

**Contact: Jesse Perez**

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**The BIGGEST question that I get is: what can I, as a manager, do/not do with union employees?**

The contract has **two pages** of specific management rights, the following is **only** a summary [Article 9 of union contract (link below)]

*YOU have the*

- Right to control your operation
- Right to assign work to employees **as long as** the work is
  - within the scope of their classification specification (provided by State Univ Civil Svc Sys)
- YOU can... Hire, evaluate, classify, promote, and schedule employees based around your operation needs
- YOU can.. Set workplace standards; such as standards for employee performance, conduct, dress code, and levels of customer service
- Determine **who** is going to do the work
- Determine **how** work is going to be completed
- Take disciplinary action – *we're going to come back to this in a moment*

**Plus:**

- Can assign a union member work that is reserved for a lower classification in their series
  - Ex Office Mgr (higher) can perform work for an Office Support Specialist (lower)
- Can assign work in a higher classification on a temporary basis (also called “acting up”),
  - but must pay the base rate for the higher classification for anything over one hour's worth of work
- Can **allow** remote working
- Can **revoke** remote working

**Exceptions: What management cannot do...**

- *Require* union members to volunteer their time (Article 9)
- Use flex time to avoid paying overtime (A11, Sec 5)
  - If employee works OT on Thursday, the department cannot cut schedule for Friday to avoid paying OT
- Make a significant change in working conditions: must bargain w/ union (A14)
  - Ex: require uniforms
- Make a deal directly with union members w/o a union rep and Labor Relations involved

**Special UNION Rights:**

- Many university employees serve as representatives for the union members.
- If you have a union rep working for you, they can be away from the workplace to attend union activity **ONLY with your advance permission.**

**What union members cannot do:**

- Cannot obligate employer to give release time from work, paid or unpaid, for union activity – For example, if there is a union meeting, employee still needs your advanced permission to attend.
- Union members cannot:
  - Refuse to do work assigned to them
  - Refuse to come to work
    - Including refusal to return to the office from remote working

## Corrective action:

- Will have a full presentation in the Spring semester
- In the meantime, **4 most important tips:**
- The following could make or break your disciplinary case:
  1. **Speed of action** – “the longer you wait, the weaker the case”
    - a. If the department is waiting months or years to address a concern, it can raise questions about validity of corrective action
    - b. **Action does not always mean discipline**
      - i. Maybe instead of discipline, the employee could benefit from a session with Employee Wellbeing
      - ii. OR, training from Employee Experience, Affirmative Action, or Title IX
  2. **Give Notice to the union** – *you can this or send to me and I can do it for the department*
    - o Union is always appreciative to be looped in at the onset of an issue versus months later.
  3. **Give Notice to the employee**
    - o *Counseling statement* – non-disciplinary action
      - o Templates available
    - o Employee must be given written notice that there is a problem
    - o Email is ok, but sometimes is too casual
      - o Risks an invitation of a back and forth argument
    - o More impactful to send a notice to their personnel file
  4. **Complete Evaluations**
    - a. Almost all the time, when the department gives the employee corrective action, the union will request a copy of their member’s personnel file
    - b. Common problems with evaluations:
      - i. Evaluations are missing from personnel file or not conducted every year
      - ii. Evaluations do not indicate that there is a specific problem
      - iii. Ex: dept says employee is problem for years, but evals says “satisfactory”
    - c. New changes to evaluation requirements:
      - i. **6 mo employees:** mgmt required to give evals in 3<sup>rd</sup> mo
      - ii. **12 mo employees:** mgmt required to give eval in 5<sup>th</sup> and 9<sup>th</sup> months

**Contract on HRS website:** [https://www.niu.edu/hrs/\\_files/labor/1890-afscme-clerical.pdf](https://www.niu.edu/hrs/_files/labor/1890-afscme-clerical.pdf)

- Break for Q & A -