

Sex bias rulings not ERB's business

Oregon's Court of Appeals has ruled that the Employment Relations Board does not have jurisdiction over charges of sex discrimination in employment.

The court affirmed an ERB ruling in a case brought by Doris Phillips, who said she had been denied promotion by the Department of Revenue because of sex discrimination. She was

represented by OSEA General Counsel John S. Irvin.

Ms. Phillips, formerly classified as a clerk 3, had asked to be reclassified as a revenue agent 2 because, she contended, she does the work of that classification. She said the Department of Revenue is discriminating against her because of sex in not

reclassifying her.

The case began in March, 1974 when OSEA Employee Representative John M. Schoonover filed a complaint with the Bureau of Labor alleging the Department of Revenue was discriminating against Ms. Phillips because of her sex. At the same time he asked the agency and the Personnel Division to reclassify her position from clerk 3 to revenue agent 2.

The Department of Revenue turned down Schoonover's request, but the Personnel Division agreed her position was improperly classified. However, it reclassified her position to clerk 4 rather than revenue agent 2. Ms. Phillips objected to that action and Irvin filed an appeal with ERB.

The appeal was heard by two

hearings officers. They found Ms. Phillips worked alongside male employees and performed the same duties. However, she was classified as clerk 3 and paid at salary range 8, while the male employees were classified as revenue agent 2 and paid at salary range 17.

The hearings officers ordered the matter remanded to the Department of Revenue so that it could, "within a reasonable time, remedy the arbitrary action taken and purge itself of discrimination practiced against the appellant because of her sex."

In reviewing the appeal, however, the board disagreed with its hearings officers and ruled that Ms. Phillips was properly classified as a clerk 4. The Department of Revenue's

attorney argued, and ERB agreed, that the board had no power to decide on matters of sex discrimination. Irvin then appealed the case to the Court of Appeals.

The Court agreed with ERB's ruling that Ms. Phillips is not performing the duties of a revenue agent 2. It also agreed that the ERB does not have the authority to hear sex discrimination charges. The appeals court said the legislature specifically assigned that job to another state agency, the Bureau of Labor.

In addition to the Bureau of Labor, OSEA also has filed sex discrimination charges with the federal Equal Employment Opportunity Commission on behalf of Ms. Phillips. Neither of those cases have been decided.

Health Division employee granted salary increase

OSEA representation has won a pay raise for an employee who works for the Health Division in Portland.

Dennis Senko, a project consultant for the agency's Emergency Medical Services Department, was denied a six-month pay increase. He was, however, granted regular employment status with the agency.

Senko contacted OSEA Employee Representative Harry C. Ward. After investigating the matter, Ward contacted Allan

Kahn, the agency's personnel manager, and pointed out that the denial was in violation of OSEA's collective bargaining contract with the Executive Department.

The contract says employees shall be granted a trial service increase "upon initially gaining regular status in state employment."

Kahn told Ward that the pay raise would be granted retroactive to December 1, the date Senko completed his trial service period.

OSEA files sex bias case for CSD employee

OSEA has filed a sex and age discrimination complaint with the Civil Rights Division of Oregon's Bureau of Labor on behalf of a female employee who works for the Children's Services Division in Eugene.

The complaint was filed by Employee Representative John Schoonover on behalf of Ms. Ann M. Lonnquist, a CSD caseworker.

She applied for and was selected as one of two finalists for a new position in the agency's Eugene office created to provide emergency services to clients on weekends and holidays.

Ms. Lonnquist contends the employee who got the job was

selected because of his experience in protective services. However, since she has had a number of years of experience in protective services, she contends undue emphasis was placed on the sex and age of the finalists.

"In spite of the fact that my qualifications and experience far exceed those of the other applicant -- a male -- he was selected," she said in her complaint. "I feel that I was not selected because of my age and sex."

In addition to the complaint, Schoonover also filed a grievance on Ms. Lonnquist's behalf with the Children's Services Division in Salem.

OSEA wins \$283 in back pay for Health Sciences Center custodian

OSEA has won a \$283 back pay award for Ouida Davis, a custodial worker at the University of Oregon Health Sciences Center in Portland.

Ms. Davis, who works in the Housekeeping Department of University Hospital South, contacted OSEA Employee Representative James R. Chambers and told him she was receiving less pay than other custodial workers who had been on the job for a shorter period of time.

After investigating the matter,

Chambers learned that Ms. Davis had been denied a six-month increase because she was promoted during her trial service period from custodial worker 1 to custodial worker 2.

In a grievance filed on behalf of Ms. Davis, Chambers cited a recent ruling by the Oregon Court of Appeals which says an employee's right to receive a six-month increase is not affected by promotion during the trial service period.

The Health Sciences Center granted Ms. Davis a one-step pay

raise retroactive to April, 1974. That's the date she completed her first six months of employment and became eligible for an increase.

Chambers also has filed a similar grievance on behalf of Paulette Davis, a clerical worker in the admitting office of University Hospital South. She also was denied a six-month increase because she received a promotion during her trial service period.

Chambers has filed a claim in her behalf for a one-step pay raise retroactive to early 1974.

ERB overturns suspension of Health Center employee

A one-day suspension taken against a female custodial worker by the University of Oregon Health Sciences Center in Portland has been set aside by the Employment Relations Board.

The employee, Geneva Schultz, was represented by John S. Irvin, OSEA's general counsel.

See OSEA, save time

In addition to professional help, time is an advantage of contacting an OSEA employee representative and the OSEA personnel analyst when seeking a reclassification.

A state employee may submit a reclassification request to his or her supervisor. However, such a request may get hung up for six months at every step of the way. Some reclassifications submitted by an individual have been held up for two years.

When OSEA handles the reclassification request, the employee has the time limitations established in the contract, according to Eleanor Meyers, OSEA's personnel and classification analyst.

The contract gives the agency two weeks to respond and the Personnel Division two weeks to respond.

In addition, the Legislative Emergency Board, which must approve reclassifications, only considers them every six months, unless they are handled by the employee's union. In that case, approval could come at one of the E-Board's regular monthly meetings.

She was accused of insubordination and suspended from work one day last summer for wearing a uniform to work that was a different color from that required by the agency.

Female custodial workers are required to wear white or pastel colored uniforms. Because of a personal reason, she wore dark colored pants with a light colored blouse. For that, she was suspended one day without pay.

Application of the dress code by the Health Sciences Center "in this case was unreasonable, and therefore arbitrary. The appellant was not insubordin-

ate," the board ruled.

OSEA also filed a sex discrimination complaint on behalf of Ms. Schultz with the U. S. Equal Employment Opportunity Commission's regional office in Seattle.

The complaint is based on the fact that male custodial workers are permitted to wear dark uniforms, but female custodians must wear white or pastel colored uniforms.

The EEOC has assigned the case to an investigator. Federal law requires that the EEOC has 180 days from the time it takes jurisdiction to resolve a case before the complaining party may sue.

OSEA seeks political ed rep

Applications are now being taken for a political education representative for the OSEA headquarters staff.

Candidates need not have experience as lobbyists but they should have an understanding of the Oregon political process.

The position will involve keeping track of legislation and working with members in the field to getting them politically motivated and helping chapters organization political campaigns for local legislative candidates.

Some travel is involved.

Resumes should be sent to Morton Shapiro, P. O. Box 2289, Salem, 97308.

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