



Welcome to Employee and Labor Relations New Employee Orientation!

Employee & Labor Relations' (ELR) mission is to promote a cohesive, effective and high-performing workplace.

ELR provides guidance and assistance to non-faculty employees and managers in administering FSU's policies and procedures, to support the University's mission, vision and strategic goals.





- ELR consults with employees and management to foster a positive and productive work environment.
- We provide guidance to managers on performance management and the University's progressive disciplinary process.
- We also provide confidential assistance to employees with questions or concerns about work-related issues.
- ELR supports administrative processes such as performance evaluations, disputes, grievances, and appeals.
- We investigate and resolve employee related complaints by providing conflict resolution options.
- Our office also manages the Commercial Driver's License Drug & Alcohol Testing Program
- and negotiates, administers and ensures compliance with the University's collective bargaining agreements.

Agenda

- ☐ Pay Plans
- ☐ Performance Evaluations
- ☐ Guidelines for Disciplinary Action
- ☐ Collective Bargaining
- ☐ Complaint Resolution Options



During this presentation, we will discuss Pay Plans, Performance Evaluations, Guidelines for Disciplinary Action, Collective Bargaining and Complaint Resolution Options.

Overview – 4 Pay Plans

1. Administrative and Professional (A&P)
2. University Support Personnel System (USPS)
3. Faculty
4. Other Personal Services (OPS)



There are 4 specific pay plans. They are Administrative and Professional (A&P), University Support Personnel System (USPS), Faculty, and Other Personal Services (OPS) pay plans. Each Pay Plan has different terms and conditions of employment.

Administrative and Professional (A&P)

A&P EXEMPT	A&P NON-EXEMPT
Not covered by Fair Labor Standards Act	Covered by Fair Labor Standards Act
If over 40 hours worked in a work week, not overtime eligible	If over 40 hours worked in a work week, must be compensated for overtime



The first pay plan is the Administrative and Professional pay plan. An A&P employee is one whose duties and functions are primarily professional or administrative in nature. A&P Exempt employees are considered “exempt” from the Fair Labor Standards Act, which means that for any hours worked over 40 hours in a workweek, they do not receive overtime wages.

A&P non-exempt employees are covered by the Fair Labor Standards Act, meaning they must receive overtime compensation (usually 1.5 times their regular rate of pay or 1.5 hours of compensatory leave time) for every hour worked over 40 hours in a single workweek.

A&P Contracts

"Hard Money" Funded A&P Employees	"Soft Money" Funded A&P Employees
> 5 years service = 20 weeks notice	> 5 years service = 20 weeks notice or remainder of contract period, whichever is less
1 – 5 years service = 12 weeks notice	1 – 5 years service = 12 weeks notice or remainder of contract period, whichever is less
< 1 years service = 4 weeks notice	< 1 years service = 4 weeks notice or remainder of contract period, whichever is less

NOTE: University policy requires supervisors to contact ELR prior to terminating any non-faculty employee.



A&P employees do not serve a probationary period, but instead work on a contract. Should a contract end for any reason, E&G or "hard money" funded, A&P employees with more than 5 years of service in the A&P pay plan have the right to 20 weeks' notice. 1-5 years of service, an A&P employee has the right to 12 weeks' notice. With less than 1 year of service an A&P employee has the right to 4 weeks' notice. The University has the option to buy-out the notice period and issue the employee a lump sum payment. University policy requires supervisors to contact ELR prior to terminating any non-faculty employee.

University Support Personnel System (USPS)

USPS NON-EXEMPT	USPS EXEMPT
Covered by Fair Labor Standards Act	Not covered by Fair Labor Standards Act
If over 40 hours worked in a work week, must receive overtime wages or compensatory time	If over 40 hours worked in a work week, receive straight time wages or compensatory time.



The second pay plan is the University Support Personnel System pay plan. USPS non-exempt employees are covered by the Fair Labor Standards Act and for any hours worked over 40 hours in a workweek, must receive overtime wages or compensatory time. USPS Exempt employees are not covered by the Fair Labor Standards Act, but receive straight time wages or compensatory time for any hours worked over 40 in a workweek.

Faculty

[The Office of Faculty Development and Advancement](#)
handles matters related to Faculty.




The Office of Faculty Development and Advancement serves 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, and faculty evaluations. Faculty members are considered “exempt” from the Fair Labor Standards Act, which means that for any hours worked over 40 hours in a workweek, they do not receive overtime wages.

Other Personal Services (OPS)

- OPS is at-will, temporary employment. May be separated from employment at any time, notice or reason is not required. Layoff rights do not apply.
- Subject to the non-discrimination and sexual harassment policies and procedures.
- Eligible OPS employees are covered under Federal Family and Medical Leave Act, Americans with Disabilities Act and the Workers Compensation Law.



Other Personal Services, or OPS, is the fourth pay plan for temporary, hourly, at-will employees. An OPS employee may be separated from employment at any time. Notice or reason for termination is not required and layoff rights do not apply. OPS employees are subject to the non-discrimination and sexual harassment policies and procedures. Eligible OPS employees are covered under the Federal Family and Medical Leave Act, Americans with Disabilities Act and the Workers Compensation Law.




Performance Evaluations

Florida Statute states, and FSU policy supports, that each salaried public employee must have a performance evaluation at least annually. The employee must receive an oral and written assessment of his or her performance.

The performance evaluation contains:

- FSU Behavioral Expectations
- Position Responsibilities
- Position Competencies
- Goals
- Overall Summary



Florida Statute and FSU policy state, that each salaried public employee must have, at minimum, one annual performance evaluation. The employee must receive an oral and written assessment of their performance. The performance evaluation is comprised of 5 areas:


Section 1 covers “**FSU’s Behavioral Expectations**”. These are 7 defined, work-related behaviors every employee is expected to exhibit

Section 2 relates to “**Responsibilities**”, as described in each employee’s specific position description

Section 3 details “**Competencies**”: The knowledge, skills, and abilities required for the position


Section 4, “**Goals**” is optional

Section 5 is an “**Overall Summary**”




A&P Annual Performance Evaluations

- Evaluated annually in August by immediate supervisor
- Evaluations completed in OMNI using online ePerformance module
- Ratings:
 - **Exemplary**
 - **Above Satisfactory**
 - **Satisfactory**
 - **Below Satisfactory**



A&P employee evaluations are conducted each year in August. These must be completed online using the ePerformance module in OMNI. The rater is generally the employee's immediate supervisor. The overall rating factors for A&P evaluations include: Exemplary, Above Satisfactory, Satisfactory, and Below Satisfactory.



USPS Probationary Evaluations


Probationary Evaluation

- 6 month period* (Police officers -1 year period)
- Extension of hiring process
- At-Will Employee

Probationary Evaluation Completed

- 30 days prior to end of the probationary period
- Obtain status in the system
- Obtain status in the classification


** May be extended for up to 6 additional months in 60-day intervals.*



USPS employees serve a 6-month probationary period, with the exception of police officers, who serve a 1 year probationary period. The probation period is considered an extension of the hiring process, which means that during the probationary period, the employee is considered “at-will” and can be terminated at any time without the right to appeal the termination. Probationary evaluations should be completed within 30 days prior to the end of the probationary period. Two things happen when a USPS employee completes their probation period: the employee receives regular USPS status in the system and also in the classification to which they are appointed.


A probationary period may be extended for up to 6 additional months, in 60 day intervals for additional training, below performance, or for an approved leave of absence.

Each time a USPS employee changes classifications, another probationary period for that new classification must be completed.




USPS Annual Performance Evaluations

- Evaluated by immediate supervisor in January
- Evaluation rating period: January 1 – December 31 of the previous year
- Evaluations completed in OMNI using online ePerformance module
- Ratings:
 - **Exemplary**
 - **Above Satisfactory**
 - **Satisfactory**
 - **Below Satisfactory**




Following the probationary period, USPS employees are evaluated annually in January. Evaluations must be completed using the online performance evaluation module, ePerformance, available in FSU's HR/Payroll System called OMNI. The rater is generally the employee's immediate supervisor, with review and approval from the higher level supervisor. The overall rating factors for USPS evaluations include: Exemplary, Above Satisfactory, Satisfactory, and Below Satisfactory.




Performance Evaluations Rating Scale

Rating	Description
1-Below Satisfactory	Employee performance level fails to meet adequate expectations and requirements for the position. Sustained improvement needed.
2-Satisfactory	Employee performance level meets adequate expectations and requirements for the position but not approaching higher levels of performance. Working towards an above satisfactory rating.
3-Above Satisfactory	Employee performance level is higher than adequate expectations and requirements for the position, and approaching the highest levels of performance. Working towards an exemplary rating.
4-Exemplary	Employee performance level exceeds expectations, surpasses requirements, and is at the highest level of performance. Work serves as an example for others.



The overall rating factors for USPS evaluations include: Exemplary, Above Satisfactory, Satisfactory, and Below Satisfactory.




Guidelines for Disciplinary Action

The disciplining of an employee is considered to be a very serious action that is undertaken with care, objectivity and full consideration for the rights and interests of both the employee and the University.


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

Employee & Labor Relations must be consulted before any disciplinary action or termination action is taken.



- Since disciplining an employee is considered a very serious action, great care and objectivity are exercised. Full consideration is given to both the employee's and the University's rights and interests.
- Discipline is intended to correct an employee's behavior or performance which is negatively impacting the individual, their co-workers, department, or the University.

Managers must work with the Office of Employee & Labor Relations **PRIOR** to administering any disciplinary action or taking steps towards terminating an employee.




Guidelines for Disciplinary Action

FSU practices the concept of Progressive and Cumulative discipline:

- **Progressive:** Incremental steps in severity of disciplinary action determined by severity of the offense
- **Cumulative:** Multiple offenses can have the effect of escalating the severity of the disciplinary action even when the offenses are not identical

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.



Florida State University practices the concept of Progressive and Cumulative discipline

- Progressive Discipline means discipline is administered in incremental steps of severity according to the seriousness of the offense
- Cumulative Discipline means the number of offenses can impact the severity of the action taken to discipline the employee even if the offenses committed are different in nature.

The disciplinary action administered depends on the

seriousness of the employee's offense and the type of disciplinary action taken in the past for similar offenses.

Guidelines for Disciplinary Action – Cont'd

The probationary period is a trial period of time to determine whether the employee should earn regular status in the class.

USPS employees who have not achieved regular status in any class may be terminated at any time during their probationary period.



OPS employees do not attain regular status and may be terminated at any time without the right to appeal or grieve such action.



The probationary period permits time to assess whether or not the employee should graduate to regular status in their class.

USPS employees without regular status in any class may be terminated at any time during their probationary period.

OPS employees do not attain regular status and may be terminated at any time without the right to appeal or grieve such action.

Collective Bargaining Units

The University's goal is to promote an environment where our employees do not believe it is necessary to have a union represent them over wages, hours, and terms and conditions of their employment.

If employees elect to have a union represent them, we will bargain in good faith with the union to promote an environment of harmonious labor-management relations while, at the same time, recognizing the University must operate efficiently and productively.



Employee & Labor Relations negotiates, administers, and ensures compliance with the provisions of the University's collective bargaining agreements.

FSU's goal is to promote an environment where our employees believe it is unnecessary to have union representation regarding wages, hours, terms and conditions of employment. However, If employees elect to have a union represent them, we bargain in good faith with the union and promote harmonious labor-management relations simultaneously recognizing FSU must operate efficiently and productively.

Collective Bargaining Units

- Police Benevolent Association (PBA)
- American Federation of State County and Municipal Employees (AFSCME)
 - Administrative & Clerical
 - Operational Services
 - Other Professional
- Florida Nurses Association (FNA)



The staff bargaining units include:

PBA which represents our sworn law enforcement officers

AFSCME represents

- Administrative and Clerical staff whose work primarily involves production, filing, distribution and/or examination of documents or records and who work in an office environment. Generally, these employees do not perform heavy physical labor. They primarily use office equipment.
- The Operational Services group consists of laborers, technicians, mechanics, operators, and service workers whose work involves fabrication, maintenance, and repair activities and/or the provision of personal and domestic services. Work is often performed outdoors and frequently involves heavy physical labor
- Other Professional employees who occupy positions in classifications which meet the requirements of a "professional employee" as set forth in Section 447.203(13) of 1985. Work is predominantly intellectual and varied, rather than routine and manual, and involves the constant exercise of discretion and judgment. The training and experience requirements for professional employees typically require that they must have pursued a course of study in a particular field and have acquired advanced knowledge in that field, and their job duties typically require that they be capable of applying this

professional expertise

FNA members are employees whose work consists of the delivery of professional health care services to patients or clients

Complaint Resolution Options

Prior to filing a formal complaint or grievance, employees with a grievance are encouraged to discuss the option of using the University's Mediation Program with their supervisor.

This program is administered by the [Employee Assistance Program \(EAP\)](#). Additional information on the EAP Mediation Program may be obtained from the University's EAP Office.



Before filing an official complaint, an employee with a grievance is encouraged to first discuss, with their supervisor the option of using the University's Mediation Program. The Employee Assistance Program or EAP administers the program. Additional information may be obtained by visiting EAP's website or calling their office at 644-2288.

Any request to hold the time limits for the filing of a complaint or grievance in abeyance must first be approved in writing by the Director of Employee and Labor Relations.

Complaint Resolution Options

Employee Ombuds Program

To provide additional dispute resolution options for employees, Human Resources developed the Employees Ombuds Program. Its purpose is to assist employees with any matters or concerns they have which impact their employment at FSU.

What is an ombudsperson?

An ombudsperson is an impartial dispute resolution practitioner who strives for fair and equitable solutions according to FSU policies.



The Ombuds Program is yet another resource at employees' disposal to help them resolve any concerns they may have about their work at the university.

The Ombudsperson is an impartial individual appointed to aide in dispute resolution. This person's goal is to arrive at fair and equitable solutions for all parties concerned in accordance with FSU's policies.

Complaint Resolution Options

What is an ombudsperson? – Cont'd

The ombudsperson provides confidential and informal assistance. S(he) will not identify an employee or employee's confidences without the employee's express permission except where required by law. Conversations with the ombudsperson may not be used in grievance or other formal proceedings. The ombudsperson acts as a counselor, go-between, informal fact-finder or upward feedback provider. S(he) interacts with all persons in the University community essential to resolve issues and concerns.



Due to this confidentiality, the ombudsperson will not identify an employee or their confidences without that individual's permission, except where legally obligated. Also, conversations with the ombudsperson may not be used in grievance or other formal proceedings. The ombudsperson plays the role of counselor, go-between, informal fact-finder or upward feedback provider. They interact with everyone at the University who plays an essential part in resolving employee issues and concerns. For more information, contact Amber Wagner by phone or email in HR's Office of Equal Opportunity and Compliance,

Complaint Resolution Options

USPS and A&P Complaint Procedure

It is the policy of Florida State University to provide USPS and A&P employees with an internal complaint procedure to provide a formal mechanism to bring complaints to the attention of management and to address those complaints.

There shall be no reprisals against participants for participation in this Complaint Procedure. Employees considering filing a complaint are encouraged to speak with an ELR staff member prior to filing the complaint.



FSU provides both (USPS) and (A&P) employees with an internal Complaint Procedure to provide a formal mechanism to bring complaints to the attention of management and to address those complaints. There shall be no reprisals against any employees involved this Complaint Procedure.

An employee considering filing a formal complaint is encouraged to first speak with an Employee/Labor Relations staff member prior to filing the complaint.

Contact Information & Resources

Employee and Labor Relations, Office of Human Resources
Phone: (850) 644-6475

Visit the [HR Employee & Labor Relations](#) website for additional information

- FSU & You Handbook
- Guidelines for Disciplinary Action



For more information regarding these specific areas, contact the Employee and Labor Relations office.

Additional resources are available on the Human Resources website, including the FSU & You Employee Handbook and the Guidelines for Disciplinary Action.