MANAGING IN A UNION ENVIRONMENT

HEERA
(Higher Education Employer-Employee Relations Act)

&

PERB
(Public Employment Relations Board)
LABOR RELATIONS

- NEGOTIATIONS
- CONTRACT INTERPRETATION
- CONSULTATIONS-RISK ANALYSIS
- UNION COMMUNICATIONS
- LABOR-MANAGEMENT MEETINGS
- GRIEVANCE MEETINGS/ARBITRATIONS
- OUTSIDE LITIGATION: PERB/EEOC/DFEH
GRIEVANCE PROCESS

- INVESTIGATORY MEETING
- INFORMAL MEETING
- FORMAL GRIEVANCE STEPS
- ARBITRATION
RISK ANALYSIS

TIME SPENT INVESTIGATING

MINIMAL
HIGH RISK

AMPLE
LOW RISK
SUPERVISOR ROLE

- KNOW THE CONTRACT
- KNOW MANAGEMENT RIGHTS
- KNOW UNION RIGHTS
DEALING WITH EMPLOYEES

- COMMUNICATION
- INVESTIGATION (INFORMATION GATHERING)
- DOCUMENTATION: FACTS! FACTS!
INVESTIGATIONS

- WHO
- WHAT
- WHEN
- WHERE
- WHY
A CHECKLIST FOR ESTABLISHING JUST CAUSE --"RULE APPLICATION"

- **Rule**: Is the rule or directive reasonably related to the orderly, efficient and safe operation of the workplace?

- **Understand**: Was the employee informed of the rule and forewarned about the consequences of failure to follow the directive(s)?

- **Learn**: Did the department conduct an objective and thorough investigation, learning all that it could from the employee and witnesses?

- **Even-handed**: Consistent treatment for all employees is required; however, different circumstances and employees' records may require different levels of discipline.
Appropriate Degree of discipline must be appropriate to the severity of the offense and the employee's record.

Progressive Did the department utilize progressive discipline to correct the behavior? Absent serious misconduct, progressive discipline is usually warranted.

Proof Did the department obtain substantial proof from its investigation that the alleged offense was actually committed by the accused employee? Burden of proof can vary depending on the degree of discipline.
I. **Report the Facts**


II. **Cite Rule and Authority**

Policy, statute, regulations, and/or rules.

III. **Employment Connection**

**HARM CAUSED:** To coworkers, task, department, community.

**STATE OF MIND AND MOTIVE:** Response by employee.

**PRIOR ASSISTANCE GIVEN:** List specific help previously given and the results.
PREPARING THE DISCIPLINARY DOCUMENT

IV. SPECIFIC RECOMMENDATIONS FOR IMPROVEMENT

V. DEFINITE OFFERS OF ASSISTANCE

VI. MEANS BY WHICH IMPROVEMENT WILL BE MEASURED

VII. SCHEDULE OF SUBSEQUENT FOLLOW-UP

REMEMBER—if you did not record it, it did not happen.
SCENARIOS

- ACCESS RULES
- MEETINGS
- INSUBORDINATION
- WORK PERFORMANCE
- WORK RULES VIOLATION
SUMMARY

• KNOW THE UNION CONTRACTS
• KNOW THE ACCESS RULES - http://blink.ucsd.edu/HR/labor/bargaining/rights/

• TREAT ALL EMPLOYEES W/ RESPECT
• CLEAR COMMUNICATION/EXPECTATIONS
• DOCUMENT FACTS
• BASE COMMUNICATION ON FACTS
THANK YOU