OSEA will watch Employment layoff closely

The layoff in the state Employment Division is the result of the drop in the state's unemployment rate from a high of 10 percent to half that now.

According to deputy administrator Darrell Ralls the division's unemployment insurance unit "earns" staff positions above a certain base. Between January and April, the division lost 130 positions, mostly hourly, says Ralls. As of April, the division is 60 positions above its base.

Ralls maintains that the Employment Division is searching for employment vacancies for those who must be laid off though he notes that other Department of Human Resources agencies have budgetary problems, too.

There are two considerations as the cuts are made, Ralls explains. Positions are cut where the work has decreased. Workers are laid off according to service credits. So, if the work has dropped in Local Office A, that's where the positions will be cut. But, if Employe B has less service credits than Employe A, B will be laid off and A will have to accept a transfer to Local Office B.

OSEA is preparing informational sheets for Employment Division members and meetings of job representatives and others will be held to make sure that the lay off procedure is followed correctly and rights are protected, OSEA Executive Director Morton Shapiro said.

State employes involved in layoffs have a variety of rights guaranteed by the central agreement between OSEA and the Executive Department.

They include provisions that allow some employes to keep their jobs, some employes to move to other jobs, and guarantee rehire rights for others.

- Layoff order.
  1. Temporary
  2. Provisional
  3. Trial service
  4. Regular
- Layoff by inverse order of service credits -- employes with greater number of service credits last to be laid off.
- Demotion in lieu of layoff -- "bumping" rights for persons who are qualified for lower position and have sufficient service credits
- Rehire rights -- Placement on layoff list according to service credits
- Higher rate comp time payments -- employes accepting demotion in lieu of layoff may receive payment for compensatory time off at the rate being earned before the demotion.
- Restoration of salary eligibility date, less amount of break in service, on return to work from layoff list.
- Maintenance of salary step when returning from layoff list
- Relocation expenses when demotion in lieu of layoff requires change in location
- House hunting expenses when demotion in lieu of layoff requires relocation

Lincoln County deputies win in Court of Appeals

SALEM -- Sheriffs' deputies are "public employes" subject to the state's Public Employes Collective Bargaining Act the same as other state and local government employes who come under the act, the state Court of Appeals has ruled upholding the position of OSEA.

Lincoln County Sheriff Everett Hockema last August fired deputies Barbara Dollowitch, Richard Shawver, Tim Blum and Donald Schmidt, the members of OSEA's Lincoln County deputies bargaining team, in the midst of collective bargaining negotiations for the deputies unit.

OSEA took the matter to the Employment Relations Board (ERB) contending that that action was an unfair labor practice under state law. Sheriff Hockema argued that, under another section of state law, sheriff's deputies were not public employes and that they served at the pleasure of the sheriff.

Both the ERB hearings officer and the full board upheld OSEA's position and ordered the deputies reinstated with full back pay and benefits. Hockema appealed the ERB decision to the Court of Appeals.

Chief Judge Herbert Schwab, in a very brief opinion, said that since "a public employer' -- the state -- has designated sheriffs to act in its interests in dealing with deputies, (we) conclude that a sheriff is a public employer within the meaning of (the collective bargaining law).

The order also said Hockema was to "cease and desist" from interfering with OSEA in its attempts to represent and bargain for the deputies and from discriminating against the four deputies in order to discourage membership in OSEA.