

# Leadership Institute

November 30, 2018

# Key Contacts

Work with your unit H.R. Administrator first

## OFFICE OF EMPLOYEE RELATIONS - 353-5510

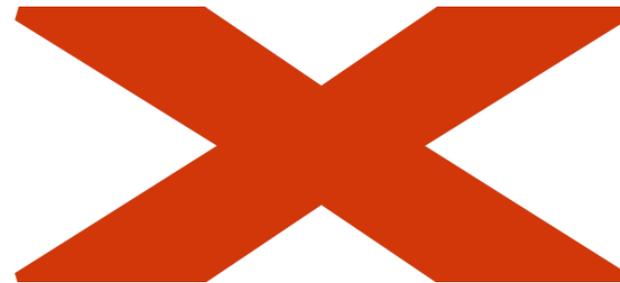
- Rick Fanning, Director, 4-0108
  - Amy Holda, Assistant HR Director, 4-0116
- Greg Harris, Employee Relations Professional, 4-0103

# Employee Relations' Role

- Establish and maintain relations with leadership of 10 bargaining units representing MSU employees
- Negotiate collective bargaining agreements
- Assist and counsel supervisors and administrators on contract interpretation, performance management/setting expectations, and issuing discipline

# Myth 1:

Union contracts limit my ability to manage!



# Management's Rights

- Management's Rights clause allows one to determine:
  - The work to be performed, the method of performing the work and standards, the location and schedule;
  - The number of people needed to perform the work;
  - To lay off for lack of work, lack of funds;
  - To reprimand, suspend and discharge for just cause; etc.
  - Except as where abridged by contract, law or past practice.

# Constraints to Management Rights

- Collective Bargaining Agreements
- Mandatory Subjects of Bargaining
- MSU policies and procedures
- (Some) Past practices
- Federal, state and local laws/ordinances
  - Alphabet Soup - PERA, FOIA, RCPD, FMLA, FLSA

# Typical Contract Provisions

Recognition	Union Security
Union Dues	Seniority Provisions
Grievance Procedure	Management's Rights
Employee Rights	Filling Vacancies
Overtime	Supervisor Working
Job Classifications	Layoffs and Recall
Discipline and Discharge	Leaves of Absence

# Contract Ambiguities

- May, shall, could, will, may not, must
- Patent ambiguities
  - Terms are open to various interpretation
  - Ex. “reasonable”, or “short durations”
  - Contact ER for practice and guidance
- Latent ambiguities
  - Language seems clear until applied
  - Ex. Preference is “based on seniority”
  - Contact ER for practice and guidance
- Contract vs. Law vs. Policy vs. Past Practice

# Lists in Labor Relations

- By definition limit the scope of the applicable provision
  - If there is a list without qualification, case law presumes items not on the list were intentionally left out
  - Management's Rights
    - Retain all rights not otherwise abridged
  - Job Descriptions
    - All other duties as assigned
  - Bereavement Leave
    - Specific relationships listed in each contract
  - Disciplines

## Myth 2

A bypass employee is someone else's poor performer.



- Contracts allow management to determine the size and makeup of units and to layoff employees when necessary. Union contracts speak to whom is laid off when work is eliminated or reorganized.
- Job classifications are based on work performed.
- Layoff is never to be used to take the place of performance management.

## Myth 3

It takes five years to fire an employee!



# Performance Management

- Coaching – document with a note to yourself that you place in your supervisory file
- Counseling – similar to coaching but follow up with written document to the employee
- Discipline/Discharge – either progressive or summary and written on specific form; triggers right to union representation (Weingarten Rights)

**If it's not documented, it didn't happen!**

# Weingarten Rights

- When Employees have a right to Union representation:
  - When a supervisor believes discipline may result from an investigatory meeting
  - When an employee reasonably believes discipline may result from an investigatory meeting
    - Supervisor can declare the meeting will be non-disciplinary
- When Employees do not have a right to Union representation (but supervisor may allow it):
  - Evaluations
  - Counseling Sessions
  - Informal discussions

# Policy Guidance

- Support Staff Rules Governing Personal Conduct of Employees Policy:  
[https://www.hr.msu.edu/policies-procedures/support-staff/support-staff-policies-procedures/personal\\_conduct.html](https://www.hr.msu.edu/policies-procedures/support-staff/support-staff-policies-procedures/personal_conduct.html)
- Disciplinary Action Policy:  
<https://www.hr.msu.edu/policies-procedures/support-staff/support-staff-policies-procedures/discipline.html>

## Myth 4:

A Performance Improvement Plan (PIP) is an amnesty period.



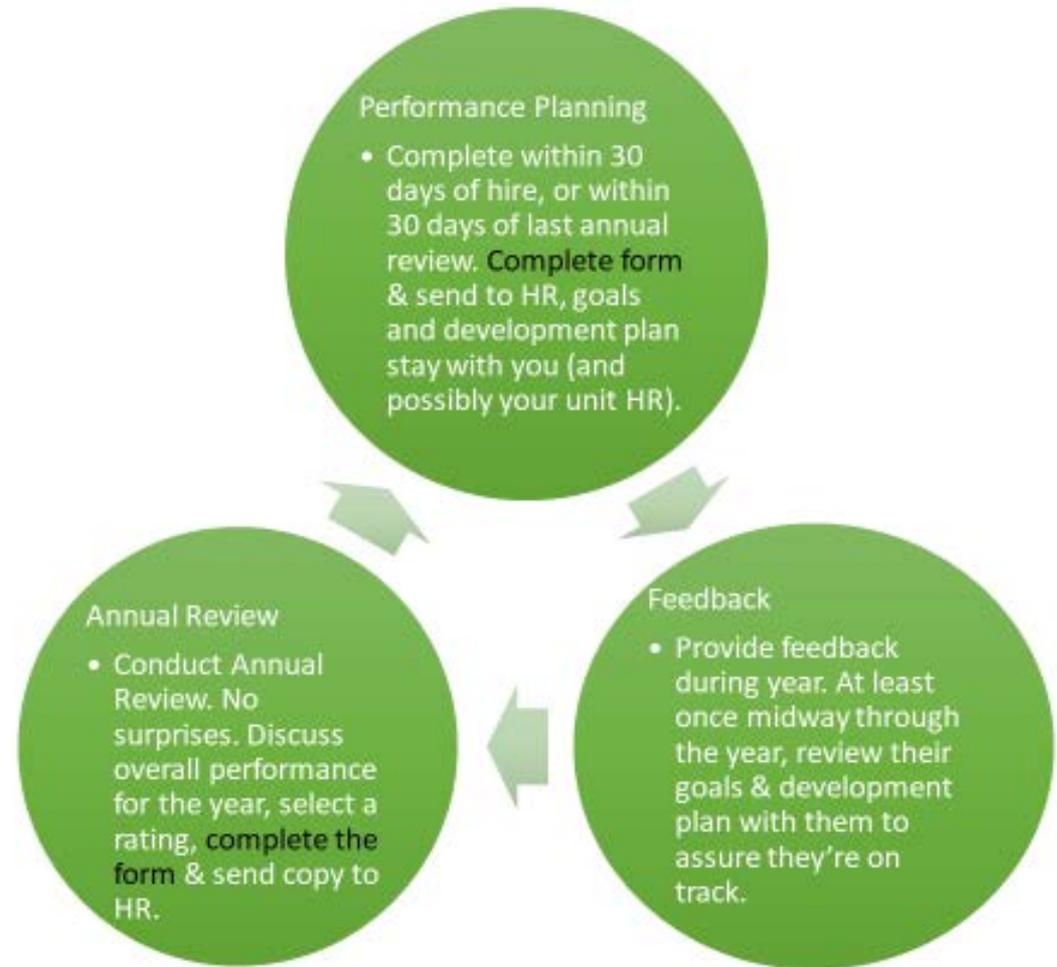
# Performance Management

- Performance Excellence
  - Year-long process to discuss goals and evaluate performance
- Performance Improvement Plan (PIP)
  - When do you use this?
  - Is this considered discipline?
  - What is YOUR role after you issue this?
  - Can you terminate the employment of your employee after the 90-day PIP is finished and they still aren't meeting expectations?

# Performance Excellence



# PE Steps





## Keys to managing support staff

- Build relationships with open dialogue
- Clarify expectations & encourage development
- Manage performance
- Access support when needed

Leadership  
Myths that  
Limit  
Performance

---



Resources  
Available from  
HR  
Organization  
& Professional  
Development

- Educational Assistance
- Instructor Led Courses
- Online Learning through elevateU
- Leadership Development
- Consultation around development planning
- Organization development support

# HR Contact Information

## Solutions Center

517-353-4434 or (800) 353-353-4434

[solutionscenter@hr.msu.edu](mailto:solutionscenter@hr.msu.edu)

Need an answer to an HR question? Call this number to get the answers you need.

## Organization and Professional Development

517-355-0183

[prodev@hr.msu.edu](mailto:prodev@hr.msu.edu)

Want suggestions to build your own development plan? Looking for guidance in addressing skill gaps with your team? Call OPD to get on the right track.

Presenter: Jennie Yelvington 517-884-3798

# Creating the Culture You Want



# Questions?

