
Employee and Labor Relations Pitfalls

— Peter Fehrs —

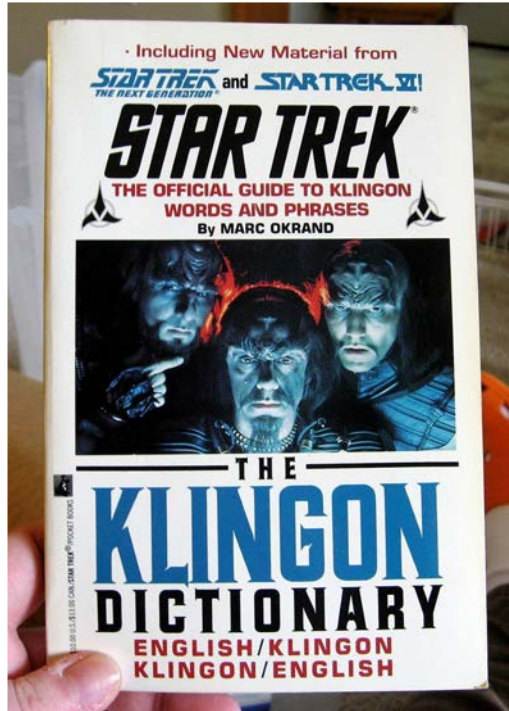
Who we are

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Definitions



- ELR
- CBA
- FMLA
- Grievance
- ULP
- *Weingarten*
- Others?

What ELR does

Maintain relationships

Negotiate

Respond to grievances

Investigate

Train

Survey

Advise

Manage performance

Other Resources

Office of Investigations and Civil Rights Compliance (OICRC)

Ombuds Office

Internal Audit

UOPD

ADA Coordinator

FMLA

We have a contract, why do we need you?

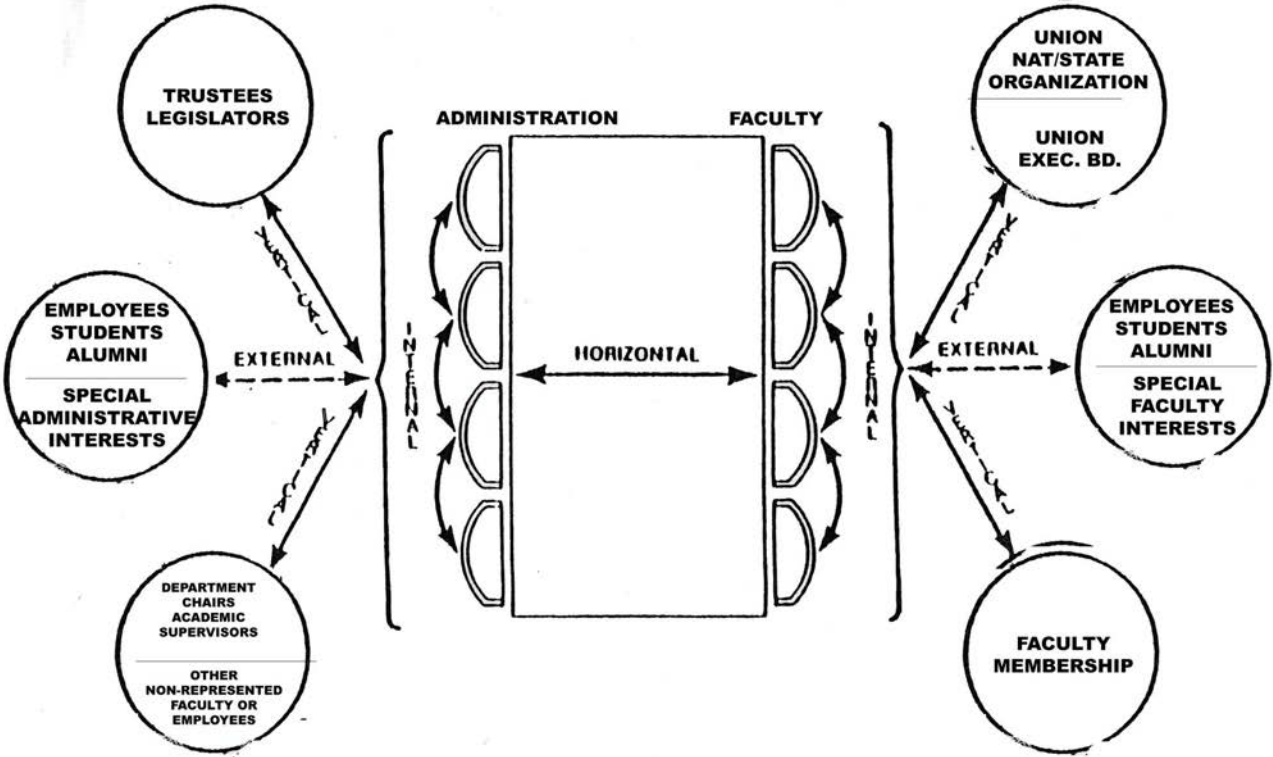
Beyond the CBA, we consider:

- Past practice
- Prior interpretation
- Bargaining notes
- Department policy
- University policy
- Logical outcome
- LOA/MOUs
- Law
- Just cause



Two administrators proceeding without the help of ELR. Courtesy NASA

Negotiations



Quick primer: Unions

Community of Interest

Exclusivity

Wages, hours, working conditions

Mandatory/Permissive

Shared governance vs. collective bargaining

Grievance vs. ULP

Weingarten meeting

Weingarten Meeting

Employee has a “reasonable belief that discipline could result from what s/he says”

- Our practice
 - CBAs have a broader application of right
- When does the right to a union rep attach?
 - Does it apply to all our unionized employees?
- What about daily management?
- Roles:
 - ELR
 - Steward
 - Employee
 - Supervisor

Scenarios for Breakout Groups

- On the following slides you will be asked to review a fact pattern and analyze it.
- We will give you time to read and analyze the facts.
 - Take some time to write some things down and discuss with your group
- After that we will ask you describe how you'd handle the situation.
- Not all situations are problematic.
- We will remind you, every time, that the proper course of action is always: "Contact the ELR team."
- Finally, **CONTACT THE ELR TEAM**

Grad lab (not the dog)

Jesse, a professor, comes to you and says “Good news! I’d noticed that some equipment was missing from the lab and so I confronted one of my graduate employees, Walter, about it. I’m a pretty good questioner so after a few questions he broke down and admitted it and said he’ll be bringing the stuff back next week. I told him I’d have to write him up.”

Are there any issues?



Grad lab continued

Jesse comes to you and says "I saw one of my graduate employees, Walter, stealing equipment from the lab. I took the equipment back and I told him: 'If it was unclear in the past, let me be clear: it is my expectation - now and in the future - that you do not take University property as your own. We will talk about this more later.'"

What do you see?



What do you see? 2



What do you see? 3



What do you see?



Discipline

Which of the following are considered discipline under our CBAs/state law:

1. Termination
2. Removal of parking privileges
3. Administrative leave (with pay)
4. Blocked access to University computer network
5. Salary reduction
6. Letter of clarification
7. Non-promotion
8. Changing an employee's schedule

Half-time show

Ben currently teaches a full load in your department as a Career NTTF instructor. He and his wife Leslie are working on a non-academic book - "The Low-Cal Calzone Zone Cookbook" - and he expects that he'll need time away from work to write. He asks you if he can go to half-time (0.50 FTE) for the Spring Term to work on his cookbook. You agree.

Are there any issues?

All you need is shove

You hear about an altercation between two grounds crew staff, Pierce and Craig. Jeff, another employee present, was witness to the altercation, which occurred outside Johnson Hall. Do you stop the interview (and why) when he tells you:

1. I saw Pierce shove Craig and call him stupid.
2. I saw Pierce shove Craig and I called Craig stupid.
3. I didn't get a good look at what happened because of cigarette smoke from my cigarette blocking my view.
4. I saw Pierce shove Craig and I pushed Pierce out of the way.
5. Pierce told me he didn't shove Craig.

Rashomon

Two of your OAs return from a business trip. George comes into your office and says “On our flight back to Eugene, Lucille said to me: ‘You better watch your step. You are such an idiot and I will make sure you are fired and in a year you and your family will be homeless.’” You call Lucille in and she says “I have no idea what George is talking about. I spent the flight watching *The Fate of the Furious* and didn’t talk to him.”

Now what?

Questions?

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