

**1. What is Discipline?**

Discipline is a formal written action taken by an Employer against an Employee for an infraction of University policies/procedures, contract provisions, existing law, or other Employer rules/policies/procedures. Effective discipline encourages Employees to follow practices/procedures, so that the work of the unit may go on without undue difficulty.

**2. What is Progressive Discipline?**

Progressive Discipline is a system of discipline whereby the disciplinary penalties increase upon repeat minor infractions. Rather than terminating Employees for his/her first minor infraction, there is a system of escalating disciplinary actions intended to correct the negative behavior, rather than to punish the Employee.

**3. What is a Grievance?**

A grievance is a singular formal action, typically filed on the University's standard grievance forms by an Employee's Union (or on behalf of the Union, the Employee, a unit, or a group), against the Employer (WSU), which arises out of the interpretation or application of the terms of the collective bargaining agreement or as a response to a disciplinary action. Such action triggers the grievance procedure (determined by each collective bargaining agreement).

**4. What if an Employee refuses to follow my management instructions?**

Respectfully ask them again, and if they still refuse, immediately call the Labor Relations Department, for consultation, at (313) 577-2081.

**5. What are Weingarten Rights?**

"Weingarten Rights" stem from a 1975 Supreme Court ruling that Employees have the right to representation at an Investigative Interview if they reasonably believe the interview will result in disciplinary action. Weingarten Rights are relegated to Investigative Interviews. Although the Supreme Court's decision originally applied to represented Employees only, over time Weingarten also has been applied to non-represented Employees.

**6. Must a Union representative be present for every workplace interaction between me and my Employee?**

No. Just as it is important to know what an Employee's Weingarten Rights are, it is also important to know its limitations. An Employee is not entitled to have a steward present every time a supervisor wants

to talk with him/her (i.e. - regarding how to use a certain workplace tool/aid, about the status of outstanding assignments, or annual performance evaluations). Union officials being present at every interaction would discourage communication between the Employee and his/her supervisor.

**7. Do I have a duty to remind an Employee of his/her Weingarten rights?**

No, although some collective bargaining agreements specifically provide for mandatory Union representation at Investigative Interviews. Legally, an Employee’s Weingarten Rights are initiated by a request for representation (from the subject Employee). When in doubt, call Labor Relations at (313) 577-2081.

**8. Who should I contact on issues of (a) Sexual Harassment/Discrimination or (b) an Employee seeking a workplace accommodation due to a perceived disability?**

The Employee should contact the Office of Equal Opportunity at (313) 577-2280 regarding (a) or (b) above. As a supervisory official you have a duty to report sexual harassment or discrimination, even if the victim is not sure that he/she wants you to do so. If you believe you are the victim of, or have witnessed sexual assault yourself, contact Public Safety at 7-2222.

**9. Who should I contact if I suspect Workplace Violence?**

University Policy #99-3 and the Administrative Policies and Procedures Manual (APPM) #99-6 Workplace Violence clearly communicate University policy. APPM #99-6 spells out the areas of responsibility.

In the event of serious incidents requiring immediate crisis intervention, immediately notify Public Safety (as well as the unit’s management) and inform them to notify Emergency Medical Services, if needed.

In all cases not requiring immediate crisis intervention, the following procedure should be followed when experiencing incidents of workplace violence:

<b>Responsibility</b>	<b>Action</b>
<b>Labor Relations</b>	1. For <b>represented, non-academic personnel</b> - advise and counsel department relative to conduct of investigation (including possibility of medical/psychiatric examinations) and appropriate discipline.
<b>Human Resources</b>	1. For <b>non-represented personnel</b> - advise and counsel department relative to conduct of investigation (including possibility of medical/psychiatric examinations) and appropriate discipline.
<b>Faculty Relations</b>	1. For <b>represented faculty and academic personnel</b> - advise and counsel department relative to conduct of investigation (including possibility of medical/psychiatric examinations) and appropriate discipline.

## **10. What is the difference between the Probationary, Provisional, and Job Qualifying Periods?**

- Probationary Period = the contractual ‘try-out’ period required for an Employee that is being hired from the outside (not a member of the bargaining unit);
- Provisional Period = the contractual ‘try-out’ period required for a current bargaining unit Employee who voluntarily demotes, transfers, or promotes into a vacant posted position;
- Job Qualifying Period = the contractual “try-out” period allowed to a current bargaining unit Employee, who has been involuntarily displaced (or bumped) from their position due to a reduction in the work force, to qualify or fail in another position (usually the same or next lower-level job classification in the job classification sequence).

## **11. Where can I find the WSU Attendance Standards?**

The WSU Attendance Standards can be found in the WSU Administrative Policies and Procedures Manual (APPM), Section 3.0.11. The standards address both tardiness and absenteeism.

## **12. What is Tardiness?**

It is a late arrival to work or a late return from a break or a lunch. WSU has no grace periods (the outdated adage that, “it’s only a few minutes” does not apply). It is reasonable to expect Employees to be promptly at their work sites, ready to work at the designated times.

## **13. What is an Incident?**

An “Incident” is the term used to describe an episode of tardiness (i.e. an Employee has 6 incidents of tardiness within the past 12 months).

## **14. What is an Occasion?**

The term “Occasion” is used in Wayne State University’s absenteeism policy/attendance standards (APPM 3.0.11), and is defined as an unscheduled absence of 3.8 hours or more for Employees working 7.5 hours/day (and 4.0 or more hours for 8 hour/day Employees).

## **15. Do we count just ‘Occasions’ when reviewing an Employee’s attendance record for absenteeism?**

No. When reviewing absenteeism, you would include all unscheduled absenteeism that is not tardiness (as defined in #12 above).

## **16. What is a Disciplinary Suspension?**

It is a written disciplinary action causing a temporary removal of an Employee from the worksite (and the payroll) because of an infraction or violation of University/contract rules or policies (or during an investigation). Disciplinary suspensions result either from repeat occurrences of minor infractions, or sometimes from a single, more substantial infraction. A disciplinary suspension is unpaid and usually warns the Employee that a continuation of certain conduct will result in ultimate discharge.

## **17. How do I code an Employee (in Web Time Entry, aka WTE) who is on suspension?**

Use code "DL" (Disciplinary Suspension) when coding suspension time in WTE. Otherwise, the Employee may be paid.

## **18. Can an Employee be fired for a single instance of misconduct?**

Yes, although it is fairly unusual. Certain forms of 'major misconduct' are so severe that they can lead to an Employee's job termination, even after only a single instance.

## **19. What is the Medical Verification Requirement?**

According to APPM 3.0.11, Employees who have excessive or questionable absences may be subject to ongoing medical verification. The Medical Verification Requirement is a written administrative action that requires the subject Employee to provide Medical Verification (documentation) for all future unexcused absences for a continuous three month period. *Medical Verification is not considered discipline*, and by itself does not excuse the absence. The Medical Verification should be submitted to Human Resources, on or before the date that the Employee returns from an unexcused absence. The Medical Verification must be submitted in order to return to work. On or around the end of the three month period, the Employee's attendance record will be reviewed by their supervisor to determine whether the medical verification requirement will be extended. Check with Labor Relations for the format and usage of the Medical Verification letters. Employee failure to comply with the Medical Verification requirement will result in disciplinary action for failure to follow instructions.

## **20. When is medical documentation required?**

Medical documentation may be requested whenever it is reasonably necessary to protect the interests of Wayne State University. Contrary to myth, there is no minimum amount of days that an Employee must be off of work before management can ask for documentation of his/her absence. Check with Labor Relations for propriety.

**21. Is an Employee required to follow an Employer's normal call-in procedures when taking FMLA leave?**

Yes. The FMLA does not excuse a failure to follow a company rule. Under the regulations, an Employee must comply with an Employer's call-in procedures unless unusual circumstances prevent the Employee from doing so (the call-in line is malfunctioning, etc.). The regulations make it clear that, if the Employee fails to provide timely notice, he or she may have the FMLA leave request delayed or denied and may be subject to whatever discipline the Employer's rules provide.

**22. Must 'Any Purpose Days' be scheduled in advance?**

Check with the appropriate collective bargaining agreement (CBA) for specific guidance. If the Agreement is silent (no CBA restrictions), then it is left to the unit and its needs. Most units require advance scheduling (so they can plan around the absence), but others have the luxury of allowing unscheduled called-in Any Purpose Day activity. Either is acceptable, and we only ask that the unit be consistent on its requirement.

**23. What if I have general questions about how to address workplace issues regarding nonacademic represented (unionized) Employees?**

Per APPM, Section 3.0.11:

“Before initiating disciplinary action with respect to a member of a collective bargaining unit, a supervisor should consult **Labor Relations**.

Supervisors should consult **Human Resources** before initiating such actions against non-represented Employees.”

Any corrective/disciplinary action issued to a nonacademic represented Employee could result in a Union grievance or an Unfair Labor Practice charge, which will subsequently be handled to its' conclusion by WSU Labor Relations.

For assistance in nonacademic unionized Employee decision making, attendance problems, undesired behavior, workplace investigations, proper formatting of documents, guidance through the disciplinary procedure, current and past practices, contract interpretation, etc., contact Labor Relations at (313) 577-2081.