord Township
PAMELA COURTNEY Human Resources Director Ottawa County	KATHLEEN McVEY Manager, Fringe Benefits Akron Public Schools	JULIE WHITE Human Resources Analyst Greene County Children Services Board
RON GARRABRANT Human Resources Representative City of Columbus, Department of Public Utilities	MAGGIE NEELY Program Manager County Employees Benefits Consortium of Ohio	EARLE E. WISE, JR. Director of Administration City of North Canton
	KERRY PEDRAZA Human Resources Administrator	



OHPELRA members with their friends and relatives enjoy the evening at the in NPELRA Conference in California.

## California Delivers Excellent NPELRA Conference

"LEADING THE WAY — YESTERDAY, TODAY AND INTO THE FUTURE" was the theme of the 35th Annual NPELRA Training Conference in Newport Beach, CA from March 26 through 30, 2006. Jim Richter, as Chair, and his Conference Planning Committee put an outstanding conference together.

Attendees were exposed to several advanced negotiations skills programs and the trial of the newest Academy on Contract Costing, thanks to the NPELRA Academy Committee. There were sessions on classification and compensation systems, identity theft in the workplace, Medicare Part D, and MSAs. And, always eye-opening, we heard from a few labor attorneys on legal updates on various employment laws. Excellent sessions and excellent speakers!

## Terrorist Prevention!

AS OF APRIL 14, OHIO LAW requires all candidates under final consideration for public employment to certify that they have not provided "material assistance" to a terrorist organization. In doing so, employers must direct or provide candidates with a disclosure form as well as a copy of the U.S. Department of State *Terrorist Exclusion List*.

More information about this new state requirement and copies of the disclosure form as well as the *Terrorist Exclusion List* are available at [www.homelandsecurity.ohio.gov](http://www.homelandsecurity.ohio.gov).

Such disclosure is also required of most vendors who do an annual aggregate amount of business greater than \$100,000 with the state, a political subdivision or an instrumentally of the state.



## Start Thinking Now...

Do you know someone within the OHPELRA organization who should be recognized for his or her outstanding contributions to our profession in public sector human resources and/or labor relations?

If so, please remember to make a nomination for the:

### Award of Excellence and/or Pacesetter Award

An OHPELRA member will be honored for each award at the Annual Training Conference in February 2007. The OHPELRA award recipients will also be nominated for awards at the national level at the NPELRA Conference in Scottsdale, Arizona in April 2007.

Award applications will be released later this year, but start thinking now of worthy individuals or groups to nominate.

# OHPELRA Welcomes New Board Member

MAURICE EVANS HAS SERVED as a Human Resource Analyst with the City of Dayton since 1989. Maurice brings a vast experience in contract negotiations, labor arbitrations, labor issue investigations and resolution of, OCRC, EEOC, and Civil Service claims. In addition to Maurice's work with Dayton, he is also an Instructor in team building, communication skills, organizational skills, and leadership skills with Educational Network, CEO of Alvarez Publishing, a publisher of resource manuals for the business community, and an Instructor in the business departments at Wilmington College and Sinclair Community College.



**Maurice Evans**

Prior to joining the City of Dayton, Maurice worked for eight years with Emery Worldwide where his duties included management and human resources relations, contract negotiations and labor relations, as well as human resource generalist work.

Maurice received his A.A. in Liberal Arts from Sinclair Community College in 1984, his BA in Communication with a Minor in Business Administration from Central State University in 1985, and his M.S.A. in Management and Human Resources from Central Michigan University in 1987.

## DAS Local Civil Service Operations Returning ... *why this is a good thing*

FOR NEARLY NINE MONTHS, the Ohio Department of Administrative Services (DAS) County/University Civil Service Division has not been fully functional, due to a lack of funding, and that's soon going to be changing. State lawmakers, with the approval of the Governor, recently appropriated money for DAS to staff-up and provide services to counties and universities.

How much money did DAS get? The Department actually is coming out of this further ahead of where it had been in recent years. For the remainder of this state fiscal year (which ends June 30), \$220,000 has been appropriated, and for the next state fiscal year (July 1, 2006 – June 30, 2007), \$880,000 has been allocated. Prior to this time period, the Department's funding was a dismal \$400,000.

Why is this a good thing? DAS was put in the terrible position, which many local officials & staff can appreciate, of having responsibilities but no funding. As a result, DAS basically was examining incoming mail, but piling up the paperwork. The new

funding will enable the Department to address the filings that have been submitted as well as provide five staffers to assist locals during the next state fiscal year.

For some individuals, this may not be a big deal, since a majority of the local appointing authorities do not have a working relationship with DAS. Yet, for those remaining third that do and are complying with statutory requirements, things have either been on hold or filings were submitted and fingers crossed that no challenges would be raised either in court or at the State Personnel Board of Review. This new funding enables the Department to respond to its responsibilities as well as provide assistance to local jurisdictions.

Moreover, most county job and family service departments have had a long working relationship with DAS, which is critical to federal compliance for certain program moneys these departments receive. By keeping DAS in place, this allows for centralized coordination of civil service oversight, which some argue is more cost efficient than a decentralized structure.

What will the future relationship with DAS be? Obviously, DAS must comply with its statutory obligations. Yet, the Department is seeking input from interested parties in how to best add value to local operations, and to subsequently seek law changes to eliminate requirements which do not benefit either the state or local jurisdictions. For example, there has been some discussion about reducing DAS's role as the "file keeper" on employment actions to a more limited scope of overseeing layoffs, helping with class plans, and providing guidance documents.

Such discussions are still preliminary. Individuals who have ideas should contact DAS County/University Civil Service Division or either CCAO Staff Cheryl Subler (614) 220-7980 or Jerry Collamore, President of The Collamore Group, at (614) 221-9976.

Who was instrumental in DAS getting funding? This was a priority item for DAS Director Carol Drake, who some may remember as being the former Chair of the State Employment Relations Board (SERB). As many individuals say, Director Drake is a "doer," and she made it a priority to rectify the awkward situation of her Department having statutory mandates but no funding. Moreover, credit goes to the General Assembly for responding to Director Drake's pleas. Her lobbying efforts were supported by the County Job & Family Services Directors' Association as well as the County Commissioners Association of Ohio.

*Submitted by: Cheryl Subler, CCAO Senior Policy Analyst and OHPELRA member*



## Website Changes

Be sure to check out the OHPELRA web site at [www.ohpelra.org](http://www.ohpelra.org) for new information online. If you are a member and have forgotten the user name and password for the member-only portions of the website, please e-mail webmaster Steve Barker at [barkes@odjfs.state.oh.us](mailto:barkes@odjfs.state.oh.us).

## **OHPELRA Thanks Its 2006 Contributing Sponsors**

SEE THE LINKS ON OUR WEB SITE AT OHPELRA.ORG for links to these sponsors and more information. Please consider our sponsors when seeking professional services, and thank them for supporting OHPELRA!

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