

September 12, 2011



Milton Dohoney, Jr., ICMA-CM

Mr. Don Stiens
President
CODE
c/o Transportation & Engineering
City Hall, Room 425
Cincinnati, Ohio 45202

Dear Mr. Stiens:


I am in receipt of your August 24, 2011 letter in response to both the Human Resources Director's August 12 letter and to my August 23 letter in which we have inquired if your union, Cincinnati Organized and Dedicated Employees (CODE), would agree to the CODE President being a full-time release position. Such an arrangement would require that CODE pay 100 percent of the President's time.

In your response, you have declined the City's proposal for a Memorandum of Understanding (MOU) at this time and suggest the City address this issue with CODE's future Board of Directors. I am disappointed in this response to say the least. For CODE, above all other unions, to decline this request, while at the same time petitioning for union hours above the 1,000 provided for contractually, leaves me extremely dismayed. This is particularly troublesome, when the Fire Union, which has roughly the same number of union members, is receptive to my proposal, and the Fraternal Order of Police is also willing to discuss such an agreement.

Additionally, in your letter you have indicated that your contract provides time that is used by various union representatives for informal grievance discussions (Article 8, Section 8.2) that is outside the 1,000 hour annual allowance and is to be paid by the City. While the City does understand that your contract provides for various CODE representatives to share in the 1,000 hours, this is different than CODE practice in the past, where the President was vested with the entire cache. Therefore, given your declination to allow full-time release, this will require strict coordination by the CODE Board, and for the City to require enhanced accountability controls for union release time.

The Human Resources department will contact you to schedule a meeting to discuss how we will administer enhanced accountability.


Sincerely,


Milton Dohoney, Jr.
City Manager

Cincinnati
Organized
Dedicated
Employees



513-421-CODE
513-421-WAGE (fax)
www.codegroup.org

Date: August 24, 2011
To: Hilary Bohannon, Human Resources Director
From: Don Stiens, CODE President 
Subject: CODE Union Time

AUG26 11 7:58AM

Dear Hilary,

At this time, CODE is not in a position fiscally to make the President a full-time position, nor does CODE's Board of Directors (the "Board") feel that this position warrants full-time employment. We believe at this time that the 1,000 hours in the Collective Bargaining Agreement (the "Agreement") are sufficient to fulfill our needs. Any extra time needed will be on a purely voluntary basis during non-working hours. If you wish to pursue this matter, I suggest you address the issue with future Boards and in better times.

With respect to spreading these hours amongst other members of CODE, this is not only my intent, but it is clearly the intent of the Agreement (see Article 4, Section 4.4), which specifically mentions the use of such by Vice Presidents and other persons so designated. However, I believe that CODE Departmental Representatives' work in the informal grievance process (see Agreement, Article 8, Section 8.2) should not be charged against such hours for at least four reasons: 1) Such use of hours would be impossible to manage due to numerosity, and they would quickly exhaust such time, 2) We have no control over managers' actions or complaints with regards to such, e.g. late evaluations, improper discipline, failure to properly follow the Agreement or HRP&P, etc., 3) Numerous issues raised by personnel at this stage are not grievable under the Agreement, and 4) Such informal procedures are a necessary courtesy benefitting the City by attempting to solve what are typically departmental HR problems at that level, before they become grievances. Such time is properly chargeable to departmental overhead time for what are truly departmental administrative issues. A complaint becomes a CODE matter once it progresses beyond that stage and after CODE has determined whether or not it is grievable. Any other activities by CODE Departmental Representatives or Board members on City time are chargeable to CODE time.

At this time, we are constraining our Board's use of CODE time so as not to exceed the Agreement's limits. Furthermore, we are putting new protocols into place, along with educating CODE members as to grievance procedures and grievable issues, in order to reduce time spent on such. We will work with the City on this issue, but need your help with respect to monitoring these hours. I would greatly appreciate your continued communications as to the use of the CODE hours by pay period; specifically by whom, by amount, and for what purpose. We do not have access to this information otherwise.