

DIVISION OF INCOMING DUTIES (Who to talk to)
INVOLVING NONACADEMIC REPRESENTED EMPLOYEES – Page 1 of 4

“Many times, the correct answer is in asking the right question(s) upfront...”

(Including, *but not limited to*...)

HUMAN RESOURCES	LABOR RELATIONS (LR)
Advise and/or counsel departments on all <u>non-represented (NR)</u> Employee situational and ongoing issues, or other issues as approved by the Provost (from the beginning of the process).	*1st contact Labor Relations consulting to S/C/D supervisor(s). Advise and/or counsel departments directly, on all <u>nonacademic represented</u> Employee situational and ongoing issues (from the beginning of the process). <i>Other resource/unit inclusion as determined by LR.</i>
Non-represented Employee problem solving; all non-rep Employee strategy and planning.	LR will determine nonacademic represented Employee problem solving; no buffers; square one nonacademic Employee strategy and planning to lay the best defense path.
All non-rep Employee investigations.	All nonacademic represented Employee investigations; investigation must be carried out by the immediate manager (with customized step-by-step LR guidance through the process).
Counseling on all non-rep Employee discipline; if/when to issue; creation of disciplinary formats; editing of disciplinary documents before issue.	Counseling on all nonacademic represented Employee discipline; LR determines (1) if/when to issue, (2) creation/editing of disciplinary formats, (3) review of all evidence before issue.
Initiation of re-organization efforts.	Re-organization concurrence before any implementation.
Online hiring system; job opportunities.	Manipulation of Employee work schedules.
All Performance Review processing (including Annual, Probationary, Provisional, and Job Qualifying evaluations).	Collective bargaining/negotiations activities; Grievance settlements. LR determines attendees at any & all grievance meetings (as needed basis).
FMLA Administration.	Union grievances (potential and actual); advise and counsel Step 1 & 2 designees on decorum.
New Employee Onboarding and Exit Interviews.	Contract, University policy enforcement, and legal interpretation and application.
New Employee Orientation.	Determine need for medical or fitness for duty exams, per past practice.
Employee Official Personnel Files.	Interpretation of collective bargaining provisions / procedures / practices. Compose/edit new S/C/D policies affecting unionized Employees.
Reduction in the Workforce (as it pertains to written communications; placement; contractual assignment meetings with Employees, preliminary mapping, etc.).	Contractual Reduction in the Workforce placement: mapping concurrence and accuracy assurance, prior to placement/ implementation.
Employment Verification	WSU Past Practices regarding bargaining units.
Union Dues/Fees Processing/Administration.	Approval/Review of Union dues changes.
Banner, HRMS, Electronic HR Doc. Mgt.	Edit all written communications to Employees.
I-9 Processing/Assistance.	MERC / Unfair Labor Practice issues.
Non-represented Employee Workplace Violence prevention/handling; per APPM 9.6.	Nonacademic represented Employee Workplace Violence prevention/handling; per APPM 9.6.

DIVISION OF INCOMING DUTIES (Who to talk to)
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HUMAN RESOURCES	LABOR RELATIONS
Performance Improvement Plans (PIP's); <u>as a result of a satisfactory Employee's sudden dip in performance level</u> ; to bring Employee back up to standards.	All Job Performance Expectations Documents (JPEDs); Especially if an Employee has consistently been a questionable or poor performer (or new to unit, needs a reminder of what is expected, or management enforcement has been lacking).
Clerical Test administration.	Michigan Right to Work inquiries.
Typing Test administration.	Michigan Public Act 54 of 2011 inquiries.
Employee Assistance Program (EAP); Unemployment Insurance Challenges	Placing Employees on Medical Verification; discussion and formatting of documents.
TC&W - Long Term Disability administration; Notification to Supervisory by HR.	Long Term Disability; contractual interpretation of terms and conditions.
TC&W - Classification and Employee Benefits.	New WSU initiatives affecting bargaining units.
OED/HR – Training on non-contractual issues, etc.	Uncertain, universal policy-setting judgment calls.
EPAF Processing/Assistance.	Represented Employee contractual inquiries and/or complaints – refer them to their Union.
Pre-Employment Applicant Screening.	Historical operational practices and allowances concerning nonacademic bargaining units.
Temporary Employee monitoring of allowable work hours in a fiscal year.	Union official/representative calls and/or complaints–refer directly to Labor Relations.
(Non-Rep Employee) attendance enforcement/ issues (tardiness and absenteeism). Assure that <u>all</u> S/C/Ds are: actively tracking nonacademic represented Employee tardiness and absenteeism <u>and</u> reviewing both once per PP.	(Nonacademic Represented Employee) attendance enforcement counseling/consulting (<i>tardiness and absenteeism</i>); possible resulting discipline.
Pre-Employment Background Screening.	Training (on contracts/WSU Union policies).
Short Term Disability administration.	Short Term Disability; contractual interpretation of terms and conditions.
IME set-ups and administrative follow-up.	Employee labor law questions/research.
Medical File Owner/Administration.	Determine need for contractual Mandatory Sick Leaves, IMEs, per past practice.
HR Metrics	Additions of new job classifications to Bargaining Units.
3 month Medical Verification status follow-up; assuring an extension, if still violating policy.	Changes in existing job classifications.
<u>Contractual absolutes;</u> dates, periods, etc...	Contractual Interpretation -- What if..., How do I..., Can I..., How does this work, I have a problem with..., What should I do, etc.? These uncertainties must come directly to LR.
Other non-labor HR duties.	Other labor-based LR duties.

***RATIONALE FOR 1st CONTACT COUNSELING FROM LABOR RELATIONS**

Our work is 95% confidential. Labor Relations works with other units in nonacademic represented problem-solving as needed, and we are more than willing to ask for assistance when it is proper, however that decision is situational. HR Consultants (and others) should be directing/referring supervisors directly to LR *for confidential discussion*. LR rationale is as follows:

Environment – Metro Detroit is a strong pro-Union area, and some Unions have become increasingly sensitive (partly due to Right to Work, Public Act 54, etc.); the Union redress level is high, and we are working very hard to maintain trust with our Unions. Differing management positions on contractual matters serve to erode that trust.

High Liability – Heightened confusion for everyone if answers to inquiries vary; well-meaning opinions will not suffice; the adjudication costs are in the thousands, and can multiply if we lose a grievance challenge based on incorrect advice. Union strife can be created (if answers are given that are outside of our historical understandings with each bargaining unit).

Lingering Responsibilities – Other units can walk away after their advice, while LR is left to see the process all the way through to its conclusion. There is no such thing as an ‘almost correct’ answer.

Questioning – Unless the right questions are asked up front, answers can be less than reliable. Questions vary from case to case. S/C/Ds expect and deserve accurate advice.

Success in Hearings – We carry nearly a 90% win rate in arbitration, and that is partially due to our one-on-one problem solving with our supervisors and the consistency of our advice.

Other relevant cases in progress – We know our Employee population intimately. There are always confidential cases in progress (that we are handling), that impact the answers that we provide.

Elimination of shoppers or fishers - (purposely trying to get a conflicting answer) - LR personnel meet internally every 24 hours to stay current and uniform in position, so there is no way that anyone outside of that schedule (or outside of LR) can effectively answer the sometimes ‘loaded’ questions from S/C/Ds.

Limited Witnesses Required in Hearings/Meetings – Less is more, and our Unions feel strongly about that arrangement. By not involving other parties needlessly, we are able to limit the required number(s) of witnesses, at hearings/trials, to the principles. Our contracts dictate participation limits in grievance meetings. In addition, grievance activity is private (as with any true diplomacy).

Understandings with Unions – Many of our workplace practices are unwritten, due to ongoing relationships/understandings and frequently unexpected outcomes/agreements from previously addressed grievance issues. Our operating agreement goes well beyond a written contract.

Consistency – WSU cannot afford more than one answer/position on any topic; anything that is said takes on a life of its own; LR answers are based on a “whole campus” view. There are very few ‘cookie cutter’ answers. WSU cannot speak with more than one voice regarding contractual issues.

Dynamic Field – The field of Labor Relations is in “real time.” It is impossible for anyone not working in the LR office to keep up with the changing arbitration/court decisions/legislation, labor practices and initiatives; daily changes/adjustments in Union position(s); written and unwritten. What may be true yesterday, may not always be true tomorrow. LR is also the only entity with a campus-wide view of all nonacademic bargaining unit issues.

Informed Responses Based on WSU history, archives – LR answers are based on existing records, previous WSU errors, personal LR experience at WSU (and overall LR experience), archived documents, current events, arbitration decisions, MERC decisions, interactions with Union officials, and our historical relationship with each of our nine (9) bargaining units (which vary).

Education -- We strive to educate our managers/supervisors in our S/C/Ds (why, how, examples, pitfalls, etc.), and not simply answer a question.

Confidential Issues on the Horizon – Many times, confidential Employee investigations are aborted or abandoned at some point, and it is not a good practice to involve other entities unnecessarily. When a team approach is needed, we will surely include the required parties.

Time-Sensitive Requirements – LR is forced to operate within reasonable time limits, so we do not have the luxury of taking our time in responding or acting. WSU has no official investigatory unit for contractual matters, so our managers/supervisors conduct their own investigations (with step-by-step LR guidance). Management becomes educated and empowered, and they become excellent witnesses during subsequent hearings, with first-hand knowledge/recall of the facts of the case. We have a winning formula. The worst answer a manager can give in a hearing is, “___ did it for me.”

Hand-off to legal branch (the Office of the General Counsel) – Labor Relations approaches every issue as though it will continue through to a lawsuit; LR reports to, and works closely with OGC, therefore we remain in synch. Grievances, handled via our office, are handled consistent with the WSU legal strategy that will be adopted long term (should a subsequent lawsuit arise).

Incorrect (or inconsistent) advice – LR has very little room for error, and individual opinion and “contractual decision by committee” can be costly. University management should speak with one voice in our interpretation of our contractual language (which is generated from this office); such uniformity assists with maintaining consistency of application.

IMPORTANT NOTE: If incorrect contractual advice is independently provided by any entity other than LR (which results in Union challenge and subsequent arbitration (and/or other) costs), any unwarranted defense costs will be charged back to the entity that provided the incorrect advice.

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