ATTACHMENT “A”

FINAL TENTATIVE AGREEMENT {9-28-09}

ARTICLE XXVI

POSITION CHANGES AND POSTING

Section 1. Subject to the provisions of Article XXVII, when a bargaining unit position vacancy occurs or a new bargaining unit position is created and the University decides to fill that position, the University shall post a notice of the opening. The notice shall be posted for a minimum of ten (10) working days on the Department of Human Resources Development and Labor Relations (HRD) website located at url: http://www.csuohio.edu/HRD/employment.html http://www.csuohio.edu/offices/hrd/employment.html and as a regular reminder in the “Campus Mailbag”.

Section 2. The University shall send an email copy of the posting notification of all postings of bargaining unit positions to the Union President. All website postings will be dated. The website posting shall specify the position's title, the department or work unit where the position is assigned, the pay grade assigned, the salary range, the minimum and preferred qualifications for the position, the hours of work (full-time or part-time) the source of funding, designation as an SEIU position, and a brief description of the job duties. Employees may obtain a position description by calling HRD.

Section 3. All completed application material timely filed will be reviewed by the University.

Section 4. Bargaining unit position vacancies and new positions shall be awarded on the basis of qualifications. “Qualified” shall be defined as meeting all the necessary qualifications for the position to perform the required work. In determining whether an applicant is qualified, the University shall give consideration to ability, aptitude, skill, experience, qualifications as stated on the position vacancy notice, and such other criteria as it usually considers in filling any vacancy. The determination of qualifications is the responsibility of the University.

Insofar as it is consistent with the process described in the University's Affirmative Action Policy, the following procedure shall be adhered to.

A. When a bargaining unit vacancy occurs or a new bargaining unit position is created, the affected department shall adhere to Search Committee guidelines as established by HRD and the University's Affirmative Action Policy. The make-up of the Search Committees is subject to approval by either the Affirmative Action Office or HRD.

B. Bargaining unit employees shall be represented on Search Committees. Employees shall inform the department head of their interest in serving on a Search Committee. At least one (1) bargaining unit employee who is knowledgeable regarding the duties and responsibilities of the vacant position (“eligible bargaining unit employee”) shall be appointed to the Search Committee. It is the intent of the parties that reasonable efforts be made not to appoint the same eligible bargaining unit member to successive Search Committees.
To the extent possible, HRD shall identify and solicit qualified bargaining unit staff members to serve on Search Committees for bargaining unit positions. In instances where HRD determines there is no viable or willing bargaining unit member to serve on a Search Committee (e.g. due to workload, operational need, lack of available employee with knowledge of duties and functions of the position), the Search Committee will utilize professional HRD staff members who will fulfill all the requirements of the Search Committee. HRD shall notify the Union President of Search Committees that proceed without a bargaining unit member.

C. Subject to paragraph (D), below, the Search Committee shall receive and review all application materials that are submitted timely. The Search Committee, in consultation with either the Affirmative Action Office or HRD, shall reach agreement on which candidates to interview and to recommend for final selection. The Search Committee's Chair shall assume responsibility for all reports and documentation. The Chair of the Search Committee shall forward the Committee's recommendation(s) to the appropriate administrator.

D. The University reserves the right to utilize HRD Planning Managers, Generalists and other appropriate HRD professionals who may assume initial screening, interviewing, ranking and oversight responsibilities of a Department Search Committee for a specified college, division, or department. In such instances involving a bargaining unit vacancy, at least one (1) eligible bargaining unit employee as described in consistent with Section 4.B, above, and who is knowledgeable regarding the duties and responsibilities of the vacant position shall be part of the search process. Any such actions by HRD professionals shall meet University requirements as defined in the Affirmative Action Policy regarding the search process. The HRD professional and the eligible bargaining unit employee shall typically refer at least two (2) final candidates to the hiring department. HRD will notify the Union of any expansion of its current role as the search committee beyond the College of Urban Affairs and the Division of University Studies.

E. If an employee applies for a posted position and is determined by the University search process to be the most qualified over an outside applicant(s) or relatively equal in qualifications to an outside applicant(s), the employee shall be awarded the position over the outside applicants. Further, if more than one employee applies for a posted position and if their qualifications are determined by the University to be relatively equal, then the employee with the most seniority shall be awarded the position. The University's determination as to relative qualifications shall be conclusive in the absence of a showing that such determinations were arbitrary or capricious.

F. The appropriate administrator shall assume responsibility for obtaining approvals from the Director of Compensation regarding an appropriate grade and salary.

G. The Search Committee Chair HRD shall notify qualified bargaining unit applicants in writing electronically that they have not been offered the position within thirty (30) calendar days of the date on which the candidate offered the position has verbally accepted the position. The start of the grievance timeline for an employee who wishes to file a grievance based on the selection of the candidate shall be ten (10) calendar days after the date on the letter of electronic notification informing the employee that he or she was not awarded the position. If a bargaining unit applicant is not sent a letter notified, the grievance timeline will commence
when the applicant becomes aware that a candidate accepted a position, but no later than sixty (60) days after a candidate has accepted the position.

H. An employee who is not selected may meet with a designated member of the HRD to discuss the reasons for not being offered the position. At the request of the employee, a representative of the Union may be present at the meeting.

I. An employee awarded a position through the bidding and posting procedures shall be transferred to that position within twenty-one (21) calendar days of the date the employee is notified of the awarding of the position unless the department heads otherwise agree to a shorter period.

J. An employee awarded a position under these provisions shall be allowed a trial period of thirty (30) calendar days, beginning with the first day in the new position. If during the trial period it is determined that an employee is not satisfactorily performing the work, the employee shall be reassigned to her/his former position. In addition, an employee may elect to return to her/his former position within such trial period. An employee who is reassigned or elects to return to her/his former position will be paid at her/his former regular rate of pay plus any regular wage increases that would have been received by such employee in the former position, during the time the employee was in the new position.

Section 5. Employees who are within an original probationary period or trial period are ineligible for inclusion in a pool of candidates to fill a vacancy.

Section 6. Nothing in this article shall be construed to require the University to declare that a position vacancy exists; to create a position vacancy; or to create a new position.