

# Yamhill County

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## OFFICE OF HUMAN RESOURCES

DESIREE LUNDEEN  
HUMAN RESOURCES MANAGER

KATHY ARREOLA  
HUMAN RESOURCES SPECIALIST

DOLORES JOHNSON  
HUMAN RESOURCES ASSISTANT

April 5, 2017

Elsa Pantoja, YCEA **Sent via email to [pantojae@co.yamhill.or.us](mailto:pantojae@co.yamhill.or.us)**  
535 NE 5<sup>th</sup> St  
McMinnville, OR 97128

Re: Response to March 1, 2017 Grievance Regarding Article 6.4

Dear Elsa,

This letter is the written response to the "Official Grievance" that you presented to the County on March 1, 2017. In this grievance, you provided that you believe "Members have been working 11 hours from the time they accepted the position until 2/15/17 and only getting payed (sic.) for 10 hours". In the "Official Grievance", you identified the following employees as being affected: Debra Agee, Patricia Goldstein, Tara Darter, Katrina Dasenbrock, Betsy Weigant, Chelene Glanker, Jennifer Leonard, and Jeremy Livingston. You went on to provide that this action resulted in the County being in violation of Article 6.4 ("and any other articles that may apply") of the July 1, 2014 through June 30, 2017 Yamhill County and Yamhill County Employee Association with AFSCME Local 1422 Collective Bargaining Agreement (CBA). As detailed below, I have concluded that the County is not in violation of the CBA.

ISSUE #1- The union alleges that the affected employees listed above "have been working 11 hours from the time they accepted the position until 2/15/17". Article 4 "HOURS OF WORK" of the CBA provides that "For employees in continuous service operations or where the business necessitates or the department requires evening or weekend work, the work week shall consist of regular 8-hour days or consecutive 10-hour days on an ongoing basis, except for emergency situations". During the affected employee's employment with the County and while they have been members of the YCEA bargaining unit, they have worked a schedule in conformance with Article 4 of the CBA. As such, these employees have been scheduled to work either 8 or 10 hour shifts with an hour lunch break. These employees have not been scheduled to work 11 hour shifts.

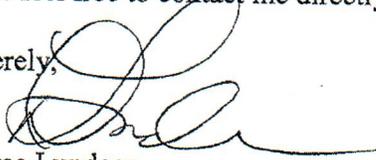
ISSUE #2 - Article 6.4 "OVERTIME" of the CBA provides: "...Employees shall be compensated at the rate of time and one-half or the applicable overtime rate (whichever is greater) for work under the following conditions...(i) All assigned work authorized by department heads in excess of either 8 hours a day for employees on a 5-day work week or 10

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hours a day for employees on a 4-day work week'. According to timesheets submitted by these employees to their supervisors, any recorded overtime has been paid as such by the County.

In summary, I conclude that the County has not violated Article 6.4 (or any other article) of the CBA because the affected employees have not been scheduled to work 11 hour shifts and the County has not denied any of the above referenced employees overtime. If you have questions, please feel free to contact me directly.

Sincerely,



Desiree Lundeen  
Human Resources Manager

Attachments:

YCEA March 1, 2017 Grievance

Cc: Silas Halloran Steiner, Director HHS  
Josh Rojas, President YCEA

Accepted by Yamhill County  
Board of Commissioners on  
4-13-17 by Board Order  
# 17-125



# OFFICIAL GRIEVANCE FORM

**NAME OF EMPLOYEE:**

Members in Abacus in  
COS position.

**DEPARTMENT:** Abacus/HHS

**CLASSIFICATION:**

**IMMEDIATE SUPERVISOR:** Lee Monahan

**WORK LOCATION:**

**SUPERVISOR'S TITLE:**

**STATEMENT OF GRIEVANCE:**

Members have been working 11 hours from the time they accepted the position until 02/15/2017 and only getting payed for 10 hours, in violation of the contract Article 6.4 and any other articles that may apply.

**Adjustment required:** Compensate members for all hours worked and make whole in every way.

I authorize A.F.S.C.M.E. Council 75 as my representative to act for me in the disposition of this grievance.

**Date:** 3/1/2017 **Signature of Employee:** Filed on behalf of employee

**Signature of Union Representative:** [Signature] **Title:** Office Specialist II

**Date Presented to Management Representative:**

**Signature of Management Representative:**