

OSEA group monitors affirmative action

By JIM KELLY
Affirmative Action Committee

During the past year, most of you have undoubtedly been reading and hearing news reports of cases being heard in the courts regarding discrimination under the guidelines set forth for affirmative action. The most notable of these cases seems to be the Bakke case in California in which Bakke has charged that he was the victim of "reverse discrimination" by the entrance board of the University of California Medical School. He is alleging that he was passed over for acceptance into that school in favor of minority candidates so that the school could fulfill "quotas" established to meet the requirements of an affirmative action plan.

The attention that such cases draw sometimes tends to cloud some of the real issues of affirmative action and polarize groups of people. This polarization often leads to infighting in which all of us suffer. Since the first of this year, the OSEA

Affirmative Action Committee, chaired by Glenette Olvera, has been meeting monthly to identify ways in which OSEA members can benefit from the Governor's Affirmative Action Plan. What we have learned through discussion among ourselves and talking with fellow members on the job is that many people are not well informed as to what affirmative action is and whom it protects. Most of us know that minority groups and women are protected but how about the physically or mentally handicapped and those of us between the ages of 40 and 65? These also are protected classes under affirmative action guidelines and if you fall into one of these classes and feel that you have been disqualified for promotion or transfer because of it, you may have a legitimate grievance.

The Affirmative Action Committee is interested in hearing from you about your feelings about affirmative action. This is your committee and we are trying to provide a service to the members. So far

we feel that if we can make members more aware of affirmative action and the necessity for it, we will be serving our purpose. Hopefully we can assist the membership in making affirmative action work for them.

At our May meeting in Portland, State Affirmative Action Director Harold Williams met with us to discuss ways in which we can make affirmative action work. Williams is optimistic of management's intention to make the plan work so the time seems to be right to bring your concerns into the open. If you have questions, concerns, or suggestions, please jot them down and drop us a line in care of OSEA headquarters in Salem and we will try to respond to all of them. One of our interests is a monthly column in The OSEA News in which we respond to your questions. It's this type of sharing that will benefit all of us so your question may well be the one that sets a spark among other members and could make a potentially discriminatory practice known.

Central contract articles need enforcement

By ELEANOR MEYERS
Classification Analyst

There are two clauses of the OSEA Agreement with Executive Department that all employees need to understand and enforce promptly. One is Article 52 and the other is Article 22.

Work Out of Class (Article 52, Central Agreement)

This agreement applies to temporary assignment to tasks of a higher salaried position for

more than 15 days. It requires that a one step increase be paid for the period of assignment to work out of class, even if the employe is at the top of the salary range of his regular class.

If you are assigned most of the duties of a higher position while it is vacant, while someone is on vacation for more than 15 days, on sick leave, etc., you should reach a clear understanding with your supervisor that the work out of class article applies. If there is any difficulty with getting it applied

by your agency, get in touch immediately with your job rep or staff representative to prepare for grievance.

Aborted Reclass (OSEA / Exec. Dept. Memorandum of Agreement)

If there has been a determination that you are performing duties of a higher class and your position should be reclassified (Article 22 of Central Agreement), your agency has the alternative of presenting a funding proposal to the legislature for reclassifying your position, or removing the

out of class duties to keep the current classification. If the duties of the classification are changed, it is called an aborted reclassification. Our agreement requires that the employe receive pay for that period of time in which work of the higher class was performed despite the fact that no reclassification actually occurs. Compensation will be in a lump sum payment at the time the duties are actually changed to those of the authorized classification. Pay will be computed at the rate the employe would have received had the employe been reclassified.

Recently the Emergency Board caused a number of aborted reclasses in Human Resources Department agencies by not approving funding for any reclassifications that were not funded with permanent savings from other eliminated or downward reclassified positions.

In some instances, changing the duties to conform with the previous class will be difficult, if not impossible, without making major program revisions. As long as the duties continue unchanged by management, the employes in those positions will be due pay at the higher class rate.

If you have further questions about aborted reclassifications or work out of class pay, call your staff representative or Eleanor Meyers.

Improper appointment withdrawn

SALEM -- The appointment of a person as affirmative action officer in the Department of Transportation was such a blatant violation of rules and procedures that it had to be set aside. This action mooted the case that Jim Butler had before the Employment Relations Board and probably denied him his "day in court" but it did right a wrong.

Butler had the highest score of all the applicants on the Open Competitive List for the position. But because DOT did not want to appoint him or anyone else on the open competitive list, it requested from the Personnel Division a selective certification for statewide promotion and cancelled the open competitive list, said OSEA Employee Representative Peter De Luca in his petition for review to ERB.

All the same, Butler was again the highest scorer on the statewide promotion list. De Luca argued that DOT's action violated several personnel rules. However, the appointment to affirmative action officer was withdrawn before the matter came to hearing before ERB.

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