

# **Management/Supervisory Handbook**

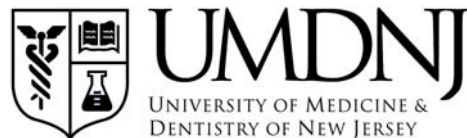
## **GUIDING PRINCIPLES**

**Communication**

**Fairness**

**Documentation**

**Consistency**



**The Department of Human Resources  
Office of Training and Organizational Development**

Updated as of April, 2010

## TABLE OF CONTENTS

*The purpose of this guide is to provide University managers and supervisors with a convenient, quick reference document pertaining to key policies and procedures that relate to employee and labor relations issues. This guide is not intended to be a totally comprehensive examination of these matters. Please remember that the actual University policies and the pertinent collective bargaining agreement(s) on the HR web page will provide much more detailed information than you will find here and should be reviewed along with this guide. You can find these documents on the Human Resources website which is [www.umdnj.edu/hrweb](http://www.umdnj.edu/hrweb). Also, feel free to consult with your supervisor, HR Generalist or Labor Relations staff if you have any questions.*

### ***Basic Knowledge – pages 3-7***

- **Union Facts** 3-4
- **Key Terms** 5
- **Key Roles** 6
- **Key Employment Law** 7

### ***Subject Areas – pages 8-25***

- **Hiring Process** 8-9
- **Probation** 10-11
- **Scheduling** 12-13
- **Performance Evaluation** 14-15
- **Progressive Discipline** 16-18
- **Grievances/Hearings** 19-20
- **Family and Medical Leave** 21-23
- **Layoffs/Bumping** 24-25

### ***FAQs – pages 26-28***

# Union Facts

UNION	Short Name	Employee Group	Salary Table	Type of Salary Program
<b>American Association of University Professors &amp; Librarians</b>	AAUP	Faculty & Librarians	<b>FP, FS, LS</b>	Salary Range
<b>Committee of Interns and Residents</b>	CIR	Housestaff	<b>HS</b>	Salary Range with Steps
<b>Communications Workers of America Local 1031</b>	CWA 1031	Supervisors	<b>SH &amp; SS</b>	Salary Range
<b>Communications Workers of America Local 1040</b>	CWA 1040	UCHC non-nursing	<b>JH &amp; JS</b>	Salary Range
<b>EMS Supervisors I.A.E.P. Local 100</b>	EMS Local 100	EMS Supervisors	<b>WS</b>	Salary Range
<b>Healthcare Professionals and Allied Employees Local 5089</b>	HPAE 5089	Nursing titles		
Staff Nurse non-experience based			<b>UA</b>	Salary Range with Steps
Staff Nurse experience based			<b>UB</b>	Salary Range with Steps
Nurse Clinician & Research Nurse Clinician			<b>UC</b>	Salary Range
Case Managers			<b>XS</b>	Salary Range with Steps
Nurse Anesthetists			<b>XH</b>	Salary Range with Steps
Advanced Practice Nurse			<b>US</b>	Salary Range with Steps
<b>Healthcare Professionals and Allied Employees Local 5094</b>	HPAE 5094	Professionals	<b>PH &amp; PS</b>	Salary Range with Steps
<b>Fraternal Order of Police Lodge 74</b>	FOP 74	Police Officers	<b>AH</b>	Salary Range with Steps
<b>Fraternal Order of Police Lodge 155</b>	FOP 155	Sergeants	<b>BH</b>	Salary Range with Steps
<b>International Union of Operating Engineers Local 68</b>	Local 68	Trades and Crafts	<b>OH</b>	Job Rate System
<b>New Jersey Education Association - SHRP Faculty</b>	NJEA	Faculty	<b>FN</b>	Salary Range
<b>New Jersey Education Association - SHRP Directors</b>	NJEA	Faculty Program Directors	<b>FJ</b>	Salary Range
<b>Office Professional Employees International Union Local 153</b>	Local 153	Security Guards	<b>GH</b>	Job Rate System
<b>Teamsters Local 97</b>	Teamsters	Clerical, Service, Technical, Paraprofessional	<b>TC, TS, TT, TP</b>	Job Rate System

# Non-Union Salary Programs

Employee Group	Salary Table	Type of Program
<b>Executives</b>	<b>ES</b>	Individual Market-based Ranges
<b>Directors and Executive Directors</b>	<b>MS</b>	Salary Range
<b>Managers</b>	<b>VS</b>	Salary Range
<b>Nursing Management</b>	<b>NH &amp; NS</b>	Salary Range
<b>Police Captains</b>	<b>CS</b>	Salary Range
<b>Confidential Professionals</b>	<b>YH &amp; YS</b>	Salary Range
<b>Confidential Support</b>	<b>KH</b>	Salary Range
<b>Staff Physicians</b>	<b>QS</b>	Salary Range
<b>Staff Dentist</b>	<b>DS</b>	Salary Range

# Key Terms

## Labor

### Arbitration

A non-court, legal procedure for resolving disputes using a neutral arbitrator

### Collective Bargaining Agreement (CBA)

A written, legally enforceable contract, for a specified period of time, between the management of an organization and its employees represented by an independent union. Sets down and defines conditions of employment (wages, working hours and conditions, overtime, payments, holidays, vacations, benefits, etc.) and procedures for dispute resolution. *Also called labor agreement, union agreement, or union contract.*

### Labor Relations

Administration of relationships amongst represented employees, their unions, UMDNJ and the public within the guidelines established by UMDNJ Policy, Collective Bargaining Agreements, Local, State, and Federal Regulations.

### Seniority

Rank based on length of service as a regular employee from current date-of-hire. Temporary and Per Diem employees are not included.

### Exempt/Non-Exempt

As defined by the Fair Labor Standards Act: *Exempt* employees are salaried employees not overtime eligible. *Non-Exempt* employees are paid on an hourly basis, receiving premium overtime pay after 40 hours of work.

### Grievance

A claimed violation, misinterpretation or improper application of the terms of contract agreement.

### Hearing

Meeting to collect history and facts from both sides in order to render a decision.

**Progressive Discipline** - A process for dealing with job-related performance, attendance, and/or behavior issues. The primary purpose for progressive discipline is to ensure the

employee understands that a performance problem exists and has an opportunity for improvement.

## Compensation

### Acting Appointment

The appointment of an employee to another position, on a temporary basis, when a legitimate business need exists or due to the absence of an employee. The appointee must possess the requirements as stipulated in the job description of the acting title.

### Equity Review

A review of an employee's salary or rate of pay, taking into account market data, experience, education, internal equity issues, budget considerations and other factors.

### Job Rate System

A salary program comprised of 3 key elements: Probation Rate, Job Rate, and Two Year Rate. The Job Rate for each title is market based. Probation Rate is \$.50 less, and Two Year Rate is 3% higher, than the job rate.

### Out-of-Title Work

Performance of duties or the provision of special services by a staff employee, unrelated to the normal duties of his/her regular position title, to meet a short-term, urgent operational need. Out-of-title work is not performed during the employee's normal workday.

### Reclassification

An evaluation of an existing job that shows permanent and substantial changes in responsibilities have occurred.

### Salary Programs

Structured compensation programs that provide frameworks for paying the organization's employees.

### Salary Range

A salary program which consists of salary ranges, each with a minimum, midpoint, and maximum, with no defined steps.

### Step System

A salary program which consists of salary ranges with a specified number of steps between the minimum and maximum of each range.

# Key Roles

## **UMDNJ**

### **Director, Labor Relations**

- Oversees all labor relations matters, ensuring alignment with UMDNJ policies and procedures, State and Federal law.
- Serves as University's chief negotiator for CBAs
- Works with the Office of the Attorney general, the Governor's Office of Employee relations and the Public Employee Relations Commission regarding labor matters

### **Labor Coordinator**

- Interpretation and administration of labor contracts and policies
- Counsels all levels of management regarding labor relations policies, practices and procedures, particularly those related to progressive discipline and problem resolution

### **Hearing Officer**

- Assures that grieved issues are resolved in a timely, uniform and appropriate manner consistent with contract obligations, policies and procedures and applicable labor law.
- When appropriate, mediates grievances to resolve key issues.
- May negotiate settlement of grieved issues.

### **HR Generalist**

- Resource for clarification of contract obligations and HR Policies/Procedures.

### **Office of Compensation and Benefits**

- Market Studies
- Equity Reviews
- Work Outside of Job Classification
- Benefits Administration

### **Office of Training and Organizational Development**

- Management and Staff Development
- Performance Improvement

### **Office of Legal Management; Employment and Labor Group**

- Provides all legal advice regarding labor and employment matters
- Provides oversight of employment litigation and internal employment investigations.

### **Office of Ethics and Compliance**

- Defines and governs the conduct expected of employees
- Provides guidance on how to resolve questions regarding legal and ethical issues

- Establishes and oversees the mechanism for reporting of possible violations of law or ethical practices within UMDNJ.

### **Office of Workplace Diversity**

- Provides leadership to promote diversity throughout the institution and cultivate a climate of inclusion and respect.
- Monitors compliance with internal policies and procedures as well as all applicable federal and state requirements.

### **Disciplinary Review Committee**

## **UNION**

### **Union Officer**

An individual elected to a leadership role established by the constitution of the union, such as:

- President
- Vice-President
- Treasurer
- Secretary

### **Business Agent**

Employed by Union to represent bargaining unit members. They can:

- Meet with staff at lunch or before/after work
- Conduct meeting with HR approval
- Represent staff at Grievance hearings
- Represent staff at labor-management meetings

### **Shop Steward/Union Representative**

- A UMDNJ employee
- A union member who represents coworkers in dealings with management.
- Can be released for the following union activities:
  - Negotiations
  - Investigations
  - Formal Hearings
  - Department hearings or administration of discipline

## **STATE**

### **PERC (Public Employment Relations Commission)**

- A state agency charged with administering the New Jersey Employer-Employee Relations Act. The agency deals with certain labor relations issues involving public employers, public employees, and unions that represent public employees. Such issues include representation matters, the scope of negotiations, unfair practices, mediation, fact-finding and arbitration.

# Key Employment Law

## **The Americans with Disabilities Act (ADA)**

The ADA prohibits discrimination against a “qualified individual” with a disability who can perform the essential functions of a job with or without “reasonable accommodation”. A “qualified individual” is someone with a disability, as defined under the ADA guidelines, who satisfies the educational and experience requirements to perform the essential functions of a job with or without accommodation. Often the accommodation is triggered by an employee’s request; however, the mere fact that the employee does not request an accommodation may not relieve the employer from the responsibility of providing reasonable accommodations that will enable the employee to perform the essential functions of his or her job.

## **The Civil Rights Act, Title VII**

Title VII prohibits employment discrimination based on *race, color, religion, sex and national origin*. Subsequent amendments to the Civil Rights Act have added additional protections (ADA, PDA are examples) and provide for the recovery of compensatory and punitive damages in cases of intentional violations of Title VII. In the late 1970s courts began holding that sexual harassment is also prohibited under the Act.

## **Equal Pay Act (EPA)**

The Equal Pay Act requires that men and women be given equal pay for equal work in the same establishment. The jobs need not be identical, but they must be substantially equal. It is job content, not job titles, that determines whether jobs are substantially equal.

## **Fair Labor Standards Act (FLSA)**

Federal law that applies to full-time and part-time employees in the private sector and in federal, state and local government that establishes: minimum wage, premium pay for overtime, child labor protections, and recordkeeping requirements. It governs overtime eligibility specifically through the designations of Exempt and Non-exempt positions.

## **Family and Medical Leave Act (FMLA)**

FMLA provides employees with a right to take unpaid or earned leave for a period of up to six months in any twelve month period for self and for a period up to twelve weeks in any twelve month period due to: the birth of a child or placement of a child through adoption or foster care; the care of an employee’s family member (child, spouse, parent) with a serious health condition. The employee is entitled to return to the same or equivalent position.

Updated as of April, 2010

State law is also permitted to provide more comprehensive employee coverage, such as the recent decision in New Jersey to provide paid FMLA for a period of time.

## **New Jersey Law Against Discrimination (NJLAD)**

NJLAD prohibits employers from discriminating in any job-related action, including recruitment, interviewing, hiring, promotions, discharge, compensation and the terms, conditions and privileges of employment on the basis of any of the law's specified protected categories. *These protected categories are: race, creed, color, national origin, nationality, ancestry, age, sex (including pregnancy and sexual harassment), marital status, domestic partnership status, affectional or sexual orientation, transgendered individuals, atypical hereditary cellular or blood trait, genetic information liability for military service, or mental or physical disability, including AIDS and HIV related illnesses.* Moreover, NJLAD states that an employment policy or practice that is neutral in its terms may be deemed unlawful if the policy or practice has an adverse impact on protected groups

## **Occupational Safety and Health Act (OSH Act)**

OSHA is the primary federal law which governs occupational health and safety in the private sector and federal government. Its main goal is to ensure that workers are protected against unsafe work environments and workplace hazards that can cause injuries, illnesses or death. The act created the Occupational Safety and Health Administration (OSHA), an agency of the Department of Labor. OSHA was given the authority to both set and enforce workplace health and safety standards.

## **Pregnancy Discrimination Act (PDA)**

PDA states that discrimination on the basis of pregnancy, childbirth or related medical conditions constitutes unlawful sex discrimination under Title VII. Women affected by pregnancy or related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations.

# HIRING PROCESS

## Complete the Staff Position Transaction Form (SPTF) - [http://www.umdj.edu/hrweb/forms/sptf\\_w.pdf](http://www.umdj.edu/hrweb/forms/sptf_w.pdf)

- When hiring a new employee, regardless of whether it is a completely new position or replacing an employee who has moved to another position, you need to **start by notifying your HR generalist** and completing the Staff Position Transaction Form (SPTF)
- In addition to basic position information and approvals, you will need to provide a Justification Package which includes: current job description, justification memo, organizational chart of your department and reporting structure for the position being filled.
  - If it is a **NEW** position to your department, you should work with the Compensation Services Office to develop/approve the job description and complete the SPTF. The SPTF and justification package is then forwarded to Compensation Services. Once approved, Compensation Services will forward to your HR Generalist.
  - If it is a **REPLACEMENT** for a current position, with no major changes to the job description, forward the SPTF and job description directly to your HR Generalist. If there are significant changes to the Job Description it should be forwarded to Compensation Services.
- It is important to keep track of the SPTF making sure it goes through your approval process as quickly as possible. Do not assume that just because you have handed the SPTF off to your supervisor and/or Budget Office that it will quickly get to HR. You need to follow-up and be sure all approvals are obtained and the paperwork has been properly forwarded.
- Your HR generalist will notify you when the complete SPTF form has reached HR.

## Interviewing Candidates

**Hire Online**  
Online Referral Pool

Referral Pool for #03NS675721: Research Teaching Specialist V  
[Click here to fill out the Vacancy Information and Candidate Assessment Record form.](#)

**Change Status Instructions:**  
To change applicants' status, check boxes in the **Interview** or **No Interview** columns. Then click **Change Candidate Status** which will make the status changes in the database. (If you change status to Request Interview, an e-mail to that effect is sent to the recruiter.)

**Print Instructions:**  
To print selected resumes and/or applications, check boxes in the **PRINT** columns.  
To print all resumes and/or applications, click **PRINT** at the top of the columns.  
To begin printing, click **Batch Print** at the bottom of the referral list. Each resume and application will start on a new page. (In order for this paging to work properly, you must use Microsoft Internet Explorer.)  
Retain a list of the printed resumes and/or applications for future reference.  
**Note:** If you are printing resumes and/or applications for others, please print the list of applications and the instructions on the accompanying E-mail for the reviewer(s).

Current Status	Inter-view	No Inter-view	Applicant Name	Resume		Application	
				View	Print	View	Print
New Candidate	<input type="checkbox"/>	<input type="checkbox"/>	<a href="#">Ivory Kilpatrick</a>		<input type="checkbox"/>		<input type="checkbox"/>

- Upon receipt of a completed Staff Position Transaction Form, your vacancy we will be posted and candidates can apply on-line.
- Your HR Generalist will send you an e-mail welcoming you to the web-based candidate referral system which will include a listing of pre-screened candidates.
- Through this system, you can view applications and/or resumes of candidates on-line.
- Decide which applicants you want to interview and status the applicants by clicking on the column headings “Interview” or “No Interview”.
- The University encourages managers to strongly consider qualified internal candidates when making their decisions. We want employees to have opportunities for growth and development whenever possible.
- Click on the “Change Candidate Status” button, which will instantly alert an HR Representative of your plans to begin the interview process.

# HIRING PROCESS

**UNION CONTRACT REQUIREMENTS** – The following statements highlight some of the CBA agreements regarding transfers and promotions for internal candidates – and their rights to be interviewed under certain circumstances - which you should be aware of.

- ✓ **HPAE Professionals (Article 3.03):** Internal applicants within a department who apply during the first 5 days of posting for a higher classification within the same department shall be interviewed
- ✓ **Article 4.03 in the CWA 1031 (Article 4.03):**All qualified internal candidates who submit timely bids will receive an interview for the position vacancy
- ✓ **HPAE Nurses(Article 4.10):** The University will interview at least 2 internal applicants who meet or exceed the minimum qualifications for the position.
- ✓ **TEAMSTERS (Article XI):** Staff may attend internal job interviews during work hours without loss of pay or accruals provided that prior approval has been obtained from his/her Director/Department Head.

**NOTE: Seniority AND ALL OTHER RELEVANT CRITERIA should be taken into consideration when selecting your candidate.**

## Selecting a Candidate

- This section requires that you rate each interviewed candidate based on five (5) criteria. A score will be calculated automatically once you click “OK”.
- Once you have made a decision on your top candidates you must fill out the VICAR form (Vacancy Information and Candidate Assessment Record) - if the vacancy is a position at salary range 23 and above, N05 and above, U07, E, M, or V Scale or CRNA – for approval from the Office of Workplace Diversity. Approval from the Office of Workplace Diversity must be received prior to making an offer.
- Filling out the VICAR requires using Internet Explorer not Netscape.

	LOW		HIGH		
EDUCATION:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	5
EXPERIENCE:	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	2
CUSTOMER SERVICE:	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	3
PROFESSIONAL / TECHNICAL COMPETENCY:	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	3
TEAMWORK:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	5
CUMULATIVE AVERAGE:					3.6

Transfers result to candidate #1       Discards result  
 Re-sorts the candidates             Closes this window  
 Closes this window

## Making an Offer/Getting Started

- Your assigned HR Generalist will review with you the wage/salary offer and start date.
- The HR Generalist will make the offer of employment to the candidate contingent upon the results of a thorough background check and physical examination, if they are external candidates. Internal candidates are not subject to background checks unless specific additional information has to be verified or confirmed.
- HR will provide the official offer letter to the successful candidate that includes details regarding work unit, salary and benefits.
- Human Resources will also schedule your candidate for orientation.
- You are responsible for ensuring that all additional mandatory trainings are completed (i.e., HIPPA, Preventing Harassment in the Workplace), orienting the new employee to your department and providing any necessary on-the-job training.

**E-MAIL THIS FORM** (Clear checkbox at left if you do not wish to e-mail this form.)

YOUR NAME: [ENTER YOUR NAME] FROM EMAIL ADDRESS: [YOUREMAIL@UMDNJ]

TO: RECIPIENT #1 NAME: [RECIPIENT #1 EMAIL ADDRESS]

RECIPIENT #2 NAME: [RECIPIENT #2 EMAIL ADDRESS]

CC:  CHECK HERE TO SEND A COPY TO YOURSELF (TO THE FROM ADDRESS GIVEN ABOVE)

SUBJECT: [ENTER SUBJECT]

COMMENT: The attached document contains my preferred choices from among the candidates referred to me for the Research Teaching Specialist V job.

# PROBATION

## General Contract Principles

- Standard probationary period for new hires is 180 days from date of hire. Probationary requirements for layoff situations, transfers, and promotions are listed on the following page.
- Employees on new hire probation are not subject to certain contractual constraints relative to discipline and/or termination.
- Probationary staff members cannot bid on other positions.
- For voluntary transfers and promotions - the staff member can choose to return to their previous position, if it is still available, anytime during the probationary period or if they fail probation. If they choose this option, they cannot bid on another position for six months.

## Management Guidelines

- During the probationary period, the supervisor should:
  - Clearly communicate performance standards and expectations.
  - Assess performance, behavior and attendance and address issues with the staff member as soon as possible.
  - Document issues, discussions and development or improvement plans.
  - Determine if staff member will be able to perform all the job duties required to succeed in the position.
  - Complete the probationary assessment form at the end of the probationary period. *Note: Even if you are sure an employee will pass probation, wait until the end (or close to the end) of the probationary period, to fill out the probationary assessment form. Things may come up that you need to address.*
- Although most union contracts identify the possibility of extending new hire probation (as shown below), it is not recommended. The only real reason to extend a probationary period is if circumstances beyond the control of the staff member prevented you from properly assessing performance (such as the supervisor being on leave during the probationary period). Probationary periods should not be extended for staff who have exhibited poor attendance or the inability to work cooperatively with co-workers or customers.
- If you are considering terminating a probationary employee, or extending the probationary period, you should notify HR as soon as possible (at least 3 weeks before the end of the probationary period) and work with Labor relations to complete all necessary steps and documentation requirements. You do not need to wait until the end of the probationary period to terminate a new hire.

# PROBATION

PROBATION REQUIREMENTS IN LAYOFF SIUTATIONS – FILLING VACANCIES				
UNION	Vacancy in same title & oper unit & campus	Vacancy in same title & campus	Vacancy in same title or immediate prior title university-wide	
<b>Teamster</b>	None	None if >10 yrs of svc  If < 10 years of service, 90 days with 90 day extension	None if >10 yrs of svc  If < 10 years of service, 90 days with 90 day extension	
<b>HPAE Prof</b>	None	None	None	
<b>CWA Supervisor</b>	None	None	None	
<b>Operating Eng</b>	None	None	None	
PROBATION REQUIREMENTS IN LAYOFF SIUTATIONS – BUMPING				
UNION	Bump into same title & oper unit & campus	Bump into same title campus-wide	Bump immediate prior title campus-wide	Vacancy or bump in Job Series
<b>Teamster</b>	None if >10 yrs of svc  If < 10 years of service, 90 days with 90 day extension	None if >10 yrs of svc  If < 10 years of service, 90 days with 90 day extension	None if >10 yrs of svc  If < 10 years of service, 90 days with 90 day extension	None if >10 yrs of svc  If < 10 years of service, 90 days with 90 day extension
<b>HPAE Prof</b>	None if >10 yrs of svc  If < 10 years of service, 90 days with 90 day extension	None if >10 yrs of svc  If < 10 years of service, 90 days with 90 day extension	None if >10 yrs of svc  If < 10 years of service, 90 days with 90 day extension	Not applicable
<b>CWA Supv.</b>	None	None	Yes	Not applicable
<b>Operating Eng</b>	None if >10 yrs of svc  If < 10 years of service, 90 days with 90 day extension	None if >10 yrs of svc  If < 10 years of service, 90 days with 90 day extension	None if >10 yrs of svc  If < 10 years of service, 90 days with 90 day extension	None if >10 yrs of svc  If < 10 years of service, 90 days with 90 day extension
PROBATION REQUIREMENTS FOR SITUATIONS OTHER THAN LAYOFFS				
UNION	NEW HIRES	INVOLUNTARY TRANSFERS	RECLASSIFICATIONS	VOLUNTARY TRANSFERS & PROMOTIONS
<b>Teamster</b>	180 days/30 day extension	None	None	90 days/90 day extension
<b>HPAE Prof</b>	180 days/30 day extension	None	None	90 days/90 day extension
<b>CWA Supv.</b>	180 days/30 day extension	None	None	90 days/ 90 day extension
<b>Oper Eng</b>	180 days/30 day extension	None	None	90 days/90 day extension

# SCHEDULING

## Work Week

- Non-exempt employees are classified as 35, 37.5 and 40 hours per week.
- The work day of non-exempt employees includes two scheduled, paid 15 minute breaks.
- Lunch period is unpaid and scheduled either as ½ hour or 1 hour.

EXAMPLES	35 Hour Employee	37.5 Hour Employee	40 Hour Employee
	<b>½ hour lunch</b>	<b>½ hour lunch</b>	<b>½ hour lunch</b>
Start time	8:00 am	8:00 am	8:00 am
End	3:30pm	4:00 pm	4:30pm
	<b>1 hour lunch</b>	<b>1 hour lunch</b>	<b>1 hour lunch</b>
Start Time	8:00 am	8:00 am	8:00 am
End	4:00 pm	4:30 pm	5:00 pm

## Overtime

- All employees are expected to be available for overtime.
- Overtime pay (1 ½ times hourly rate) is provided to non- exempt staff for all hours worked in excess of 40 in a week.
- All unworked but paid holidays and all paid vacation are counted as hours worked for overtime purposes. However, paid sick time is not counted toward overtime.
- Some contracts indicate process for scheduling overtime, for example:
  - **Teamsters Local 97**
    - Overtime shall be scheduled and distributed on a rotational basis by job classification within each functional work unit.
    - In cases where there are no volunteers and overtime is required, the least senior qualified staff member on duty is required to stay.
    - Mandatory overtime is rotated starting with the least senior qualified staff member.
    - Supervisors are required to maintain records and make them available for review by the union and/or the employee.
  - **HPAE 5089 (nursing)**
    - Overtime shall be scheduled and distributed on a rotational basis within each functional work unit.
    - In cases where there are no volunteers and overtime is required, the least senior qualified staff member on duty can be required to stay.
    - Mandatory overtime is rotated starting with the least senior qualified member
    - Supervisors are required to maintain records and make them available for review as requested by the union.

*Note: A staff member who refuses an overtime assignment shall be considered to have worked for the purposes of equal distribution of overtime.*

# SCHEDULING

## Vacation

### UMDNJ Policy

- Vacation time is scheduled based upon the operational needs of the department, taking staff needs into account as much as possible
- Where practical seniority should be used to set up a department's yearly vacation schedule
- Once department schedule has been established, vacation time is granted on a first-come-first-serve basis
- If staff member is hospitalized during a scheduled vacation they can have the period of actual hospitalization charged to sick time with appropriate documentation and notification.

### Sample Contract Agreements

#### **HPAE 5089 – Nursing**

- Vacation requests must be submitted by February 15th of each year.
- All vacation requests submitted by Feb. 15th shall be granted based on Seniority.
- Additional vacation requests will be on a first-come first-serve basis

#### **HPAE 5094 - Professionals**

- Vacation requests for the period June 1 – November 30 that involve one or more weeks must be requested by February 15th.
- Vacation requests for the period December 1 through May 31st that involve one or more weeks must be requested by September 15th.
- In situations where two or more staff members request the same time period, seniority will prevail.
- Any vacation requests submitted after these timelines will be on first-come first-serve basis.

#### **TEAMSTERS**

- The choice of vacation time will be determined within the work unit on the basis of University seniority subject to UMDNJ Vacation policy.

# PERFORMANCE EVALUATION

## General Contract Principles

- Staff member performance evaluation is done annually.
- Performance Appraisal ratings are on a scale of 1-5.
  - Performance ratings of 3 and above indicate fully satisfactory to exemplary performance.
  - Performance ratings of 1 or 2 indicate performance below what is acceptable for the job and put the employee at risk of termination.
- Staff members should be provided with a copy of the evaluation and given the opportunity to add his/her comments to the evaluation.
- Evaluations should be signed by the supervisor, the supervisor's manager and then by the staff member. The staff member's signature signifies that he/she has seen and reviewed the evaluation, but not that he/she necessarily agrees with the content.
- Staff members cannot grieve the performance rating. Those receiving a "1" or a "2" can grieve the performance appraisal process if they have not been given advance warning.
- Prior to evaluating a staff member a "1" or "2", the supervisor must notify the staff member that his/her performance is deficient through counseling and/or progressive discipline. This notification must include corrective action plans to give the staff member an opportunity to improve prior to receiving a "1" or "2".
  - If the staff member receiving a "1" or "2" grieves the process and it is found that they did not have advanced warning, they will be given a 3 month assessment period, followed by a re-evaluation. If the re-evaluation results in a satisfactory rating, the previous evaluation will be void and expunged from their personnel file.
  - Re-evaluation must occur within 90 days. The staff member can be terminated during re-evaluation period, if sufficient justification exists (must be reviewed by Labor Relations and approved by the DRC).
  - A rating of 1 is equivalent to a suspension in the progressive discipline process.

## Management Guidelines

- Performance Appraisals occur once a year, successful performance management is on-going. In addition to the annual review, there should be performance discussions between the Supervisor and Staff Member throughout the year.
- The Performance Evaluation and Progressive Discipline Process must work together. A staff member receiving a "1" or "2" should have counseling notices and progressive discipline in their file. It is also good practice to contact Labor Relations prior to issuing a "1" or "2" on an evaluation.
- Focus on "truth in evaluation", no one is served by providing a rating that doesn't match performance
- Beware of common rating errors:
  - *Recency* – only rating performance in recent weeks/months;
  - *Middle-of-the-Road* – providing all middle ratings to quicken the process or not address issues;
  - *Avoidance* – increasing the rating in order to avoid difficult conversations or giving all staff members the same ratings to avoid conflict.
- Counseling/Counseling Notices are part of the performance management process, **not** progressive discipline. Supervisors should use counseling as an opportunity to discuss staff performance or behavior that is negatively impacting the department and identify necessary improvements. Counseling notices stay in the department file, they are not forwarded to HR
- It is the Supervisor's responsibility to keep records of when staff evaluations are due and complete them in a timely manner.
- There is an E-Print report available through Banner that provides a list of those in your unit/department whose performance appraisals are due or overdue. The report is updated daily and accessed through the Banner homepage.

# PERFORMANCE EVALUATION

## How to Complete a Staff Performance Evaluation - Step-By-Step

1. Review the staff member's departmental file.
2. As needed, confer with administrators, peers or others who have insight into the quality and quantity of the staff member's work.
3. Review the staff member's overall performance on assigned tasks, attendance and conduct over the evaluation period (including any disciplinary notices). Be careful not to just evaluate the most recent weeks/months.  
***Important Note: If a staff member is deficient in attendance, this deficiency may impact not only the attendance portion of the evaluation but also the ratings of other performance areas and overall performance.***
4. Assign the appropriate ratings and comments to each category of the evaluation.
5. Review the proposed evaluation and rating with your department head and get his/her signature on the evaluation form **before you share the evaluation with the staff member.**
6. Meet with the staff member to review and discuss the evaluation.
7. Afford the staff member the opportunity to review and respond to the evaluation if he/she so requests. You may give him/her a maximum of three business days to respond. Provide a copy of the evaluation for this purpose, **retain the original at all times.** Attach the employee's response to the original evaluation form. If he/she does not respond in three (3) business days, he/she forfeits the right to respond.
8. Ask the staff member to sign the evaluation. If he/she initially refuses, remind him/her that, as noted in the document, signing the evaluation does not indicate agreement but only that he/she has seen the evaluation. If the refusal persists, locate another employee (preferably a supervisor or manager) who will witness the refusal to sign the form, note the refusal on the form and ask the witness to sign and date it as well.
9. Submit the evaluation to Human Resources.

# PROGRESSIVE DISCIPLINE

## Providing Notice – An Important Concept in Labor Management

Prior to engaging in progressive discipline, you must be sure that staff members are aware of performance expectations and UMDNJ policies/procedures that apply to their position. To ensure that staff members are aware and can be held accountable, supervisors should:

- Be sure that all staff members are made aware of university and departmental rules, regulations, procedures.
- Make copies of relevant policies and hand them out to staff members. It is good practice to have the staff member sign receipt of the policy and retain the receipt in staff member's departmental file.
- Be consistent so staff members maintain a clear understanding of your expectations
- Make sure that staff performance evaluations reflect all discipline issues during the evaluation period. Don't introduce disciplinary action during the evaluation for the first time.

## Steps of Progressive Discipline

- Progressive discipline is a process intended to notify staff members of, and provide an opportunity to correct, unacceptable performance, behavior, attendance and/or violations of any University policy or collective bargaining agreements.
- It is important that counseling and/or progressive discipline been given to the staff member as close to the related occurrence as possible.

*Note: Counseling notices **ARE NOT** part of the formal discipline process. Supervisors utilize counseling notices to put staff members on notice of the specific activity or behavior that is problematic and needs correction. Counseling notices stay in the department personnel file, they are not forwarded to HR. Counseling Notices are available on the HR website under "forms".*

- The steps of the progressive discipline process defined in the chart on the next page (Written Warning, Suspension, Termination). *Note: with serious violations, steps can be skipped*

# PROGRESSIVE DISCIPLINE

## Steps of Progressive Discipline

Step	Type	Instructions
<b>1</b>	<b>Written Warning</b>	<ul style="list-style-type: none"> <li>• In conversation with staff member, clearly identify performance/behavior/attendance deficiencies (if prior counseling notices have been given, refer to them).</li> <li>• Advise staff member that they are going to receive a written warning and that they may have union representation present when the warning is delivered (if you have a hard time getting a union representative contact the Labor Relations office).</li> <li>• Fill out the Staff Disciplinary notice. You should consult with/inform Labor Relations at this point.</li> <li>• Review the written warning with the staff member, clearly state the changes that need to happen and notify the staff member that if the deficiency is not corrected, further discipline will be issued.</li> <li>• Obtain the staff member's signature.</li> <li>• Provide a copy of the warning to the staff member, maintain a copy for your records and send the original to Human resources to be placed in the staff member's personnel file.</li> </ul>
<b>2</b>	<b>Suspension</b>	<ul style="list-style-type: none"> <li>• <b>You MUST consult with Labor Relations</b> to help you determine the appropriate length of suspension and possible alternatives (such as vacation forfeiture in lieu of suspension).</li> <li>• The supervisor will prepare a Disciplinary Notice of the suspension or alternative (referencing any previous Counseling Notice(s) and or Disciplinary Notices) with the assistance of Labor Relations.</li> <li>• The supervisor should discuss the Disciplinary Notice with the staff member, warning that if the deficiency is not corrected, further discipline will be issued, up to and including termination. The staff member has the right to have union representation at this meeting.</li> <li>• The supervisor will give a copy of the Disciplinary/Suspension Notice to the staff member and forward the original document to Human Resources for placement in the staff member's personnel file.</li> </ul>
<b>3</b>	<b>Termination</b>	<ul style="list-style-type: none"> <li>• <b>You MUST consult with Labor Relations prior to issuance.</b></li> <li>• The supervisor will prepare a Disciplinary Notice-Termination (referencing any previous Counseling Notice, Disciplinary Notice and Suspension) with the assistance of a Labor Relations representative.</li> <li>• The supervisor will give a copy of the Disciplinary Notice- Termination to the staff member and send the original to Human Resources for placement in the staff member's personnel file. The staff member has the right to have union representation at this meeting. Labor Relations will forward a copy to the union.</li> <li>• Prior to termination, Labor Relations will arrange a case review with the Disciplinary Review Committee. If the committee does not recommend termination, more steps may need to be taken.</li> </ul>

# PROGRESSIVE DISCIPLINE

## Gathering Information for a Potential Disciplinary Action

The purpose of gathering information is to explore relevant events, documents, issues or witnesses relating to an allegation. It may concern alleged poor performance, misconduct or violation of departmental or UMDNJ's policies, rules or regulations.

1. Interview all witnesses. Obtain dated and signed witness statements immediately. If multiple staff members are involved, you should separate the individuals and obtain individual statements from each. When the staff member is a member of a collective bargaining unit, a union representative may be present as an observer during an investigative interview because of the possibility that it could lead to disciplinary action.  
*Please be reminded that simply because one individual is in the same union as the staff member being investigated, the individual must still comply with your legitimate directive to provide a truthful statement. Failure to do so would be independent grounds for disciplinary action for insubordination for individuals who refuse to provide statements.*
2. Identify relevant documents, secure the originals, and make several copies. If there is physical evidence (i.e., falsified parking hangtags) ensure that the evidence is secured. Please consult HR Labor Relations for assistance.
3. Verify within the department leadership that the employee is not being singled out and that there has been a consistent enforcement for others who have committed the same or similar infractions.
4. Review the staff member's past performance and disciplinary actions as recorded in your departmental file. Labor Relations can assist you with review of the discipline recorded in their central HR file.
5. Prepare a written chronology of relevant past and current events, documents and evidence obtained and a summary of witness statements.
6. Meet with the appropriate decision-making official(s), department head, dean, or facility administrator and present your findings.
7. **For staff member violations that may result in a suspension or termination, you are required to confer with HR Labor Relations before serving any disciplinary notice.**

Any questions you may have about how to gather information for a potential disciplinary action or about how to proceed with the steps outlined above should be directed to an HR Labor Relations representative.

**BEST PRACTICE: Consult/Partner with Labor Relations AS PERFORMANCE ISSUES DEVELOP and throughout the progressive discipline process.**

# GRIEVANCES/HEARINGS

## General Contract Principles

- Almost all Collective Bargaining Agreements have a grievance procedure identified
- The steps are laid out with specific time limits for each step.
- Although we like to avoid grievances, do not be afraid of the process or look at it as completely negative
  - Benefits of the Grievance procedure include:
    - Mechanism for conflict resolution
    - Increasing clarity of contract language and application
    - Providing the employee an opportunity to represent themselves, supporting the concept of fairness
    - Identifying problem areas that we can improve
    - Contributing to our goal of consistency
  - Costs/Concerns of Managers in Grievance procedure:
    - Time and money.
      - Manager and employee are taken away from their jobs.
      - Cost of arbitration is the responsibility of the department
    - Sometimes employee and manager have different expectations of the process and get into conflict (i.e., timelines, purpose)
    - While employee is focused on workplace dispute resolution, manager is also concerned about precedent.
    - Compromises are often necessary to come to agreement. Try not to look at this as a loss.

## Steps of Grievance Procedure

- Step 1 – Department Level Review
- Step 2 (Step 1 for Teamsters) – Grievance
  - Grievance filed with the Office of Labor Relations
  - Labor Relations represents management in the preparation for, and representation at, the Hearing.
  - Union representative represents the employee in preparation for, and representation at, the Hearing.
  - If the grievance is regarding discipline, the burden of proof is on the University
  - If the grievance is regarding contract agreements, the burden of proof is on the Union
  - Hearing is overseen by Hearing Officer and a decision is rendered in writing.
- Step 3 – Arbitration
  - Conducted by a mutually agreed upon arbitrator
  - Grievant represented by Union Attorney
  - University represented by Deputy Attorney General's office
  - Court stenographer is present
  - Cost of arbitration is shared by the department and the union, it is not covered through the HR budget.

# GRIEVANCES/HEARINGS

## 7 Elements of Just Cause

Just Cause is a standard, or test, used by the Hearing Officer or Arbitrator to determine the appropriateness of disciplinary action. The factors that are considered in determining Just Cause include, but are not limited to, those outlined below. Manager's engaging in progressive discipline should make sure that their actions "pass" the seven elements of just cause.

### 1. Notice

*Was the employee adequately warned of the consequences of his/her conduct? A "warning" may not be necessary for conduct that is so serious and clearly wrong that the employee would be expected to know that such conduct could lead to disciplinary action, such as theft of company property.*

### 2. Reasonable Rule or Order

*Was UMDNJ's rule or order reasonably-related to efficient and safe operations?*

### 3. Investigation Before Disciplinary Action

*Did UMDNJ investigate before administering the discipline?*

### 4. Fair Investigation

*Was UMDNJ's investigation conducted fairly and impartially?*

### 5. Evidence of Guilt

*Did UMDNJ obtain during the investigation substantial evidence that the employee was guilty as charged?*

### 6. Fair Treatment

*Has UMDNJ applied its rules, orders and penalties even-handedly and without discrimination?*

### 7. Disciplinary Action Proportional to the Offense.

*Does the disciplinary action reasonably reflect:*

- ✓ *The seriousness of the proven offense*
- ✓ *General discipline standards applied by UMDNJ*
- ✓ *The employee's record of service*

# Family and Medical Leave of Absence (FMLA/NJFLA)

## Overview

- **UMDNJ Leave of Absence Policy** encompasses both **FMLA** (Federal Law) as well as **NJFLA** (State Law). It provides for job protection and maintenance of pre-existing health benefits while on certified medical leave.
  - Based on the certification process, the HR Generalist will determine eligibility for FMLA and/or NJFLA. If the employee qualifies under both laws, the leaves will run simultaneously.
- **Under UMDNJ policy employees are eligible for FMLA when they reach the following threshold:**
  - Regular full or part-time employees who work 20 hours or more a week, employed for a minimum of six (6) months.
  - Full time temporary employees employed a minimum of six (6) months.
  - Co-employment arrangements i.e., Adecco.
- **FMLA and/or NJFLA apply in the following circumstances:**
  - Serious health condition of staff member (FMLA only)
  - Birth of a child or placement of an adopted or foster child (must be taken within 12 months of placement)
  - Care of a child, parent, spouse or registered same-sex spousal equivalent with a serious health condition
  - Military Caregiver or Qualifying Exigency (FMLA only)

## Medical Certification Requirements

- **UMDNJ has 5 days to request Medical Certification from the day the employee gives notice of the need for leave.** The first time an employee requires leave, employee does not have to mention FMLA to put the employer on notice. Managers **MUST** make HR aware when an employee's absenteeism may be affected by a serious health condition.
- **Employee has 15 days to return Medical Certification, or the leave may be denied.**
- **UMDNJ may ask for additional information and the employee has 7 days to provide it, or leave may be denied.**
- University representatives, including HR (*but specifically excluding the supervisor*), may contact employee's healthcare provider for verification/clarification.

## Employee Notice Requirements

- For **foreseeable leave**, employees should provide **30 days notice** or leave may be delayed or denied.
- For **unforeseeable leave**, employee must notify the employer on the **same day or next business day** by the employee or his/her designee in an emergency. Failure to provide timely notice allows employer to count any absences during delay as non-FMLA and apply the attendance control policy.
- **Employees on approved intermittent leave must follow department call-in procedure** for any unscheduled absences daily and specifically state that they are absent for an FMLA qualifying reason. If the employee does not follow this process, the absences can be considered as non-FMLA and the attendance control policy applied.

# Family and Medical Leave of Absence

## (FMLA/NJFLA)

### Tips for Managers

- If an employee requests FMLA leave, notify HR that same day. **Do not take it upon yourself to approve or deny leave.** Managers can be held personally liable for interfering with an employee taking advantage of their FMLA rights.
- If you suspect that an employee (or a family member) is suffering from a serious health condition based on a pattern of absences or on what he/she has told you, notify HR as soon as possible. The employee does not need to specifically request “FMLA leave” or use the words “serious health condition” for the ‘Act’ to kick in. The type of information that is deemed sufficient to put an employer on notice includes:
  - A condition that renders the employee unable to do their job
  - A pregnant employee
  - Employee has been hospitalized overnight
  - Employee or employee’s family member is under continuing care of a health care provider
  - Family member is a covered military member is on active duty or been called to active duty, or had a serious injury.
  - Family member cannot perform activities of daily living
- ***All departments must have a formal call-in procedure for unscheduled absences. This procedure needs to apply to all staff, not just those on FMLA.*** Employees must comply with the usual and customary call-in procedure for requesting leave. This means that they need to call their supervisor – or designee – not HR – if they are not able to report to work. If employees fail to follow the call-in procedure, leave may be denied. When there is need for unforeseeable leave, an employee must provide notice to the employer “as soon as practicable” which means the same day or next business day.
- **Track intermittent leave closely!** Employees on intermittent leave that have an unscheduled absence are required to utilize the department’s call-in procedure AND identify the absence as an FMLA occurrence. If the employee does not follow this process, it can be treated as a non-FMLA absence and the Attendance Control Policy applies.
- If you believe that an employee is abusing FMLA leave based on a pattern (i.e., Monday/Friday) alert HR as soon as possible. Refrain from taking immediate disciplinary action yourself.
- Never take an adverse action against an employee because he/she requested FMLA leave, is out on FMLA, complained to others (even the media) about your organization’s family leave policies, or filed a charge based on any provisions of the FMLA.
- Under no circumstance may you directly contact a health care provider or the employee for clarification or authentication of a certification for a serious health condition (the employee’s or a family member’s) or a covered service member’s serious illness and injury. If clarification or authentication is needed, inform HR

# Family and Medical Leave Summary Chart

<b>Eligibility</b>	Regular full or part-time employees and full-time temporary employees who work 20 hours or more a week, employed for a minimum of 6 months.					
<b>Calendar</b>	All leaves calculated on a rolling <b>12-month year</b>					
<b>Certification Time Requirements</b>	<p><b>UMDNJ has 5 days to request Medical Certification</b> from the day the employee gives notice of the need for leave. The first time an employee requires leave, employee does not have to mention FMLA to put the employer on notice. Managers <b>MUST</b> make HR aware when an employee's absenteeism may be affected by a serious health condition.</p> <p><b>Employee has 15 days to return Medical Certification</b>, or the leave may be denied.</p> <p>UMDNJ may ask for additional information and the <b>employee has 7 days to provide it</b>, or leave may be denied.</p> <p>University representatives, including HR (but specifically excluding the supervisor), may contact employee's healthcare provider for verification/clarification.</p>					
<b>Notice Requirements</b>	<p><b>Foreseeable Leave: 30 days notice.</b></p> <p><b>Unforeseeable leave: Same day or next business day</b> by the employee or his/her designee in an emergency. Failure to provide timely notice allows employer to count any absences during delay as non-FMLA and apply the attendance control policy.</p> <p><b>Approved Intermittent Leave:</b> For those on approved intermittent leave, employee must follow department call-in procedure for unscheduled absences daily and specifically state that they are absent for an FMLA qualifying reason. If the employee does not follow this process, the absences can be considered as non-FMLA and the attendance control policy applied.</p>					
	<b>For Self</b>	<b>For Family Member</b>	<b>Catastrophic Illness (self and/or family)</b>	<b>Birth Adoption</b>	<b>Military Caregiver</b>	<b>Qualifying Exigency</b>
<b>Maximum Continuous Leave</b>	6-Months <i>If employee has paid time accruals exceeding 6-months maximum is 12 months</i>	• 12 weeks	6-Months (self) 12-Weeks (Family) <i>If employee has paid time accruals exceeding 6-months maximum is 12 months</i>	12 weeks <i>(taken after medical leave related to the pregnancy and within 1 year of birth or adoption)</i>	26 Weeks <i>(Total – combined with other qualifying FMLA and Military Caregiver leave)</i>	12 weeks
<b>Intermittent Leave</b>	12 weeks <i>(must be tracked by department)</i>	Same as above <i>(must be tracked by department)</i>	N/A	N/A	Same as above <i>(must be tracked by department)</i>	Same as above <i>(must be tracked by department)</i>
<b>Use of Benefit Time</b>	<ul style="list-style-type: none"> <li>All paid sick time must be used first, then</li> <li>Float holidays and Vacation accruals must be used unless the employee is on disability.</li> </ul> <p><i>Note: When sick time is exhausted, employees who choose to go on disability don't have to use their vacation and float time.</i></p>	<ul style="list-style-type: none"> <li>10 days of sick time must be used (if available), then</li> <li>Float holidays and Vacations accruals must be used.</li> </ul>	<ul style="list-style-type: none"> <li>For self: all paid sick time must be used first.</li> <li>For family: 10 days of sick time must be used (if available), then</li> <li>Float holidays and vacation accruals, must be used</li> <li>If additional time is required, remaining sick time can be used up to the 12-week maximum.</li> </ul>	<ul style="list-style-type: none"> <li>All accrued vacation and float holidays must be used</li> <li>Any additional leave required may be unpaid.</li> <li>Sick time may not be used.</li> <li>If University employs both spouses, combined leave not to exceed 12 weeks.</li> </ul>	<ul style="list-style-type: none"> <li>10 days of sick time must be used (if available), then</li> <li>Float holidays and Vacations accruals must be used.</li> </ul>	<ul style="list-style-type: none"> <li>All accrued vacation and float holidays must be used</li> <li>Any additional leave required may be unpaid.</li> <li>Sick time may not be used.</li> </ul>
<b>Donated Time</b>	N/A	N/A	All employees must exhaust their accrued sick, vacation and float time first. Maximum donations not to exceed leave entitlement.	N/A		N/A
<b>Forms</b>	- Leave of Absence Form - Employee's Serious Health Condition – Form WH-380-E	Leave of Absence Form Family Member's Serious Health Condition – Form WH-380-F	- Leave of Absence Form - Employee's Serious Health Condition – Form WH-380-E	- Leave of Absence Form - Employee's Serious Health Condition – Form WH-380-E	Leave of Absence Form Serious Illness of a Covered Service Member – Form WH 385	Leave of Absence Form Qualifying Exigency for Military Leave – Form – WH 384

# LAYOFFS/BUMPING

(Also see FAQ'a on Workforce Reductions in last section)

## General Contract Principles

- University seniority prevails on layoffs. Least senior staff gets laid off first
- Staff will not be laid off before temporary or probationary personnel in the same job classification
- The University will provide a minimum of twenty-one (21) calendar days notice of layoff, or compensation in lieu of notice, to any regular staff member affected.
- Vacancies are filled before bumping.
  - Vacancies are offered University wide
  - Employees cannot exercise their bumping rights if vacancies are available on the same campus.
  - If no vacancies are available, they may be able to bump on their own campus (in the same or immediate prior title) or choose to go on the recall list.
- Recall rights are:
  - Only available to those staff members that have more than 1 year of service
  - Based on effective date of layoff for all unions, EXCEPT HPAE Professionals where it is based on University Seniority
  - Retained for 1 year
  - Voided if an employee refuses a vacancy on the same campus
- If an employee is offered a vacancy or bump where the salary is >10% below current salary, they can decline and remain on the recall list.
- An employee who goes into a vacancy or bumps into a position may not bid on another position for six months. NOTE: For HPAE 5094 Professionals, if an employee fills a vacancy on another campus, they cannot bid on another position for 1 year.

## Management Guidelines

When workforce reductions occur, it is management's responsibility to handle the associated conversations and transactions with great clarity, efficiency and sensitivity to both the employees leaving and those staying. The aim is to minimize uncertainty and provide a way for those affected to leave the University with a sense of support and dignity. To be effective in these situations, be aware of the following:

### ***Partner early with HR***

Since this is a collaborative effort between the school or unit and Human Resources, it is wise to include your assigned Human Resources Generalist early in the process to ensure: (1) that the operational details of your school/unit are appropriately addressed, i.e., contractual obligations are clear; (2) that you are prepared for the discussions with the affected employees and with those who remain; (3) individuals who must be notified are contacted; and (4) that the institution's reputation and assets are protected.

# LAYOFFS/BUMPING

(Also see FAQ'a on Workforce Reductions in last section)

## Management Guidelines (Continued)

### *Suggestions for the discussion with affected employee*

The discussion should be held in a confidential location where the employee has some privacy. You may wish to have it in your office or a conference room.

1. Keep your comments brief and to the point.
2. Speak calmly and compassionately.
3. Share the basic details including final day of work, severance and support they can receive.
4. Remain professional and if you need assistance contact your HR Generalist for support.

### *Secure University Property*

It is vitally important collect IDs, hang tags, keys, cell phones, laptops, etc. Ensure return of IDs, hang tags and keys to Public Safety. It is also critical to discontinue computer access.

### *Process Paperwork*

- Complete the Staff Information Adjustment Form
  - Check Termination: "Effective date" should be last day worked and enter "Layoff" for reason.
  - Sign and send to Human Resources Data Administration.
    - Data is entered in Banner
    - Payroll is notified; vacation accruals calculated
    - Benefits is notified
    - Public Safety is notified through the HR RLAS
- Timesheets
  - Do not notate "Terminated" on the timesheet if the employee is getting pay in lieu of notice; they need to be maintained within the system until any such pay is paid out.

### *University support for the affected employee*

In addition to providing support in finding another position in the University (as guided by our collected bargaining agreements), UMDNJ provides access to Career Management Tools and Workshops as well as EAP – Employee Assistance Program

To minimize the operational impact of workforce reductions managers should:

- Keep job descriptions up-to-date to ensure staff filling vacancies or bumping into your unit have appropriate skills.
- Be ready to provide some training to new staff, don't expect the same level of performance immediately
- Help to welcome and integrate staff that have filled vacancies or bumped into your unit due to layoffs.
  - Employees do not want to bump other employees and are concerned about how they will be received
  - It is your responsibility to make it work unless there are extenuating circumstances

# Frequently Asked Questions

## Staff Evaluations

### ***What relationship does the performance evaluation have to the disciplinary process?***

The performance evaluation should reflect and be consistent with any disciplinary action that was taken during the evaluation period. If the problem has been corrected, congratulate the staff member and express confidence that the problem will not reappear. If the problem still exists, document the continued existence of the problem in the evaluation.

### ***Will Human Resources remind me when I need to do an evaluation so it is not late?***

No. It is the manager's/ supervisor's responsibility to keep track of employee review dates and provide timely completion of performance evaluations. Human Resources does provide an E-print report that displays the names of those in your unit or department who are due, or overdue, for an evaluation. The report is updated daily and may be accessed through the Banner home page. It is necessary to have your Banner ID and password to view the report.

### ***When should I complete a special evaluation?***

When you have seen a dramatic change, positive or negative, in a staff member's performance. If the change is positive, the special evaluation can be used to recognize the improvement. If the change is negative, the special evaluation will serve as further documentation of your efforts to inform the staff member of deficiencies and change his/her performance and/or attendance and/or behavior.

## New Hire Probation

### ***Do I have to follow progressive disciplinary steps during a staff member's probation period?***

No. There are no obligations to follow progressive disciplinary steps during probation. If you are having problems with a probationary staff member, you should consider terminating the staff member but you must confer with HR Labor Relations first.

### ***Can I terminate a probationary staff member at any time during probation?***

Yes! But, only after conferring with HR Labor Relations.

### ***I did not complete a probationary staff member's evaluation on time, I am one day late and I do not want to retain her. Can I still terminate the staff member at this time?***

No! Probationary assessments must be completed before the end of probation. Once the probation period is completed, the staff member is considered a regular staff member and is covered by the collective bargaining agreement for the union that covers the title. At that point the progressive discipline process must be used to handle performance, attendance or behavior issues.

### ***Can a staff member serving a new hire probation period bid on vacant positions within the University?***

No! Staff members cannot bid on vacant positions while on probation. This is true for new hires as well as staff members who are serving a probation period due to transfer or promotion.

### ***Do I complete a Performance Evaluation for a probationary staff member?***

No. A performance evaluation form should not be completed for a new hire who is on probation. You must use the **Probationary Assessment Form** which is available under "Forms" at the HR web page. It should be completed at least three weeks prior to the end of the staff member's probation. This is also the case for staff members who are serving a probation period due to transfer or promotion.

### ***When should I consider extending probation for a transferred or promoted staff member?***

Probation should rarely be extended, only when it appears that given additional time the staff member may achieve a satisfactory performance level. Probation should not be extended when the staff member has exhibited poor attendance and/or improper behavior or it is evident that the staff member cannot perform the job duties required even if given additional time.

### ***What happens to a staff member who fails probation?***

A regular staff member who fails probation is allowed to return to their former position, if available, and if the position was vacated in good standing. If the previous position is not available, the staff member is terminated and may apply to the University as appropriate vacancies develop.

## Sick Pay

### ***What is doctor's note restriction?***

It is a requirement for a staff member to produce a note from their **personal physician** (not Occupational Medicine Services) for all future absences including one day absences. Staff members in violation of the Attendance Control policy should be placed on this restriction. For more detailed information, please review the policy.

### ***How long does a staff member remain on doctor's note restriction?***

It is removed if the staff member has no absences for six months. If during the six months restriction another absence occurs, it should be continued for an additional six months from that date. In addition, you should determine whether the additional absence warrants further disciplinary action.

### ***When a staff member that I supervise comes to work sick and goes to Occupational Medicine Service, do I pay him/her for the time spent there or charge it to sick leave?***

Charge it to sick leave since the staff member arrived ill and did not become ill during work hours. If the staff member

became ill while at work and was not on doctor's note restriction due to attendance abuse, he/she would not be charged sick leave for the time spent in Occupational Medicine Service.

***Do I have to allow a staff member to go to Occupational Medicine Service?***

No. If a staff member has been counseled or disciplined and is on doctor's note restriction, he/she must go to their personal physician. In the event of an emergency or need for emergency care, he/she needs to be treated at the nearest emergency room.

***A staff member I supervise claims that I cannot discipline him for excessive use of sick time accrual because he always brings in a doctor's note. Is he right?***

No. Even if a staff member is legitimately sick, excessive use of sick time accruals can result in discipline. Refer to the Attendance Control policy and a Labor Relations representative for advice as to the proper action.

***A staff member requests to use sick time when his son is sick with an ear infection. Is there a policy or contract that permits me to approve this request?***

No. Our policy allows an individual up to ten (10) sick days per year to cover absences to take care of a seriously ill family member. Ear aches, colds or flu do not qualify. A staff member may, however, charge time to another balance such as vacation time or float holidays if there is no question about the legitimacy of the reason for the day off.

***How often does a staff member have to call his/her supervisor when they are out sick?***

The staff member is required to call their immediate supervisor, or their designee, the first day of the absence in accordance with their department's regulations. They must state the reason for the absence and an expected date of return. Failure to give an expected return date requires the staff member to call each day.

***When is a staff member who is not on doctor's note restriction required to bring in a doctor's note?***

A staff member who is absent three consecutive work days or three or more consecutive 12-hour shifts is required to present a doctor's note upon return to work. For absences more than five consecutive work days, he/she is required to send the doctor's note to their department.

***If a staff member does not call in and/or produce a satisfactory doctor's note, what action can be taken?***

First, you should confer with your HR Generalist and/or Labor Relations. Depending on the circumstances the staff member can be salary deleted and could be subject to termination.

***If four days have passed and I have not heard from an absent staff member, should I call their house?***

No! Contact your HR Generalist and they will send a certified letter to the staff member's house to determine their status.

***A staff member I supervise claims that she is entitled to use her sick time accrual and can not be disciplined unless she shows a pattern of absences. Is she correct?***

No! Accruals are intended to maintain a staff member's salary while absent for non-occupational illness or injury, death or serious illness in the family. Sick time should be used judiciously and only when needed. Sick time can not be used as extra vacation days.

***What are some examples of pattern absences?***

Calling in sick three or more times before or after days off; calling in sick the same day of the week and calling in sick when assignments are due are examples of pattern absences. You may wish to refer to UMDNJ's **Attendance Control Policy # 30-01-50-40:00** for further information regarding attendance issues.

**Attendance**

***I have a staff member who has stated that her personal problems at home are causing her to be frequently late and/or absent. What should I do?***

If the staff member is in violation of the University's Attendance Control Policy, appropriate discipline should be issued. If you suspect or have been informed of a personal problem impacting the staff member's attendance, you should write on the Counseling or Disciplinary Notice: "If you have any personal problems(s) that are contributing to your poor attendance, you may wish to contact the University's Employee Assistance Program". Entering a counseling program however, **does not exempt a staff member from being disciplined for further infractions of University policy.**

***A staff member claims she is late because she cannot find a parking place. Is this a reasonable excuse?***

No! The staff member must allot sufficient time to find a parking space and arrive to work on time.

***Can I dock an exempt staff member for lateness?***

No! Exempt staff cannot be docked for lateness or suspended without pay for violation of the Attendance Control Policy. However, you can discipline the exempt staff member. Please consult your Labor Relations representative for guidance.

***A staff member I supervise has requested that I change his work hours because he has to drop his child off at day care. Should I grant his request?***

The answer largely depends on your operational requirements. Generally, we do not recommend changing work hours on a **permanent** basis to meet the needs of your staff member. The staff member should be allowed a reasonable amount of time (e.g., 2 -3 weeks) to make alternative arrangements for getting his child to day care.

***Can I have all staff members sign in and out?***

Yes.

## Vacation

*Six months ago I granted a staff member's request to have the first two weeks of June off. Now, a more senior member of my staff has requested the same time off. I can only grant one of them the same time off. What should I do?*

Honor the approval granted six months ago even though the staff member is less senior. To avoid this type of problem, consider setting a deadline date for submitting vacation requests. Requests submitted by the deadline should be granted on a seniority basis. After the deadline it is first-come-first serve. This can be done once or twice a year.

*A staff member has exhausted all their sick time and is requesting the use of vacation. What should I do?*

Staff members are granted a generous amount of sick time. Vacation is not granted for this purpose. The only exception that may be considered would be for a staff member who has had an excellent attendance record and is on an extended leave due to a serious illness or injury.

## Holidays

*Can a staff member use Float holiday time when he/she is out ill and has already exhausted sick time?*

No! Float holidays are not granted for this purpose. The only exception that may be considered would be for a staff member who has had an excellent attendance record and is on an extended leave due to a serious illness or injury. If you grant the usage of Float Holiday time for a staff member out ill, you cannot count that time toward attendance abuse.

*Christmas falls on a Saturday. Our department is on a seven days a week work schedule. When is Christmas observed and who is entitled to the holiday premium?*

For staff members working a seven day a week work schedule, the holiday is observed on the actual day the holiday falls. Only staff members working on that Saturday would be entitled to the holiday premium for working on a holiday—not the staff who worked on the Friday before.

*One of my staff members was absent the day before a holiday. She has an excellent attendance record and I know she was really sick. Can she still get paid for the holiday?*

Yes! The Holiday Policy allows the staff member's department to grant an exception and pay the staff member for the holiday. The forfeiture provision of the Holiday Policy is intended to penalize a staff member who is trying to extend his/her days off and/or has exhibited attendance abuse.

## Workforce Reductions

*Who must approve decisions to reduce the workforce in my department?*

Once you have determined the business reason for reducing the workforce and the positions that will be eliminated,

before implementation, the proposed plan must be approved by executive management — Executive Vice President for Academic and Clinical Affairs; Senior Vice Presidents for Finance, Administration or University Affairs, Deans, Vice Presidents.

*When I give an employee notice, is the employee required to leave at that time, or do they work through the notice period?*

It is suggested that the employee's last day of work be the day you give notice. This is less disruptive and minimizes the impact on the employee and on his/her colleagues. However, you do have the option of allowing the employee to complete an assignment that may not be performed by others, or having him or her work beyond the service of notice date.

*How do I manage an employee who refuses to accept the layoff notification?*

It is difficult to absorb the impact of losing a job. If an employee refuses to leave, your Human Resources Generalist should reach out to our EAP Representative and/or our Public Safety office for assistance. We do not want to treat the employee harshly.

*If an employee has been identified for layoff, can he/she apply for another University position?*

Certainly, and the layoff notification should state that this option is available.

*Who is responsible for telling me about the contractual obligations between UMDNJ and the various unions?*

The Human Resources Generalist is responsible for ensuring that Labor Relations has been informed and that the proposed plan does not violate any contractual obligations.

*If an employee who has been laid off from another school/unit bumps an employee in my department, can I stop it?*

No, except for "at will" or confidential employees, you cannot stop an employee from bumping another employee. Bumping is a University policy and contractual right.

*If a laid-off employee is recalled, am I required to place him/her in my department?*

Yes provided he/she meets the minimum requirements of your vacancy. All laid-off employees who are union members have certain recall rights. These recall rights are detailed in the various union contracts as well as described in UMDNJ's Layoff Policy which is on-line for easy access. Before an employee is recalled to work, The Human Resources Generalist will notify you in advance whether the employee has a right to return to your department.

*What services will be provided by Human Resources to assist an employee in his/her transition, i.e., resume preparation or unemployment claims?*

The Human Resources Generalist will assist the employee by reviewing his/her resume, (where possible, facilitating arrangements for interviews for open positions within UMDNJ for which the employee qualifies).