

Employee Labor Relations

Slide 1

Welcome to the Employee and Labor Relations segment of online New Employee Orientation.

We'll be providing you with an overview of your rights and responsibilities as an employee at FSU.

Slide 2

During this presentation, pay plans, performance evaluations, and guidelines for Disciplinary Actions will be discussed.

Slide 3

There are 4 specific pay plans. They are Administrative and Professional (A&P), University Support Personnel System (USPS), Faculty, and Other Personnel Services (OPS) pay plans. Each Pay Plan has different terms and conditions of employment, and cannot be compared to the other.

Slide 4

The first pay plan FSU administers is the Admin and Profess (A&P) pay plan. An A&P employee is one whose duties and functions are primarily professional or administrative in nature. All A&P employees are considered exempt for the Fair Labor Standards Act, better known as the Wage and Hour Laws, which means that for any hours worked over the 40 hours in a workweek, you do not receive overtime wages.

Slide 5

The second pay plan FSU administers is the University Support Personnel System (USPS) pay plan. Within the USPS pay plan, there are exempt and non-exempt employees. USPS exempt employees are exempt from FLSA, but DO receive straight time wages or comp time for any hours worked over 40 in one workweek. USPS non-exempt employees are considered not exempt from the FLSA or the Wage and Hour Laws, and for any hours worked over the 40 hours in a workweek, would receive overtime wages or compensatory time off.

Slide 6

The third pay plan FSU administers is the Faculty pay plan. The Office of the Dean of the Faculties exists to serve faculty members in providing information about academic policies, which include but are not limited to, faculty development and sabbaticals, faculty appointments and procedures, outside employment, dual compensation, promotion, tenure, faculty assignments, faculty evaluations and political activities. All faculty appointments are processed through the Office of the Dean of the Faculties.

Slide 7

OPS is a fourth pay plan for our temporary hourly at-will employees

Slide 8

With that being said, the mission of E/LR is to provide assistance to University Faculty, staff, and employees in administering University policies and procedures.

Slide 9

Specifically, E/LR provides assistance with:

USPS and A&P personnel issues, Disciplinary Matters, Performance Evaluations, Special Training needs, Collective bargaining agreements, Union grievances, USPS and A&P complaints, Appeals, Unemployment Compensation, Exit Interviews, Layoffs, Voluntary Demotions/Reductions in Force.

Slide 10

A&P employees are evaluated annually, every August. The evaluations should be completed to coincide with the employee's annual re-appointment. The rater is generally the employee's immediate supervisor, and the rater may use the standard A&P evaluation form, which is located on the FSU Human Resources website. An official memorandum may also be used as well as a rater's own form; however, we ask that if the later two forms are used, the rater would work with someone in the ELRO to complete the evaluation. The rating factors for A&P evaluations include: Excellent Above Satisfactory, Satisfactory, and Unsatisfactory or Needs Improvement.

Slide 11

A&P employees do not serve a probationary period, but instead work on a contract. Should the contract be canceled, hard money funded A&P employees with less than a year of A&P service have the right to 3 months notice upon contract cancellation. Hard money funded A&P employees with more than one year of A&P service have the right to 6 months notice upon contract cancellation. Soft-money funded or grant funded A&P employees generally have the right to the same notice standards. However, such employees are funded through contracts and grants, which is limited and may not recur.

Slide 12

The USPS performance evaluations are a little more complex. There are 2 forms that are used for USPS evaluations. The first one is the USPS Performance Evaluation, which is an annual or special review used to document performance in detail and to indicate detailed changes that have occurred or improvement required. The other form is the USPS Performance by Exception form, which is an annual review stating that no significant changes have occurred in the employee's performance, a discussion has taken place with the employee, and the previous rating continues from the last evaluation. The rating factors for USPS employees include Superior, Above, Meets, or Below Performance Standards. And, the 3 types of evaluations include Probationary, Annual, or Special.

Slide 13

The first evaluation a USPS employee should receive is the probationary evaluation. All USPS employees serve a 6-month probationary period, with the exception as the police officers who serve a 1 year probationary period. The probationary period is considered an extension of the hiring process, which means that during the probationary period, you

are considered an at-will employee, and you can be terminated at any time without the right to appeal your termination. This is your opportunity to put your best foot forward. The probation evaluation should be completed within 30 days prior to the end of the probation period. 2 things happen when a USPS employee completes the probationary period: first, the employee receives status in the system, and then in the classification to which they are appointed.

Slide 14

Circumstances of extensions:

Below performance

Additional Training

Approved absence of rater or employee

Reassigned to different position in same class

Each time a USPS employee changes classifications, another probationary period for that classification must be completed, which changes the evaluation date as stated earlier.

Slide 15

Thereafter, USPS employees are evaluated on their annual date of which they were first appointed to the class. The annual evaluations are to be completed within 30 calendar days following the annual date of appointment in order to ensure the employee is rated for the entire annual period.

Slide 16

The final type of evaluation is the Special evaluation. The Special evaluation may be completed at any time of which the rater determines the employee's performance has changed from their rating level of the most recent evaluation. The Special evaluation covers the last rating period date until the evaluation is discussed with the ee. The exception here is that if the employee has dropped to a Below Performance Standards. Then the rating may only cover a 60 day period. Special evaluations can provide frequent feedback and can also provide recognition for a Special project.

Slide 17

The evaluation should be reviewed and signed by a higher level supervisor, who reviews the evaluation and my submit comments, but does not make any changes. The employee's signature is also required to indicate the evaluation has been discussed with the employee. An evaluation is complete after it has been discussed with the employee, and the rater has signed the evaluation form.

Absent an evaluation, for an employee without an evaluation already on file, you will automatically receive a Meets Performance Standards rating level. For an employee that already has an evaluation on file, that rating level will carry over. You may submit a written request to your supervisor for an evaluation to be completed within 30 days following the original due date.

Slide 18

The Guidelines for Disciplinary Action are applicable to A&P and USPS employees and are published online via our web site, as well as in the *FSU&You* employee handbook. In your new employee packet, you received and signed a memorandum of understanding acknowledging you have received a copy of these Guidelines. By signing for this rule, you have been given notice of the standards of conduct at the University. Therefore, you should read these rules and familiarize yourself with the contents, because compliance with these standards is critical to your maintenance of a good work record at the University.

The University practices the concept of progressive and cumulative discipline. Progressive discipline is based on the idea that employees have been informed of the performance and behavior standards expected of them. In prescribing progressive discipline, penalties shall be appropriate to the circumstances of the offense, therefore resulting in a lesser form of disciplinary action, such as an oral or written reprimand for the first occurrence and progressing to more severe forms of disciplinary action, such as suspension and dismissal, should the offense continue to re-occur. The type of disciplinary action taken will depend upon the gravity of the employee's offense and the type of disciplinary action that has been taken in the past for similar offenses. It is recognized, however, that in some instances suspension or dismissal may be warranted on the first occurrence based on aggravating circumstances. All offenses can have a cumulative effect and offenses need not be identical to impose a penalty more severe than prescribed for a similar offense.

Slide 19

The least severe action is an Oral Reprimand: An oral reprimand is in writing and does go in the employees official personnel file. Should the employee maintain a disciplinary free work record for a minimum of 1 year, the reprimand can be sealed and declared invalid. It will stay in personnel file to be in compliance with public records law.

The next step in the progressive discipline process is the Written Reprimand. If the employee maintains a disciplinary free work record for a minimum of 2 years, the reprimand can be sealed and declared invalid. It will stay in personnel file to be in compliance with public records law.

Slide 20

The predetermination conference is held at the suspension and dismissal level. This is part of due process for the employee. The employee is given a 10 day notice prior to a suspension or dismissal taking place. During that 10 days, the employee is given 5 work days to request the predetermination conference. The predetermination conference is held with the ultimate decision maker regarding the disciplinary action who is usually a Dean, Director or department head. The predetermination conference is a time for the employee to meet with the decision maker and refute or explain the charges that have been alleged against the employee. This is an opportunity for the decision maker to get the employees side of story before making a final decision on the administrative action.

Suspensions and Dismissals are never forgiven because of the seriousness.

Slide 21

Managers should work with the Employee Relations section of HR prior to administering disciplinary action. The Online GUIDE is also a tool provided. Although this tool is not limited to supervisors, we encourage supervisors to consult the online Guide when considering what to do about employee misconduct.

Slide 22

If an employee feels there was not just cause for the disciplinary action received, they have the option to grieve or appeal the action. Grievance of Oral and Written Reprimands can be done through the USPS and A&P Complaint Procedure. The employee has 30 days from the date of the date of the disciplinary action to file the complaint.

Grievance of Suspensions and Dismissals can be done through arbitration. If arbitration is requested, the university has a list of arbitrators who are independent of the university. The arbitrator would review the case and determine if the University had just cause in taking the disciplinary action. Decision is final and binding. The employee must file for arbitration within 14 calendar days from the date of the disciplinary action.

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If you have any questions about the disciplinary process, contact a Specialist in the ELRO.

Slide 23

For more information regarding these specific areas, you can contact any one of the EL/R staff shown on this slide.