

Promises not kept for handicapped employee

Kenneth Marecek, a heavy equipment mechanic 1 with the Highway Division since 1970 has been promised -- in writing -- that he would receive on-the-job training as a machinist.

Marecek also has a bad back as a result of his service in the military. Marecek is rated as 30 per cent or more handicapped by the U.S. Veterans Administration, which is the definition of a physically handicapped person, according to the state Affirmative action office.

On Oct. 21, 1970, in a memorandum to the shop superintendent, Richard Escher, equipment repair superintendent, said that Marecek was to be assigned to "various machine shop work... to develop his potential in the machinist work. This work will start with lathe and increase to full use of machine shop tools and machinery."

By 1973, when the Highway Division failed to follow through on its promise to begin to give him machinist training, he filed a grievance. As a result of that he was able to qualify as a heavy equipment mechanic.

The Highway Division still is under its obligation to him to give him on-the-job training as a machinist. In July, 1976, the Department of Transportation published a job announcement for the position of machinist which said that the job must be filled by someone with the Department of Transportation. Marecek applied for that position but was turned down on the basis of experience. The position will not be filled until this matter is settled.

Because of this discrimination on the basis of handicap, Marecek called OSEA Employee Representative Paula Chinn.

Chinn has outlined Marecek's

case in a letter to Terry Collins, who handles discrimination problems for the Personnel Division.

She has included, as part of Marecek's grievance, his application for the machinist opening and the job announcement.

She also restated the history of Marecek's attempts to qualify himself for this promotion: That, in 1970, the Highway Division said he should be trained, as a machinist; that he grieved he had not been given a rating of heavy equipment mechanic 1 and, that he had never been trained, as promised, as a machinist; that a second letter was sent from his legal counsel agreeing that he be given the rating of heavy equipment mechanic, that his physical disability would not be considered a liability in this job and that he would receive training

as a machinist; that his performance appraisals for the two years from 1973 to 1975 contained grades of "B" and that his work plan said that machine shop was one of the developmental opportunities planned for him, and that to date he has been given only six opportunities to perform any machinist functions.

She further states in her letter that "It is apparent that since

1970 the Highway Division has a distinct history of discrimination against Mr. Marecek in training and promotion because of his disability." She is asking that Marecek be given the opportunity to underfill for one year the machinist position that recently was open and that after that year, he be reclassified to the regular machinist position.

Handicap discrimination alleged; grievance won

GRANTS PASS -- Alvin Earle, St., a bridge maintenance worker with the Highway Division who was terminated for an alleged bad back, was returned to his job because of the efforts of OSEA Employee Representative Gordon Webb.

Because of the heavy work involved in his job, Earle was required to have a physical examination. According to his doctor, the physical revealed a malady in his lower back. However, the doctor recommended he be given the job. Because of the results of the exam, he was abruptly removed from his position. Earle came to Webb for help. The grievance was appealed.

Webb first took the grievance to Highway regional safety representative Robert Erickson who said the matter was beyond his authority. Webb then went to Gene Huntley, Highway ad-

ministrative assistant for operations. Huntley referred the matter to Asst. Atty. Gen. William Canessa because of an agreement the agency has with the Justice Department that all matters involving discrimination should be reviewed there. Webb was charging that Earle was being discriminated against because of handicap. Webb called Canessa inquiring about the disposition of the grievance. Canessa said Webb would be contacted in a couple days. When he was, he learned that Highway had agreed to return Earle to his job.

"What the Highway Division did wrong," says Webb, "was to fire Earle before it had tried to find him less difficult work that would not have been hampered by his handicap. Instead, it just fired him, so I grieved it."

'Bumps' not according to rule; grievances filed for 2 employees

"Bumping", taking a demotion in lieu of layoff, is one of the unhappy effects of a layoff. Still, it must be done in conformance with rule and law.

The order of bumping is established according to service credits which are based on years of service plus the average of the last two performance appraisal grades.

Philip Amaya and Joseph Kurtzo came to OSEA Employee Representative Paula Chinn when they were bumped because each believed he had received an improper performance appraisal. Amaya had been bumped from an engineering technician 3 to an engineering technician 2 and

Kurtzo was bumped from a geologist 1 to a highway maintenance worker 2.

Neither had work plans, nor position descriptions in their original classifications, yet, due to the layoff, they were given a performance appraisal to determine their service credits for the layoff.

In the grievance hearing for Amaya, reference was made to a "general position description." Yet the OSEA central contract requires an individual position description reduced to writing. The personnel rules require a new position description be written for the next appraisal period. This never was done for Amaya.

In the case of both employees, the personnel rules, the central agreement, and Oregon law require performance appraisals to be based on current, individual and mutually agreed to positions descriptions and work plans.

And Oregon law requires the Personnel Division to "establish standards of performance for employees" which will be used, among other things, "as a factor in determining the order of layoff."

The layoff of 1976 was a traumatic time for all employees it touched. A cavalier attitude with an employee's right to earn a living cannot be tolerated.

AEE not bargaining group

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AEE has a part-time executive secretary, who seconds as a lobbyist, but who mainly is supported by the Oregon Home Builders Association, and AEE is prone to gentlemen's agreements in an age when Executive Department Director Stafford Hansell states "Bargaining is an adversary situation."

AEE's opposition to settling the rift between them and OSEA and their insistence on being first to file at ERB have caused engineering and allied to work under an outdated agency contract that could have been completed 14 months ago and allowed increases in benefits to its members.

AEE does not have the structure or funds to accomplish for its members what OSEA has, yet they have vaguely stated they will increase their dues at sometime in the future so that they can expand.

Management and the legislature look at the here and now and OSEA's membership, collective bargaining capabilities and new leadership have definitely made us the group to deal with.

From the lone member, though the chapters, General Council, Board of Directors, and professional staff, OSEA is responsive to its members and demands not an ounce of blood but fair treatment for its members and all state employees.

If AEE were to try to fund the legal battles, expensive bargaining sessions

and grievance settlements for which OSEA has fought for its members, such a small group would have dues in excess of the union we disaffiliated from in 1943.

As a family provider, I have not been shown by AEE that they have the ability to or desire to work for the salary and wages, working conditions and benefits that OSEA has won for me. \$5.00 a month is a fair investment when it made a gross salary increase of \$2,000 in my annual paycheck.

OSEA has been a constructive force in the recent layoff situation. It formed a special committee, met with the heads of Highway and Personnel and accomplished some far reaching levels: Early retirement for engineering and allied persons; a job bank for DOT; increased communications to solve problems and statewide recognition for being a responsible organization. Its assistance was available statewide and was promoted by the management of the Highway Department as an attempt to lessen the impact of the layoff while protecting the rights of any employee who requested assistance.

OSEA has a significant input from engineer and allied as it has several members in the top structure of the Association and its own Bargaining Unit Representation Committee.

If you want AEE, you can expect the social hour first and a short meeting later. I will vote for OSEA -- a long meeting first and a short social hour later.

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