

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

**AMPLE
LOW RISK**

**MINIMAL
HIGH 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.

RULE APPLICATION-2

- **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.

PREPARING THE DISCIPLINARY DOCUMENT

I. Report the Facts

Who? What? Where? When? Avoid ambiguities and mere conclusions.

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

