

Q & A's (Management questions regarding nonacademic represented Employees)

1. What is Discipline?

Discipline is a formal action taken by an Employer against an Employee for an infraction of University policies/procedures, contract provisions, or other rules/policies/procedures. Effective discipline encourages Employees to follow 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 penalties increase upon repeat occurrences. Rather than terminating Employees for first or minor infractions, 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?

Grievances are formal actions, typically filed by an Employee's Union, against the Employer, which arise out of the interpretation or application of the terms of the collective bargaining agreement or as a response to a disciplinary action. Such actions trigger 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 then 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. Although the Supreme Court's decision only applied to represented employees, 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's important to know what employee Weingarten rights are, it's also important to know the limits. An employee is not entitled to have a steward present every time a supervisor wants to talk with him/her - like about how to use a certain workplace tool/aid, or about the status of outstanding assignments.

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

No, although some collective bargaining agreements separately provide for Union representation at investigative interviews. When in doubt, call Labor Relations at (313) 577-2081.

8. Who should I contact on issues of (a) Sexual Harassment or (b) an employee seeking an accommodation due to a perceived disability, in the workplace?

Contact your manager/supervisor and the Office of Equal Opportunity at 7-2280. 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, 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 communicates 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 unit 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:

<u>Responsibility</u>	<u>Action</u>
Labor Relations	1. For <u>represented, non-academic personnel</u> advise and counsel department relative to conduct of investigation (including possibility of medical/psychiatric examinations) and appropriate discipline.
Employment Services	1. For <u>non-represented personnel</u> advise and counsel department relative to conduct of investigation (including possibility of medical/psychiatric examinations) and appropriate discipline.
Faculty Relations	1. For <u>represented faculty and academic staff</u> 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 period required for an Employee that is being hired from the outside (not currently a WSU Employee);
- Provisional Period = the contractual period required for a current bargaining unit Employee who voluntarily demotes, transfers, or promotes into a vacant posted position;
- Job Qualifying Period = the contractual 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 sequence).

11. What is Tardiness?

Usually, it is a late arrival to work. WSU has no grace periods. It is reasonable to expect Employees to be promptly at their work sites, ready to work at the designated times.

12. What is an Occasion?

The term "Occasion" is used in Wayne State University's absenteeism policy/attendance standards (Administrative Policies and Procedures Manual; APPM 3.0.11), and is defined as an unscheduled absence of 3.8 hours or more for Employees working 7.5 hours/day (4 or more hours for 8 hour/day Employees).

13. What is a Disciplinary Suspension?

It is a 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. Disciplinary suspensions result either from repeat occurrences of minor infractions, or sometimes from a single, more substantial infraction. A disciplinary suspension warns the Employee that a continuation of certain conduct will result in ultimate discharge.

14. How do I code an Employee (in Web Time Entry) who is on suspension?

Use code "DS" (Disciplinary Suspension) when coding suspension time.

15. Can an employee be fired for a single instance of misconduct?

Yes, although it is 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.

16. 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 three month period. Medical Verification is not considered discipline, and by itself does not excuse the absence. The Medical Verification should be submitted to the Employment Service Center, 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 format and usage. Employee failure to comply with the Medical Verification requirement may result in disciplinary action for failure to follow instructions.

17. When is medical documentation required?

Medical documentation can 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.

18. 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 taken on 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 Labor Relations. For assistance in *nonacademic unionized Employee* decision making, 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.