

Management's shell game hurts employes

This is the story of the lengths to which management will go to get rid of an employe it doesn't like. It is a story which involves disrupting other employes and their forced transfers, and the payment of subsequent moving costs, across nearly the entire length of the state. It's a massive, state-wide shell game.

George Gearhart was a program executive 2 for the Employment Division in Salem when he was told that his position was being abolished. He requested, and received a demotion in lieu of layoff and transferred to a PE 1 position in Oregon City.

When an employe has been laid off or takes a demotion in lieu of lay off, he is placed on a layoff list and management is required to offer him the first available position at his old classification. Not so, in the case of George Gearhart. From February, 1975, when he took his demotion, until November, 1976, the Employment Division filled several PE 2 positions without notifying Gearhart.

Prior to April, 1976, employes on layoff lists had the right to state a geographical preference; they could refuse job offers outside the geographical preference without jeopardizing their position on the layoff list. Management claims that about this time, Gearhart changed his geographical preference by telephone from Salem to Portland; Gearhart says that is not so. In any event, this alleged change occurred just before a PE 2 position in Salem became

vacant so it was not offered to him.

Most of the times management filled PE 2 vacancies, it did so from an agency promotion list, ignoring the requirement that those on the layoff list were first to be offered the position. On three occasions when management received the layoff list with Gearhart's as the only name on it, management cancelled the order and decided not to fill the vacancy.

First in December, 1975, management requested the agency promotion list for a Portland position; it received the layoff list with Gearhart's name on it. Again, it cancelled the order, saying that it was reorganizing the Portland office and that position would not be needed. One would have thought management would have known about its reorganization plans before requesting the promotion list.

On Oct. 20, 1975, a PE 2 position was available in the Springfield Employment Division office. Again, the same things happened. However, management's tactic changed. This time it transferred the manager of the Ontario office to Springfield and offered Gearhart the Ontario position. He refused it.

Refusing an offered position automatically knocks an employe off the layoff list.

Gearhart by this time had had enough of the run-around, so he came to OSEA.

A good deal of state time and money had been spent and at

least one Employment Division employe uprooted to satisfy management caprice.

Gearhart's case finally made its way to the Employment Relations Board (ERB) where he was represented by OSEA

Associate General Counsel Charlene Sherwood.

One of the interesting things to come out of that November, 1976, hearing was management testimony that for 14 months after Gearhart was removed

from his original Salem job that position was not abolished. You will remember, that management told Gearhart had to move because his position was going to be abolished.

When ERB hearings officer Peter Courtney's order came out, it set aside three PE 2 appointments and replaced Gearhart's name to the layoff list. Management then hastily filled all PE 2 positions that would become available. Then Gearhart received a letter from management saying that he again would be kicked off the layoff list if he did not accept the next PE 2 position which comes available. Gearhart has reason to believe that position will be in a remote part of the state even though the Division has filled numerous PE 2 positions in the Salem-Portland area where Gearhart has been living and working for many years.

Also, as a result of that decision, Gearhart has the right to grieve over all PE 2 positions which have been filled since Dec. 2, 1976.

The sad part of this story is the disruption that management is causing to a large number of its employes. Aside from the outrageous way it has been treating Gearhart, it has moved an employe all the way across the state, a move he did not ask for. In addition, it has pulled the rug from under the feet of a number of people it has promoted into PE 2 positions, promotions they no doubt deserved and worked hard for. If management had only obeyed the Personnel Rules and offered him a position he deserved, the remainder of the new PE 2s would be secure in their positions. But, by violating Gearhart's rights, it has caused the cancellation of most of the other promotions it made.



The day the roof fell in

Employes in the Salem local office of the Employment Division, 375 Union St. N.E., had been feeling raindrops falling on their heads when suddenly the roof fell in. Branch manager Quentin Rowland said this had been a problem before in the 13-year old building as the stains in the acoustical tile attest to. A scheduled remodeling of the building and the construction of a second story, with a sloping roof, have prevented the extensive maintenance the building needs.

Board Briefs

Following is a summary of the action taken at the Jan. 8 OSEA Board of Directors meeting in Salem:

- Approved a motion to charter a chapter of classified employes at Chemeketa Community College, Salem.
- Approved a motion to charter a chapter of sheriff's deputies from Lincoln County.
- Approved a motion to appoint a screening committee to review applications for an opening for the position of employe representative.
- Approved a motion to continue Vice President Jim Hunter and Secretary-Treasurer Dan Scheans as temporary trustees of the staff retirement trust fund.
- Approved a motion that assistant district directors be permitted to attend Board meetings under the same provisions of reimbursement as district directors.
- Implemented the Board reorganization by electing Dale Meyers as district director from District 1; Gary Strausbaugh, District 2, and Darrell Walker, District 12.
- Elected Craig Smith, Chapter 19, District 11, to the Administrative Committee of Citizen Action by State Employes (CASE).
- Approved appointment of members to the Government Relations Committee.
- Approved a motion by Vice President Jim Hunter, as part of his Government Relations Committee report, to adopt as policy the concept of amending the law to allow persons 65 years old and older to be employed in social service programs designed primarily for senior citizens.
- Approved a motion that the Board endorse the right of local government employes to the benefits under the state collective bargaining law and to authorize the staff to work toward this end. This is in response to a recent court decision which says that cities and home rule counties are not required to follow the state collective bargaining law.
- Approved a motion to adopt a policy in opposition to the exemption of the State System of Higher Education from the Administrative Procedures Act in those areas where there is no collective bargaining.
- Approved a motion endorsing legislation which would authorize the Department of Veterans Affairs to make available mortgage disability insurance.
- Approved a motion merging OSEA Services, Inc., and OSEA.
- Approved a motion authorizing a special representative for District 8.
- Approved a motion endorsing the concept of deferred compensation for state employes, and directing that enabling legislation be drafted for submission to the 1977 session of the legislature.
- Approved a motion adopting new Association Administrative Policies and Procedures.

Reclassification at PSU succeeds and nets employe \$600 back pay

PORTLAND -- Richard Walker, a physical plant employe at Portland State University, has been reclassified a plant maintenance repair worker at the top salary step and received \$600 back pay as the result of action taken by OSEA.

In November, 1975, Walker filed for reclassification as a welder because most of his work was that of a welder. In April of that year, OSEA, on behalf of Walker, agreed with PSU management to accept a promotion to maintenance repair worker 2, one year's back pay of the difference between the pay in his original classification and that of a welder, and that no more than 25 per cent of his duties would be welding. The Personnel Division prohibited the back pay settlement because Walker did not meet a welder's qualifications for the whole period involved. The unresolved grievance was added to the agency negotiations which then were about to get underway. PSU, however, deferred the settlement to the Executive Department.

In October, Walker received a performance evaluation and it was computed that he spent nearly half of his time welding

since the April agreement to limit his welding to 25 per cent. He then filed another grievance with PSU again asking for a revised performance evaluation for the job classification of welder and back pay.

PSU offered a counter proposal creating a new position of plant maintenance repair worker, offered Walker a promotion to that class at the top step of the range, and \$600 back pay. Walker accepted.

16 employes reclassified with OSEA assistance

OSEA has completed the reclassifications for 16 employes through the level of the Personnel Division. They all have yet to be funded by the legislature.

The reclassifications are:
 • Eva Sinclair, Eastern Oregon State Hospital, from housekeeper to custodial supervisor;

• Mary Lou Rood, Tom Bizeau and Deborah Smith, Public Welfare Division, clerical assistant to clerical specialist;

• Unalee Cloud, PWD Baker Branch, clerical assistant to clerical specialist;

• Hal Olney, Jerald Hurley, Westley Lawrence, Milton Pearlman, Robert Wilson and Lois Haskins, PWD, hearings referee 1 to hearings referee 2;

Joy Cheney, Oregon State University, offset printer 1 to printing technician;

• Becky Bragg, University of Oregon library, clerical specialist to administrative assistant, and

• Gladys Hyde, Marie Austin, V. Jean Mattox, Southern Oregon State College, cook 1 to cook 2.

