

**STATE OF OHIO
ADJUTANT GENERAL'S DEPARTMENT
2825 West Dublin Granville Road
Columbus, Ohio 43235-2789**

Ohio Joint Partnership Executive Council (JPEC)

1 January 2008

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: JPEC Policy Letter 08-02 (Labor-Management Coordination Regarding Advertising Bargaining Unit Positions and Hiring/Promotion Procedures)

1. We agree that effective labor-management coordination regarding position advertisement, hiring and promotion procedures for bargaining unit positions in the Ohio National Guard requires policies and procedures that support a balanced approach to addressing military readiness and employee quality of life while sustaining the Ohio National Guard as a high-performance public service agency. In furtherance of this goal, the Joint Partnership Executive Council adopts the following policy guidelines to supplement the procedures outlined in Article VII of our collective bargaining agreement:

a. When a position is eligible to be filled either as a bargaining unit technician position or as an AGR position (concurrent advertisements), the standard area of consideration for the technician advertisement will be to all permanent technicians of the appropriate service, and the standard area of consideration for the AGR advertisement will be to all permanent AGRs of the appropriate service. This approach assures a consistent and equal opportunity for technician and AGR members of our workforce to compete on an equal footing for career-advancement opportunities. If a supervisor or commander identifies a need to adjust the standard area of consideration, the following coordination procedures will be required prior to submitting a non-standard advertisement request to the Human Resource Division.

(1) Before a change to the standard area of consideration is requested for a position that is eligible for advertisement as a bargaining unit position or a concurrent (technician and AGR) advertisement that includes a bargaining unit position, the selecting official will contact the Union Vice-President, or other designated Union officer with jurisdiction over labor-management issues affecting that local organization, to coordinate the basis for an exception to the standard. The purpose of this coordination will be to afford management the opportunity to identify the issue(s) that support a valid need to expand or restrict the area of consideration, and afford labor the opportunity to understand the competing interests and impact on the bargaining unit. Both management and labor representatives are expected to perform a balancing test to compare the impact on the organization versus the impact on the members of the full-time workforce to determine if the exception is reasonable. This process will be conducted informally and in an expeditious manner to allow position advertisements to proceed quickly. If the labor and management representatives agree that a valid basis for an exception exists, a request for advertisement will be submitted to the Human Resource Division annotated with the names of the coordinating labor and management representatives.

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(2) If the local management and labor representatives cannot agree, the matter will be referred to the Director of Human Resources for resolution. The Director of Human Resources will review the analysis of the local representatives in concert with the Command and Union President before issuing a final decision on the appropriate area of consideration.

b. Filling intermediate and higher-graded positions through promotion or re-assignment of qualified permanent full-time personnel is a joint goal of labor and management. We acknowledge, however, that there are some personnel management considerations that out-weigh the normal priority given to advertising practices that support enhanced opportunity for internal promotion or re-assignment (our standard). These validated personnel management considerations can be identified by performing a balancing test to determine the benefit to the organization in contrast to the cost to quality of life impact on the full-time workforce. Straight-forward validated personnel management considerations demonstrate that the change would have significant benefit to the military readiness of the organization with little impact to the full-time workforce (such as, expanding the area of consideration to military members for positions that are normally filled by personnel entering the full-time program, or positions that have traditionally been hard-to-fill through internal candidates). More complex personnel management considerations require demonstrating that although there is some potential impact to the full-time workforce, the benefit or necessity for the military readiness of the organization is more significant.

c. All management and labor representatives must be made knowledgeable of their responsibilities to collaborate to accomplish both the mission of the organization and to meet the legitimate needs and expectations of our full-time personnel. Senior management and senior labor officials must provide training on collaboration procedures regarding position advertisements, as well as training in the mutual responsibilities and obligations of carrying out the mission of our labor-management partnership in problem solving.

d. If an initial advertisement fails to result in a selection, a subsequent advertisement for the same position may expand the area of consideration without restriction. Human Resources will inform the appropriate labor officer.

e. Applicants for all bargaining unit positions advertised concurrently (i.e., as both technician and AGR) will be screened for qualification using standard criteria for the advertised technician position. Only AGR applicants meeting the minimum qualifications required for a technician applicant will be included on the certificate of qualified candidates for selection consideration.

f. Those positions advertised as "indefinite may become permanent" which would be considered as a bargaining unit position if advertised as a permanent, will be processed in the same manner as permanent bargaining unit positions. This includes use of interview teams.

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2. This memorandum establishes personnel policy of the Ohio National Guard and will be administered as a policy of The Adjutant General by the Human Resource Division. This policy will be effective for the period coinciding with the AFGE and Adjutant General's Department Collective Bargaining Agreement approved by the Department of Defense on December 19, 2007, unless specially rescinded or superseded.


GREGORY L. WAYT
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The Adjutant General


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