HR Updates

Employment & Recruitment Services

Updated Credentialing Policy for Faculty Hires

• Beginning Spring 2018, in cases where transcripts are not yet available at time of hire, the following will apply:

  Salaried Faculty
  ▪ Will be hired into provisional status until appropriate credentials are received
  ▪ Provisional contracts are not renewable beyond one academic year
  ▪ College dean to submit a memo to FDA requesting approval for the hire, per Policy 3A-2, Credentialing Faculty Members

  Adjunct/OPS
  ▪ Appointments are limited to one semester until credentials are received
  ▪ College dean must submit a memo to FDA requesting approval for the hire, per Policy 3A-2, Credentialing Faculty Members
HR Updates

Compensation Services:

• Compensation/ERS Departmental Assignments are updated! Check out the HR website:
  ▪ Departmental Assignments: Compensation Services
  ▪ Departmental Assignments: Employment & Recruitment Services

• The updated Financial Disclosure list for the University has been submitted to the Commission on Ethics.
  ▪ Individuals required to file will be notified of upcoming deadlines directly by the Commission this Spring
HR Updates

Attendance & Leave

Sick Leave Pool Open Enrollment

• February 5 through February 23, 2018

• *Please ensure forms are dated and received during the open enrollment period*
Benefits

• Bencor annual statements were recently distributed
  ▪ Departments should not sign off on forms as authorized employer
  ▪ Questions or forms related to accounts should be addressed to Michael Horgan at (850) 644-4017 or mhorgan@fsu.edu

• Employees that were in a discontinued dental plan and did not enroll in a new plan during Open Enrollment:
  ▪ Can still enroll as this is considered a Qualifying Status Change (QSC) event
  ▪ Have 60 days (from 1/1/18) to enroll with People First

• Effective 1/1/18, the default retirement plan is now the FRS Investment Plan, not the Pension Plan

• Faculty double deductions start with the 2/2/18 paycheck
HR Updates

Training & Organizational Development

• Welcome Kandiace Buchheister
  ▪ New Training Specialist!

• Online Training Courses now available in CANVAS
2017 USPS Performance Evaluations

- USPS evaluations for 2017 are available in OMNI HR ePerformance.
  - Evaluation period measures employee performance from 1/1/2017-12/31/2017.
- Annual performance evaluations are not required for USPS employees who have been hired or transferred to a new USPS position on or after May 1, 2017. These employees will not have evaluations in OMNI HR.
- Historical documents for employees can be located in Manager Self-Service, provided that the employee has the same supervisor. If another supervisor completed the employee’s evaluation last year, please contact ELR for assistance with obtaining last year’s evaluation.
- An overall rating of Below Satisfactory requires a Performance Improvement Plan (PIP). Supervisors must contact Employee & Labor Relations (ELR) before initiating a Below Satisfactory performance evaluation.
- Evaluations are due March 1, 2018.
- Need Help?
  - Online training guides: www.hr.fsu.edu/eperformancetraining
  - Contact the ELR team at (850) 644-6475
HR Myth Busters: Faculty & Staff Discipline

Rebecca Peterson, Assistant Director for Faculty Relations
Tracey Pearson, Director of Employee & Labor Relations
Agenda

- Overview of Rights of Public Employers
- Philosophy of Progressive and Cumulative Discipline
- Common Faculty Myths
- Common Staff Myths
- Takeaways
Florida State University – Employees

**Faculty**
- 294 Tenure Earning
- 831 Tenured
- 977 Non Tenure

**Staff**
- 1,921 USPS (Support)
- 2,231 A&P (Professional)
- 6,000 OPS (Temps & GAs)

**Unions**
- PBA Police Officers
- AFSCME Staff
- FNA Nurses
- UFF Faculty & GAs
Rights of Public Employers in Florida

- To decide the purposes of government agencies
- To set standards of services offered to the public
- To exercise control over government operations
- To direct employees
- To discipline employees for proper cause
- To relieve employees from duty for lack of work or other legitimate reasons
Philosophy on Discipline

Progressive and Cumulative Discipline:

- **Progressive** — disciplinary consequences increase in severity with repeated incidents

- **Cumulative** — offenses do not have to be identical to impose a more severe penalty
  - Repetitions of the same offense can lead to dismissal
  - Consequences can be more extreme if an employee keeps engaging in the same bad behavior

- Actions shall be appropriate to the circumstances of the offense
  - More serious offenses result in more serious action
MYTH:

Graduate Assistants are not employees; they have no employment rights.
Graduate Assistants

- Exempt from FLSA
- Primary Relationship is as a student
- FICA Exemptions
- 2004 National Labor Relations Board (NLRB) ruling
- 2016 NLRB ruling – overturns previous ruling
- Covered by Collective Bargaining Law in Florida
MYTH:

Tenured faculty members cannot or should not be held accountable for misconduct or poor performance.
Tenure Rights

- Applies to “ranked” faculty or traditional faculty
- Process for earning tenure generally lasts 6 years
- Protects academic freedom
- Provides job security — can only be removed for just cause
- Due process through Peer Review
Grounds for Cause

- Incompetence

- Misconduct — willful disregard of the employer’s interest
  - Falsification of Records
  - Misconduct in Research
  - Personal misconduct rendering person unfit for duty
  - Repeated failure to perform duties
  - Violations of Policy and/or Law
Special Challenges in Faculty Discipline

- Attendance
- Academic Freedom
- Tenure Rights
- Peer Review Process
MYTH:

HR shouldn’t be involved in faculty discipline. It should be handled by Academic Affairs.
HR for Faculty Disciplinary & Union Matters

- Experience with consistently applying standards of “just cause”
- Experience with investigations on employee misconduct
- Ensures compliance with policies of institution
- Neutral party without academic bias
HR Involvement at FSU

- Close connection with Provost’s Office and FDA
- Fluency with faculty world and concerns
- Communication style
- Understand the faculty/student relationship
- Provide training to academic departments
MYTH:

As long as employees are performing their jobs well, there is nothing supervisors can do about bad behavior, right?
Inappropriate Behaviors

- Angry outbursts
- Inappropriate comments
- Refusal to work or communicate with others
- Poor attendance
- Lack of engagement (web/social media use, sleeping on duty)
How should supervisors address concerns?

- Always bring performance or behavioral problems to the employee’s attention in a timely manner
- Discuss problems with employee and try to determine why the problem exists
- Discuss ways the problem can be corrected or resolved
- Set clear expectations (Performance Expectations Plan) and hold the employee accountable
- Provide assistance and training when necessary
- Use discipline when appropriate
MYTH:

Employees should already know University and department standards/expectations. If they don’t meet them, the supervisor can discipline them, right?
Making the Decision to Discipline

The short answer is — it depends

- Usually the more severe the behavior, performance deficiencies, or impact, the more severe the action taken to correct the issue(s)
- Egregious behavior warrants the most severe step

The supervisor must be sure of the following:

- Have I set clear expectations?
- Have I given honest and open feedback?
- If it is a performance issue, has the employee received adequate training?
Making the Decision to Discipline, cont.

Next Steps?

- Contact ELR for assistance. ELR will assist the supervisor in getting the facts:
  - What happened?
  - When did it happen?
  - Who was involved?
  - Were there any witnesses?
  - Secure any evidence
  - Get the employee’s response
Making the Decision to Discipline, cont.

FSU has the **burden of proof** to substantiate that the action was taken for “just cause.”

**Preponderance of Evidence**
- More likely than not (over 50% sure)
- Used in administrative actions

**Clear and Convincing Evidence**
- Some arbitrators use this (middle ground)
- It is our goal to ensure that the evidence is clear and convincing

**Beyond Reasonable Doubt**
- Used by Law Enforcement (over 90% sure)
Just Cause – Test Questions

• **Notice of standards**
  — Did the employee have prior knowledge or warning of the possible disciplinary actions associated with their conduct?

• **Reasonably related to job**
  — Is the issue related to the employee’s job?

• **Proof of Misconduct**
  — Was a proper investigation conducted fairly and objectively?

• **Past practice**
  — Have you been consistent in applying policies, procedures, and discipline?

• **Appropriateness of discipline**
  — Does the level of discipline match the seriousness of the offense?

If the answer is no to any of these questions, just cause for disciplinary action may not exist.
MYTH:

“At-will” employees can be terminated at any time for *any* reason, right?
“At-will” Employment

*Generally,* at-will employees can be terminated for any reason and without warning.

However:

- We must have a legal and nondiscriminatory reason for the termination
- The reason cannot be, or appear to be, retaliatory
- The reason cannot be based on race, religion, gender, sex, or any other protected status
- The reason cannot be in response to the employee engaging in a protected activity
- We must abide by the terms of the employee’s employment contract
Takeaways

• The purpose of discipline is to **correct** employee behavior/actions or performance that have a negative impact on the individual, co-workers, department, or the organization.

• The University’s policies and procedures are developed to ensure compliance with all applicable job requirements and work expectations.

• The disciplinary process is developed to ensure that all employees are treated fairly and a consistent disciplinary process is followed.

• Don’t hesitate to call HR for assistance.
Questions?

Tracey Pearson, tvpearson@fsu.edu, 850-644-3694

Rebecca Peterson, rpeterson@fsu.edu, 850-645-2202
Up Next

February HR Forum: *Summer Camp Hiring*
Wednesday, February 21 (2:00 p.m.)

March: *Spring Department Representative Meeting*
Wednesday, March 21 (8:30 a.m. – 11:00 a.m.)
College of Medicine Auditorium
# One-on-One Questions

<table>
<thead>
<tr>
<th>Section</th>
<th>Representative(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attendance &amp; Leave</td>
<td>Jonathan Banks &amp; Anna Capenos</td>
</tr>
<tr>
<td>Benefits</td>
<td>Jennifer Stamper</td>
</tr>
<tr>
<td>Compensation Services</td>
<td>Lisa Rosenthal</td>
</tr>
<tr>
<td>Diversity &amp; Inclusion</td>
<td>Michelle Douglas</td>
</tr>
<tr>
<td>Employee &amp; Labor Relations</td>
<td>Tracey Pearson</td>
</tr>
<tr>
<td>Employee Data Management</td>
<td>Adline Norwood &amp; Carl Fertil</td>
</tr>
<tr>
<td>Employment &amp; Recruitment Services</td>
<td>Amy Espinosa</td>
</tr>
<tr>
<td>Equal Opportunity &amp; Compliance</td>
<td>Tonya Edington</td>
</tr>
<tr>
<td>Facilities HR</td>
<td>Robert Messer</td>
</tr>
<tr>
<td>Faculty Relations</td>
<td>Rebecca Peterson</td>
</tr>
<tr>
<td>Housing HR</td>
<td>Devaris Chandler</td>
</tr>
<tr>
<td>Training &amp; Organizational Development</td>
<td>Sandra Dixon</td>
</tr>
</tbody>
</table>