

MEMORANDUM OF UNDERSTANDING

CONSISTENT REFUSAL

This Agreement made MAY 13, 2008 by and between the Ohio Department of Transportation (ODOT), the Ohio Department of Transportation (ODOT), and the Ohio Civil Service Employees Association, Local 11, AFSCME (OCSEA),

WHEREAS, all parties hereto wish to reach a full and final agreement

1. All districts statewide will adhere to the attached ODOT guidelines.
2. Before an employee is disciplined, employee must refuse four (4) overtime opportunities and have refused 25% of all opportunities offered.
3. Central Office will review all oral reprimands issued under this policy.
4. Absent mutual agreement, this agreement will be incorporated without additional changes into the next collective bargaining agreement negotiated at the end of the current agreement.

Guidelines for Discipline of Consistent Overtime Refusal

1. Prior to the issuance of any discipline, an employee who has refused a sufficient number of snow and ice overtime opportunities to merit the consideration of discipline will be first given documented corrective counseling explaining the serious consequences of continued refusals. A copy of this counseling will be sent to the District Labor Relations Officer and Central Office Labor Relations.
2. The record of refusal will be cleared after each snow and ice season, however, discipline issued regarding consistent refusals will be retained pursuant to Article 24 of the OCSEA Contract.
3. For purposes of progression, prior unrelated disciplines will not be considered in determining the level of discipline to be imposed for "consistent refusal", however, discipline imposed for consistent refusal may be considered for progression in later unrelated offenses.
4. Although every refusal is recorded, no more than one (1) refusal per 24 hour calendar day should be considered for disciplinary purposes.

5. The progression to be used in disciplining employees for "consistent refusal" is as follows:

1. Oral reprimand
2. Written reprimand
3. 1 Day fine
4. 3 Day fine
5. 5 Day fine
6. 10 Day suspension
7. Removal

Jim Miller 5-13-08
ODOT Date

William M. O'Neill 5/13/2008
OCSEA Date

Kathleen M. Stares 5/13/08
ODOT Date

John A. Bersinger 5/13/2008
OCSEA Date