

State of Ohio denies union request to negotiate over return to office policy

By Donovan Hunt
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The state of Ohio denied the largest union representing state workers its request to negotiate remote work policy changes to comply with Gov. Mike DeWine's return to office executive order.

The Ohio Civil Service Employee Association claimed the Department of Administrative Services violated their bargaining agreement by failing to negotiate with the union before making changes to telework policy, according to a grievance letter filed Feb. 7. The letter requested the DAS to negotiate with the union and rescind its policy changes until those talks are complete. The state denied that request Tuesday.

DeWine signed an executive order Feb. 4 mandating that state employees under his authority routinely complete their work in office by March 17. Before DeWine's order, large private employers in Ohio began requiring employees to stop remote work.

President Donald Trump signed a similar executive order for federal employees. DAS updated its policies two days after DeWine's order.

"Management does not have the unilateral authority to eliminate or modify telework without engaging in collective bargaining," the grievance states. "By failing to negotiate, the Employer has disregarded its contractual obligations and undermined the collective bargaining process."

The grievance letter says making these changes without negotiating with OCSEA is in bad faith. It says the policy changes creates hardships for employees by negatively impacting their working conditions and requests the state make employees whole for any lost benefits, accommodations and wages.

A section specifically for telework included in the most recent collective bargaining agreement states that employees can request telework, remote or hybrid schedules, that denials of those schedules must be sent to the employee and union with a detailed reason for the denial and issues about those schedules are appropriate to discuss at labor management meetings.

"Teleworking is not a contractual benefit and the state of Ohio maintains there has been no violation of the collective bargaining agreement," DAS spokesperson J.C. Benton said in a statement. "The state is not obligated to negotiate the policy change."

DAS' response to the grievance signed by Deputy Director Kristen Rankin said the state has clear authority to terminate, approve and deny telework schedules consistent with that section of the collective bargaining agreement. It said offering telework "remains fully a management right" and that it is still something appropriate to discuss at labor meetings.

“The state agrees telework is a valid topic for labor management meetings and we intend to have more discussions about the ramifications of the Governor’s return to office order,” OCSEA President Chris Mabe said in a statement. “Our members have proven they can do their jobs effectively through telework while saving tax dollars, and we will emphasize that in our meetings with management.”

Who is impacted by the return to office order?

The order applies to about 44,000 state employees who work in agencies overseen by the governor. DAS said 25% of state workers have hybrid schedules and 10% are fully remote, the bulk of those are in customer service or call center jobs.

The state has saved \$15 million on reducing facility costs per year because of remote work, according to DAS Director Kathleen Madden.

The order and policy changes from DAS allow for some exceptions to remote work for workers who do field work and employees at offices that have downsized to fit remote work needs. The executive order does not require offices that have removed office space to regain it, but DAS policy states that state-owned or leased office space must be maximized.

Appointing authorities may also allow workers to telework if they were living 40 miles away or more at the time of the policy change. It allows for other secondary considerations including days with inclement weather.