



Ohio

**Department of
Administrative Services**



**Expanding Alternative
Dispute Resolution
Logistic Options
Mediation to Telemediation**

OCB Telemediation Project

Green Belt Six Sigma Project Report Out

Kate Nicholson

Department of Administrative Services

Office of Collective Bargaining

January 2020

Project Team

Steve Baker

Dan Batts

Alicyn Carrel

Hema Patel

Scott Steenrod

Kelly Stiles

Amanda Webb

Background

2011 – Creation of pilot electronic grievance system with one union

2013 – Building business specs for an electronic grievance system for all unions and agencies

2014 – Phased in implementation over six-month period

2015 - 2016 – Refining system functionality for management needs

2017 – Management focus groups to determine user needs and gaps

Management Requests Identified Need

- Limit or Reduce Absences due to Alternative Dispute Resolution (mediation and non-traditional arbitration)
- Time Slots
- Keep employees at their worksite

Example: One event: 20 people traveling by car, one hour each way; average duration of absence of 8 hours; average hourly wage of \$25; 100 events a year = \$400,000

- *Reduction of 33% of cases heard in person per year = approximate cost savings of \$132,000 a year*

Travel During Winter

5S - Safety

- An additional consideration was the safety hazards associated with travel and release:
 - Arbitrators or key personnel might not show during inclement weather resulting in numerous events being cancelled or delayed.
 - Agencies may face security gaps due to personnel releases that could not be backfilled and/or faced additional cost to fill.

Negotiate Process Define the Scope

Address management concerns regarding travel and release within the existing scheduling structure without impacting the contractually negotiated grievance process.

During 2018 contract negotiations, both OCSEA and 1199 agreed to pilot teleconferencing at mediation.

Scope

Identify a teleconferencing platform that provides both audio and visual participation that could be used across agencies and with the unions.

Incorporate teleconferencing option into current scheduling structure.

Verify changes are affordable, available and easy to use.

Ensure programming modifications in the scheduling system are supported.

Communicate changes and train impacted populations.

Scope

Address parties' primary concerns

- Management's primary concern: Reduce travel and absence duration
- Union's primary concern: Ensure grievant and union representatives can see and be seen by the mediators
- Both parties: Should not impact outcomes seen in ADR process

Identify

Contacted DAS, Information Technology:

- All agencies have the same Operating System
- All agencies share the same calendar application – Outlook
- Current Microsoft Suite includes Skype for Business

Office of Collective Bargaining to confirm and coordinate resources:

- Available equipment and conference room
- Software licenses and availability
- Agency security and firewall issues
- Training end user login and use of skype for business

TIM U WOOD

TIM U WOOD: Used to discover waste and where it was most significant.

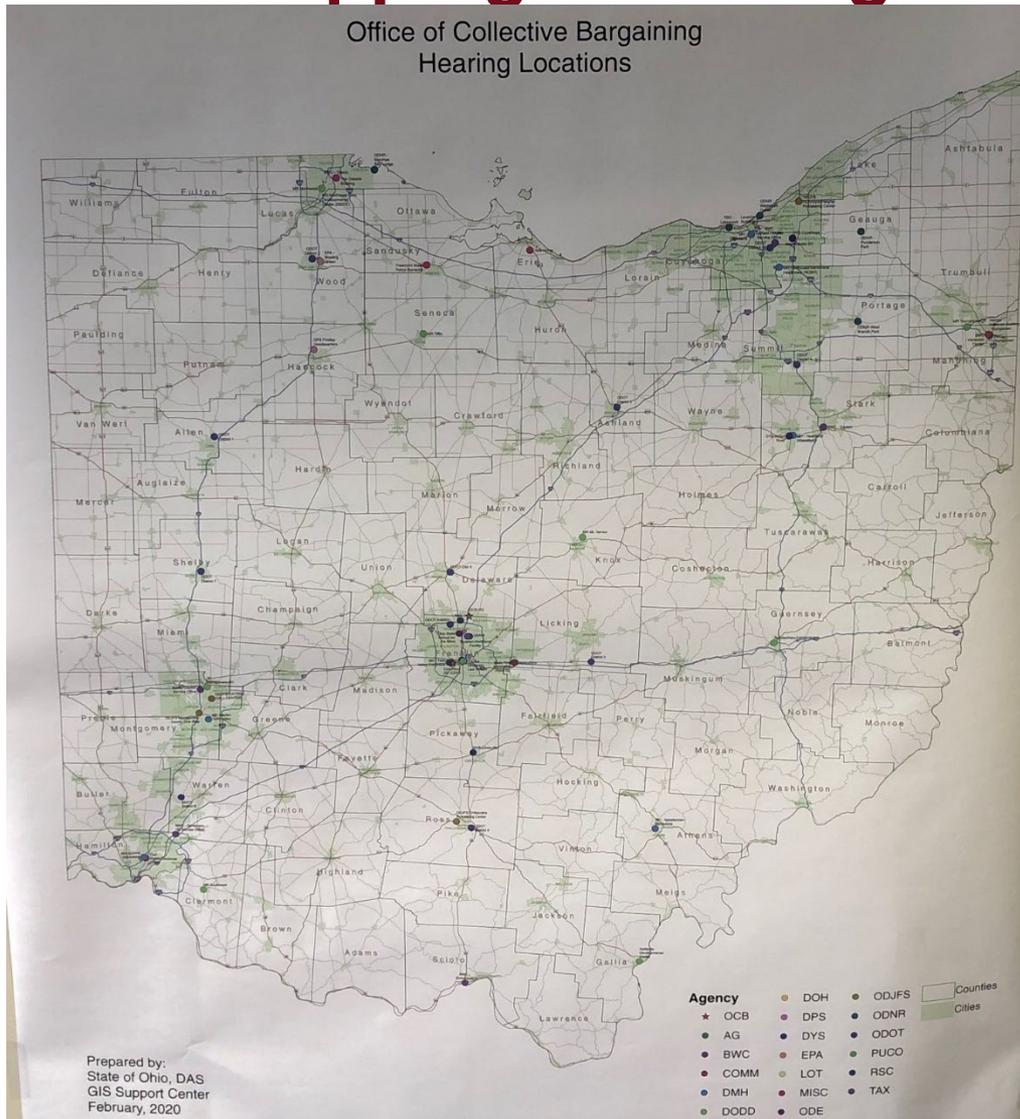
- OCSEA: Scheduling dockets are regionalized to cluster grievances filed in similar areas of the state and hearing locations are set accordingly:
 - Agency with the most cases are the host location for that specific rotation date, all other agency and personnel associated with grievances filed at other locations must travel to host.

1199: Scheduling dockets are centralized to cluster grievances filed by DRC or all other agencies:

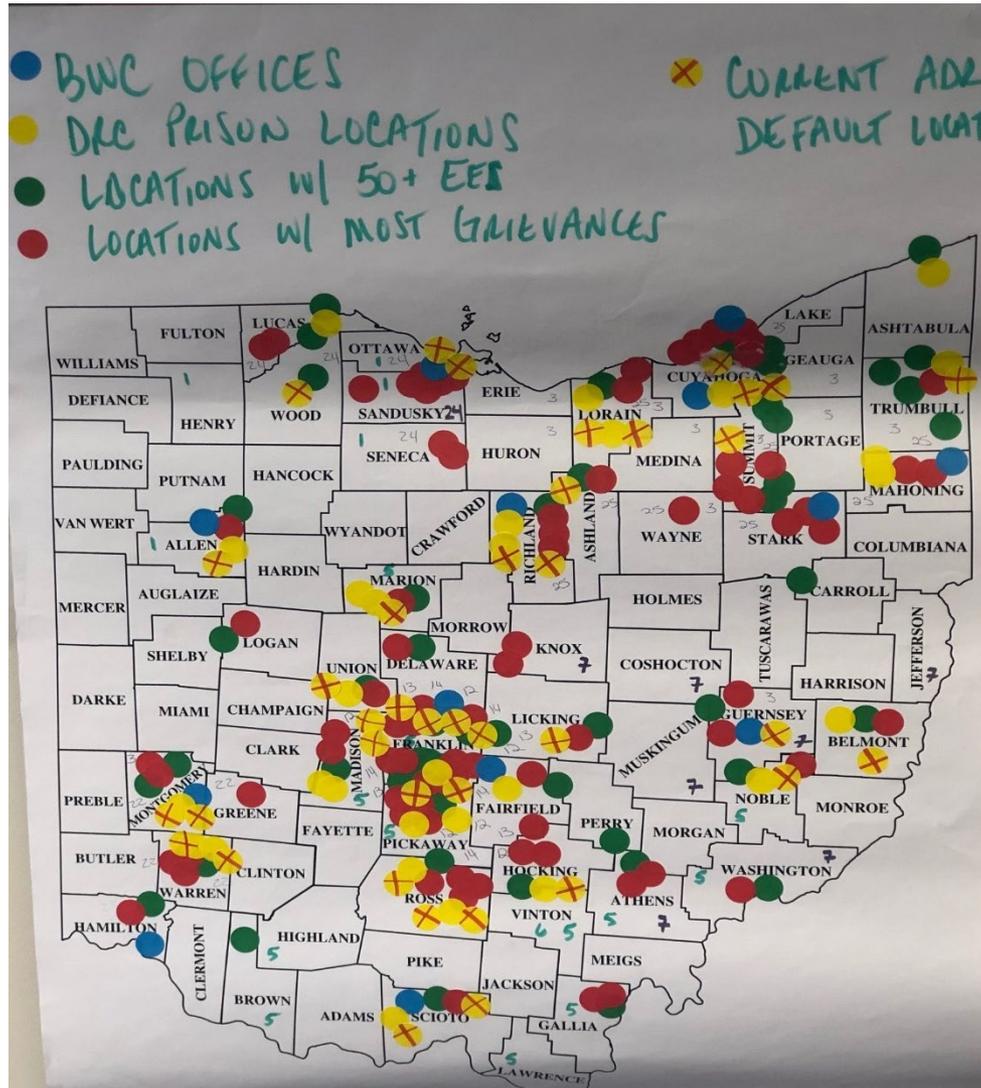
- Union HQ is the host location, and all impacted parties travel to Columbus.

Variable dockets required attendance for the entire day resulting in HR, management and union release for 8 hours or more for each case.

Process Mapping – Hearing Locations



Process Mapping – Grievance Locations



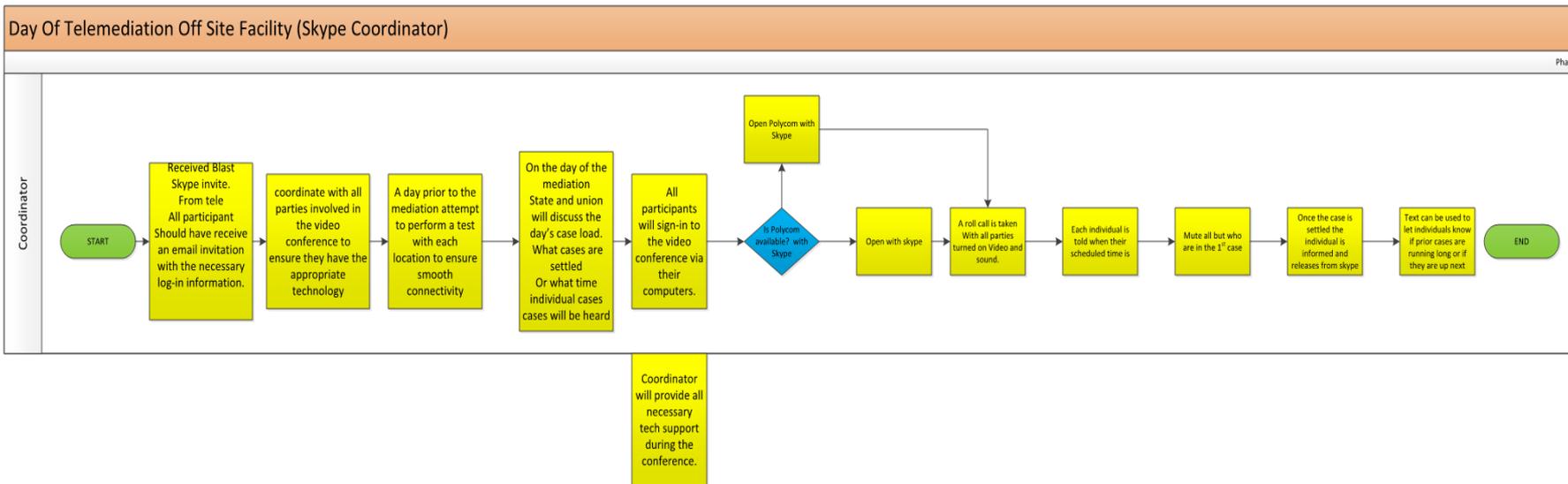
Brainstorming

How do we deploy telemediation platform: Skype for Business

- Agency Buy In
- Familiarity with conference lines and audio bridge lines, VOIP phones with cameras and webinars but limited familiarity with Skype
- Train users on Skype for Business
 - SurveyMonkey
 - Mass Emails
 - Test sessions
 - Job Aids

Process Mapping

Hearing Facilitator



Use of Web/Teleconferencing to Reduce Travel Expense in State Government

DAS Study from February 2013 from the Office Of Technology : “Optimizing the Use of Web/Teleconferencing to Reduce Travel Expense in State Government”

- See

<http://das.ohio.gov/Portals/0/DASDivisions/DirectorsOffice/pdf/Teleconferencing%20Report%202012%20v8.pdf>

Agencies and Divisions Involved

- DAS Information Technology
- DAS Office of Collective Bargaining
- Department of Rehabilitation and Corrections
- Department of Youth Services
- Department of Developmental Disabilities
- Department of Mental Health
- Department of Transportation
- Eventually all agencies who have grievances

Unions Involved

Ohio Civil Service Employees Association (OCSEA)

Service Employees International Union, District 1199
(SEIU)

Sample Tracking Form – Version #2

Event Name: Feb. 25, 2020-1199/ODRC/MED/Bass
 Location Name: [1199](#)
 Location: 1395 Dublin Rd.
 Columbus, OH 43215

Union: 1199
 Mediator/Arbitrator: Meeta A. Bass
 Date: 2/25/2020
 OCB Staff: [ERIC FILERMAN](#)

Hearing Location ID: 4

Grievances

Grievance #	Worksite	Grievant Name	Contract Articles	ADR Type	Sub Type	Agency Rep	TeleMediation Information	Telemediation – Remote Attendees	Result
DRC-2019-03357-11	Correction Reception Center	SASHA Brooks	24.16,24.17,28.03,30.02,3	Mediation	Other			None	Carried Forward to Arbitration
DRC-2019-04080-11	Lebanon Correctional Institute	APRIL GILLIAM	12,12.04,6,6.02,24,24.04	Mediation	Other			None	Settled Prior to ADR
DRC-2019-04198-11	Marion Correctional Institute	TERESA SMITH	5,10.03,10	Mediation	Other			None	Settled
DRC-2019-04199-11	Marion Correctional Institute	TERESA SMITH	5,10.03	Mediation	Other			None	Withdrawn by Union
DRC-2019-04255-11	Women's Reformatory	LEAH STEVENS	24.03,24.17,24.AGENCY		Overtime		Please open the Outlook meeting invitation and click on "Join Skype Meeting" in blue text to begin the skype session. 1 (614) 721-2972 Conf. ID#854310447#	Management and Union	Withdrawn

TELEMEDIATED CASES MEASURE

177 Cases Proposed by Union or OCB

- 117 did not go forward
- 45 resolved prior to the event
- 45 cases heard through June 2020

40% resolution rate

- Average resolution rate is 55%

TELEMEDIATED CASES ANALYZE

Lower resolution rate

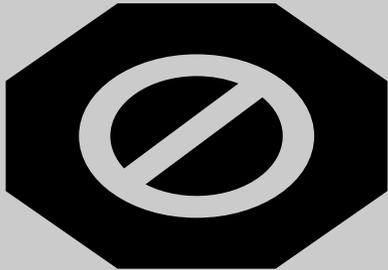
- Inability to easily pass paper settlements and obtain signature
- Easier to not follow advisory opinion and just “carry forward” for further discussion



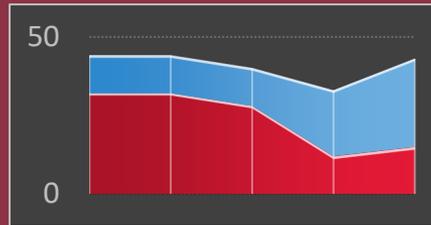
Increased Demand

COVID – 19

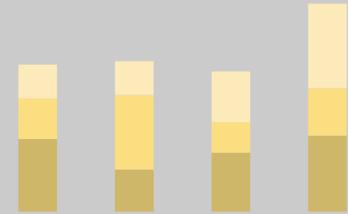
DEMAND HAS REPLACED HESITANCE



All ADR events cancelled between March 12 and June 8.



Slowly began scheduling virtual events with lower than average resolution rate.



Varying resolution rates based upon waiver of redundant cases, limited ability to conduct non-traditional arbitration, difficulty obtaining signature on settlements.

Transition in Platform



Modify Teams to accommodate external needs

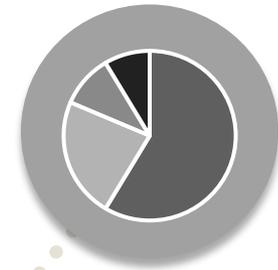
NEW RULES



APPROVAL
TO MOVE
FORWARD



TRACK



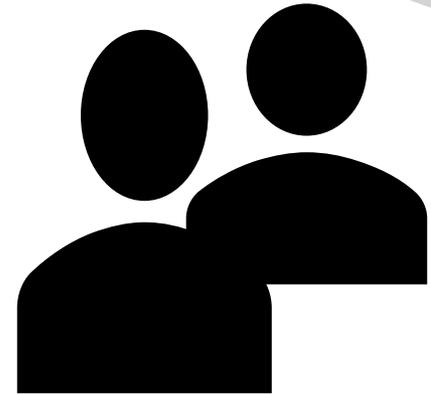
PARTIES
AGREEMENT



TESTING

TELEMEDIATION

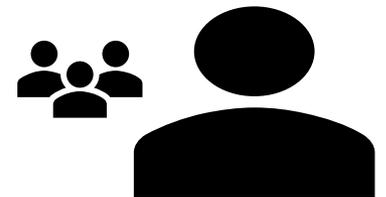
- All virtual ADR since June 8
- Skype, Teams, Zoom
- 23 events
- 168 cases
- 106 carried forward
- 37% resolution rate



**Agency
Representatives**



**Union
Representatives**



Arbitrator

All parties remain in the virtual lobby until the Arbitrator requests case to move forward

Net Impact

Limit or Reduce Absences to small window of time during and immediately before and after the event.

Assigned time slots allow parties general idea of when their case will be heard.

Potential Savings: Since June 2020, 23 events with 168 cases. Calculated savings found from reducing release, travel and wait time of the grievant and local management rep from 8 hours to 1 hour.

3 months	Cases	People	Hours Released	Average Hourly Rate	Total
In-person	168	2	8	\$25	\$67,200
Telemediation	168	2	1	\$25	\$8,400
					\$58,800
Savings for Year					\$176,400

Preliminary Findings - Improve

Movement to Teams platform that is open statewide and assessable to the union

Ensuring internet, audio, video & conference rooms/resources are available

Adding all eligible cases to the docket – no longer delaying scheduling of non-traditional arbitration

Coordinating documentation sharing and review during the hearing

Increased familiarity and comfort level with remote hearings

Modifying time buckets based upon complexity of cases

Revisiting electronic withdrawal & settlement process

Encouraging parties to settle or withdraw at time of hearing

Control

Creation of a scheduling job aid.

Implementing proper security on each hearing to prevent accidental overlap.

Dedicated facilitator to assist parties with technology needs.

Dedicated location for sharing documentation.

Monitoring grievances to ensure duplicates are removed from docket.

Evaluating which cases are best heard in person vs. remotely.

Communication!

**Thank You from
the DAS Office of
Collective
Bargaining**