UCONN

Management Support & Development Program
Introductions

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Agenda

Part 1: Workforce Planning

Part 2: Navigating Complex Workplace Issues

Break

Part 3: Collective Bargaining & Effective Supervision of Unionized Faculty & Staff

Part 4: Support Available to UConn Managers

Questions are welcomed!
As Representatives of a Public Institution we are:

- **Subject** to external oversight
- **Open** to public scrutiny
- **Responsible** to follow rules at the federal, state and university level:
  - Laws
  - Regulations
  - Polices
  - Procedures
Part 1: Workforce Planning
UConn Workforce

Administrators

Faculty

Professional Staff

Classified Staff

Temporary Professionals
  (Adjunct Faculty, Re-employed Retirees, Other)

Student Employees
Workforce Breakdown

- Student Employees
- Other Special Payroll
- Adjunct Faculty
- Maintenance (NP-2)
- Protective Services (NP-5)
- Clerical (NP-3)
- Social & Human Services...
- AAUP
- UCPEA
- Postdoctoral Fellows (Non-...)
- Law Faculty
- Management Exempt
- Confidential Exempt
Classification

Position
• Required duties and responsibilities of the job
• Required knowledge, skills and abilities
• Performing the required duties and responsibilities of the job
• Significant change in complexity or scope of position
• Position Description

Person
• Ability to do more than the required duties and responsibilities of the job
• Incumbent knowledge, skills, and abilities
• How well the duties are performed (performance)
• Incumbent longevity in a job
• Resume
Common Classification Pitfalls to AVOID

• Identifying bargaining unit, classification level, or compensation before identifying the work
• Using classification to reward meritorious performance
• Using classification to pay for more of the same
• Using classification for retention or equity
• Using classification to recognize or reward longevity in a position
Impact of Classification

- Recruitment (Search and Hire)
- Job Audits/Reclassifications/Promotions
- Organizational Design/Distribution of Workload
- Compensation
- Performance Management & Evaluations
- Career Growth and Development
- Temporary Appointments
Search Compliance

- University Search Procedures
  - Search and Hiring Guidelines (ODE and HR)
  - Applicable University Policies
- Freedom of Information Requests
  - Search materials and committee documentation are subject to FOI requests
- Complaint Process
  - Failure to hire based on protected class (ODE)
  - Violation of Search and Hiring Guidelines (OACE)
- Confidentiality
Achieving a Diverse Applicant Pool

• Recruitment Strategy
  • Proactive
  • Aggressive
  • Non-traditional

• Networking
  • Colleagues
  • Associations
  • Graduate Schools
  • Pipeline Building
  • Minimum of 10 phone calls initiated by each search committee
Recruitment Ambassador Program
Part 2: Navigating Complex Workplace Issues
“not only are teachers [and other university employees] afforded unique access to students, they also are vested with significant authority and control over those students.”

Conduct & Civility: A Respectful Work Environment

- Some inappropriate behaviors are not construed as violation of policy.
- Some inappropriate behavior is clearly recognizable as a violation of policy and may violate law.

Small ongoing inappropriate behaviors can escalate over time.

UConn
Incivility Examples

1. Personal Insults and Demeaning Remarks
   - “You’re an idiot” stated by a staff member to another staff member in front of others

2. Threats, Intimidating Behavior and Misuse of Authority
   - Unannounced visits to classes of non-tenured professors by tenured professors “You’re up for tenure this year…”
   - A supervisor manipulating overtime to disadvantage an enemy or critic

3. Screaming and Yelling
   - Yelling at others is NEVER an acceptable method of communication

4. Invading the Personal Space of Another
   - Including threatening gestures, unwanted touching, finger pointing
Violence Prevention & Behavioral Threat Assessment

Behavioral Threat Assessment Oversight Committee

- Student Care Team
- Employees of Concern

www.safeworkplace.uconn.edu
University Policy Against Discrimination, Harassment and Inappropriate Romantic Relationships

- A single, comprehensive discrimination and harassment policy approved by the Board of Trustees on August 7, 2013
- Articulates University commitment to non-discrimination and community conduct expectations
- Clarifies manager reporting obligations
- Adds language prohibiting certain romantic relationships where power disparities are present
UConn Case Study

Staff member who made “jokes” based on sex, race and national origin in front of coworkers and students, including use of explicit racial terms (the “n” word and the “b” word, among others). Racist innuendo incorporated into daily work activities.

Lessons Learned:
1. It is your job as a manager to stop inappropriate conduct in the workplace immediately, and to report that conduct to the appropriate office (your supervisor, ODE (if discrimination/discriminatory harassment), OACE, Labor Relations).

2. Contributing to the inappropriate discussion or atmosphere can create a hostile working environment (and seriously jeopardizes your own employment).
Examples of Sexual Harassment

• Unwelcome Sexual Advances
• Suggestive or Lewd Remarks
• Unwanted Hugs, Touches, Kisses
• Requests for Sexual Favors
• Retaliation for Complaining About Sexual Harassment
• Derogatory or Pornographic Posters
  Cartoons, Drawings, or Emails
• Sexual Assault
UConn Case Study

Manager who made unwelcome “flattering” comments about a subordinate staff member’s appearance and made repeated unwelcome requests to engage socially one-on-one with this same staff member outside of work.

Lessons Learned:
1. It is appropriate to compliment subordinate employees (and students) on their work performance, but wise to exercise abundant caution when discussing personal appearance or personal matters – is it relevant?

2. Exercise great care in initiating or engaging in one-on-one social engagements with subordinate employees or students.
Specific Points of Note: Manager Reporting Obligations

- Deans, directors, department heads and supervisors have an obligation to report any discrimination, harassment or inappropriate romantic relationship to ODE or Labor Relations as soon as it becomes known to them
  - Failure to do so is a policy violation as serious as the original discriminatory act
- Complaints about student misconduct are typically handled by Community Standards
What About Rumors?

- When in doubt, talk to your own manager or supervisor, ODE or Labor Relations for guidance.

- **Exercise great caution in choosing not to report!**

- Spreading rumors can cause or exacerbate a hostile work or learning environment.
No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.
• When students (and employees) are sexually harassed in the learning environment, a college or university will be liable if it receives actual notice of, and is deliberately indifferent to, the harassment.

• The U.S. Department of Education’s Office of Civil Rights extends obligation to respond beyond those who actually have authority to address the harassment, but also to any individual “who a student could reasonably believe has this authority or responsibility.”
Sexual Assault at UConn

A Criminal Act

A Violation of University Policy
UConn’s Title IX Priorities

Support Victim-Survivors

Protect Campus Safety
Campus-Based Resources

www.sexualviolence.uconn.edu

Selected Campus Resources

– UConn Police Department*
– Office of Community Standards*
– ODE/Title IX Coordinator*
– Counseling and Mental Health Services***
– Student Health Services***
– Office of Student Services and Advocacy
– Women’s Center
– Residential Life

*Receives reports/conducts investigations
***Confidential on-campus resource
Sexual Assault Response Policy

The safety of all members of the University Community is of the highest importance to all of us. Sexual assault and intimate partner violence contravenes the mission and values of our academic community, and it is a violation of the law and of the University’s Codes of Conduct. The University is committed to offering services to support and assist victims of sexual assault. Perpetrators may be subject to campus and/or employment discipline, up to and including dismissal, as well as law enforcement action. For more information related to this policy, contact the University’s Title IX Coordinator, Elizabeth Conklin (W: 860-486-2943, E: Elizabeth.Conklin@uconn.edu), or the Office of Diversity and Equity (860-584-2943), or the Office of Community Standards (860-486-8402).

"Rape or unwanted physical contact with the intimate parts of a person’s body for purposes of sexual gratification, humiliation or degradation" – Note: the genders of the alleged victim and alleged perpetrator are irrelevant.

If you witness any sexual assault (regardless of the identity of the parties), or if you receive a report of a sexual assault, you must report this information as soon as possible to:

- The Title IX Coordinator (Elizabeth Conklin, 860-486-2943),
- The Office of Diversity and Equity (860-584-2943),
- The Office of Community Standards (860-486-8402),
- Report imminent danger to UConn Police Department (911).

Date, time and location of the assault;
- Be open about your obligation to report the assault,
- Remind her/him that your conversation will be private but not confidential,
- Offer assistance, including assisting her/him with obtaining necessary medical attention,
- Provide her/him with the resource list at www.sexualviolence.uconn.edu,
- Encourage her/him to self-report to the police - but ultimately allow the victim to make this decision.
BREAK TIME

Cell phone
Restroom
Nepotism Study: 1 in 10 Summer Workers Have Family Connections; New Policies Ordered

Of the 1,128 summer workers hired this year at 17 Connecticut government agencies, 108 were family members of full-time agency workers — or about one family member out of every 10 people hired, a nepotism study requested by the governor has found.

Also, the newly issued study found there were wide variations in hiring methods: Eight of the 17 executive-branch agencies that were surveyed in the study reported hiring relatives of their full-time employees, and nine said they didn't hire any relatives at all. Their policies on favoritism and nepotism were inconsistent or non-existent.

The study by the state Department of Administrative Services was ordered two months ago by Gov. Dannel P. Malloy in response to Courant Government Watch columns that said the state's summer payroll was peppered with officials' sons, daughters and other kin.

And on Friday, based on the study's results, DAS Commissioner Donald DeFronzo said he would be sending a "general letter" establishing the state's first-ever uniform "recruitment policy" for summer and seasonal workers at executive-branch agencies under the governor's control. The state's judicial branch and the University of Connecticut do their own hiring and are not subject to the new policy, which Malloy's office approved during the week after DeFronzo prepared it.
PUBLIC vs. PRIVATE INFORMATION

• Connecticut Freedom of Information Act (FOIA)
  • Applies to: Public Records (really ALL University records)
  • Send requests for records to the OACE

• Family Educational Rights and Privacy Act (FERPA)
  • Applies to: Records (or information in records) about students
  • Provides certain rights to students regarding their records, and obligates University employees to secure these records and keep their contents confidential
Suspected Fraud Reporting

• Fraud is a deliberate deception or misrepresentation practiced in order to gain something of value that results in harm or loss to the institution.

• Common examples of fraud include: diverting cash, supplies or equipment for personal use; requesting reimbursement for personal expenses; and misrepresenting education or credentials to gain employment.
Suspected Fraud Reporting

• Fraud is most often perpetrated by an individual with complete or inappropriate ownership of a business process, for example by someone who:
  – Approves his/her own expenses, reimbursements, timecards or voids
  – Never takes time off or allows anyone else to perform a function
  – Has the ability to override and/or circumvent established internal controls
  – Opens the mail, makes the deposit and applies the payment
  – Performs a reconciliation that no one else reviews or understands
Retaliation for Protected Activity

• Retaliation against an individual for filing a complaint or charge of discrimination or other violation of University policy, participating in an investigation, or opposing discriminatory practices is a violation of University Policy and in some cases, state and federal law.

• Retaliation is prohibited regardless of the outcome of the underlying investigation.

• The University may not fire, demote, harass or otherwise “retaliate” against an individual for reporting or filing a charge, participating in an investigation, or otherwise opposing discrimination.
Part 3: Collective Bargaining & Effective Supervision of Unionized Faculty and Staff
General Overview of Collective Bargaining

• Once certified, a labor union is the exclusive representative of union members for the purpose of establishing wages, hours and other terms and conditions of employment.
# State-wide Unions/Classified

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<tr>
<th>NP-2</th>
<th>Maintenance &amp; Service Union</th>
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<tr>
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<td>Connecticut Employee’s Union Independent (CEUI)</td>
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<th>Administrative Clerical Unit</th>
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<td>American Federation of State, Country and Municipal Employees (AFSCME)</td>
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<th>NP-5</th>
<th>Protective Services Employees Coalition</th>
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<td>Connecticut Police &amp; Fire Unit (CPFU)</td>
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<tr>
<td>Organization</td>
<td>Description</td>
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<tr>
<td>UCPEA</td>
<td>University of Connecticut Professional Employees Association</td>
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<td>AAUP</td>
<td>American Association of University Professors</td>
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<td></td>
<td>University of Connecticut Chapter</td>
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<tr>
<td>GEU – UAW</td>
<td>Graduate Employee Union</td>
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Correcting Employee Performance & Behavior Deficiencies

Employee problems fall into **two general categories**:

1. **Misconduct** – employee has engaged in conduct that is inconsistent with University behavioral expectations

2. **Performance** – employee is not meeting established standards of job performance
Sources of Authority

- General Rules of Conduct
- Code of Conduct
- Non-Retaliation
- Violence Prevention
- Policy Against Discrimination, Harassment and Inappropriate Romantic Relationships
- The State Code of Ethics
- Consulting for Faculty
- FERPA (Student Privacy)
- And many others...
Disciplinary Process

1. Investigation – typically completed by the department
   • Labor Relations, OACE, ODE or some combination may investigate in particularly complex situations or with certain subject matter.

2. Pre-Disciplinary Hearing (Loudermill)

3. Disciplinary Action

4. Grievance or Appeal Process
Progressive Discipline

- Dismissal
- Demotion to lower classification
- Suspension without pay
- Written Reprimand
- Written Warning
- Counseling & Letter of Direction

Union Involvement

No Union Involvement
Faculty Specific Disciplinary Procedures

• Observe the relevant contractual procedures based upon the level of discipline under consideration and the employment category of the employee
  
  – Tenure-Track Faculty (Article 27)
  
  – Full-Time Non Tenure-Track Faculty (Article 13)
  
  – Adjunct and Temporary Faculty (Article 26)
  
  – Research Assistants and Associates (Article 24)
Union Involvement

**Employees must be afforded** the right to a union representative when questioned about a subject that might result in discipline.

**Labor Relations can assist** you in determining when union representation is appropriate or necessary.
• **Documentation** is a critical record of the steps you have taken to address the situation
Misconduct Case Study

Jane comes into your office and reports that Joe spends every morning shopping on eBay and checking his Facebook, and other non work-related websites. Jane and other co-workers complain that they end up doing Joe’s work.

What do you do?

• Investigate - Ask Jane for specifics, talk to Joe
• Determine if further review is necessary
• If not, document your conversation with Joe and send him the appropriate computer use policy
• If further review is necessary, contact Labor Relations for assistance
Resolving Performance Issues

• **Performance evaluation is ongoing**
  – Annual performance evaluation is a summary of ongoing feedback that has been provided throughout the evaluation cycle
  – An unsatisfactory or less than good evaluation should always be preceded by prior warning such as verbal counseling and/or written warnings
  – Repeated failure to meet satisfactory standards of performance are grounds for termination of employment
  – In most cases an unsatisfactory performance evaluation is subject to the grievance procedure
Maintaining Healthy Work/Life Balance

Family and Medical Leave Act (FMLA)

- Family and medical needs
- Demands of the workplace
Family and Medical Leave Act (FMLA)

Family and medical leaves occur when an employee is away from work for a period of more than five workdays or requires intermittent or reduced schedule leave for:

- The birth or adoption of a child or placement of a foster child
- The serious health condition of an employee or his/her child, parent or spouse
- Military family leave for a spouse, parent child or next of kin to care for a covered service member injured while on active duty or Exigency related to a family member being on or called to active duty
<table>
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<tr>
<th>Employee Responsibility</th>
<th>Supervisor’s Responsibility</th>
<th>HR Leave Administrators’ Responsibility</th>
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<tbody>
<tr>
<td>• Leave Request</td>
<td>• Provide Employee with general overview of FMLA</td>
<td>• Determine Eligibility</td>
</tr>
<tr>
<td>• Intent to Return to work</td>
<td>• Notify HR Leave Administrator if employee is not able to contact</td>
<td>• Send Required Notices to Employees</td>
</tr>
<tr>
<td>• Medical Certificate or Military Certification or proof of placement</td>
<td>• Ensure employee knows procedures for call out “FMLA”</td>
<td>• Communicate with Supervisor/Manager</td>
</tr>
<tr>
<td>• Fitness-for-Duty-Certification (prior to returning to work)</td>
<td>• Ensure accurate and timely time keeping</td>
<td>• Coordinate Unpaid Leaves (if applicable) with Payroll</td>
</tr>
<tr>
<td>• Expected Timeframe (FT, Intermittent, reduced schedule)</td>
<td>• NO RTW without clearance from doctor</td>
<td>• Advice and Guidance</td>
</tr>
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FMLA- Points to Remember

- Understand your role as a supervisor
- Understand the employees’ obligations
- Maintain Confidentiality
- Options for covering work during absences
- Leave Exhaustion
- Accommodations

- FMLA Provides
  - Job protection
  - Benefits continuation
  - Does not mandate pay during leaves

- Need Help?
  Consult with the HR Leave Administrator
ADA: Best Practices for Supervisors

- Use ODE as a resource and do not begin the interactive process without ODE's involvement

- If you are uncertain about whether an employee is asking for an accommodation, ask for clarification

- Act quickly upon receiving a request and refer the individual to ODE for further assistance

- Work quickly to implement the agreed-upon accommodations

- Maintain ongoing communication with the requestor even after the accommodation is implemented to ensure if is effective
Part 4: Support Available to UConn Managers
Campus Resources

Hiring and Search Process
- Search Committee Questions: ODE or HR
- Applicant: Contact person identified in job posting, HR, OACE or ODE

Violations of University Conduct Rules
- By Employee: Labor Relations (Conduct Code violations) OACE (Ethics, Internal Audits)
- By Student: Community Standards (Student Code)
- By University Vendor: OACE

Discrimination and Harassment
- By Employee: ODE (Harassment, Discrimination, Retaliation Policy & Persons with Disabilities)
- By Student: Community Standards
- By Visitor: ODE

Active Threat
- By Employee: UConn Police and/or Labor Relations
- By Student: UConn Police and/or Community Standards
- By Unknown Person: UConn Police

Sexual Assault
- By Employee: Title IX Coordinator, ODE or Community Standards
- By Student: Title IX Coordinator, ODE or Community Standards
- By Unknown Person: Title IX Coordinator, ODE or Community Standards

Disability Accommodations
- Employee (Workplace): ODE
- Student: Center for Students with Disabilities
- Visitors: ODE or Center for Students with Disabilities

In the event of any EMERGENCY: CALL 911

Any assault may also be reported directly to the UConn Police (offices above are required to report to Police as well)
Confidential/Anonymous University Resources

University Ombuds Jim Wohl, DVM, MPA
Confidential, neutral resource for staff, faculty, and graduate students to express concerns regarding university policies and practices. Provides information about University policies, assists in evaluating situations and in making plans to address the issue or conflict.

Employee Assistance Program
Confidential assessment, counseling and referral service available to all employees. Assists employees and their family members in the identification and resolution of personal or workplace issues.

Compliance Hotline
Anonymous reporting service operated by a private (non-University) company. Available 24/7. Phone: 1-888-685-2637.
Leadership Support Programs

- The Supervisor Essentials Program (SEP) is designed to help front line and mid-level managers and supervisors improve their supervisory skills so they can have an immediate and positive impact on the people they lead. SEP is a multi-track program offering:

  **Communication Track**
  - Build a personal leadership style
  - Build effective communication and listening capabilities
  - Develop effective work groups & teams, manage performance and coach conflict

  **Performance Management Track**
  - Goal setting & expectations
  - Delivering feedback & conducting difficult conversations
  - Develop your staff
  - Manage change
The Interaction & Leadership Program (ILP) is designed for any employee interested in improving interaction skills and building relationships for success in the workplace. The program is a three course series focusing on:

- Discovering your Work Style
- Communicating with Impact
- Navigating Beyond Conflict
Please Fill Out Your Survey!

Thank you for participating!

Please remember to sign-in!