

**UIC** *Human Resources*

# Staff Disciplinary and Non-Reappointment Considerations



**UIC** *Human Resources*

# Staff Disciplinary and Non-Reappointment Considerations



## Civil Service Employee Seniority & Job Eliminations

March 6, 2008

# Workshop Presenters

## CIVIL SERVICE:

- **Taycine McInnis**

HR Assistant Manager - Labor and Employee Relations, 3-9704

- **Mirta N. Mendez**

HR Associate Director – Employment, 6-4852

- **Gladys Black**

HR Assistant Manager - Employment

## ACADEMIC PROFESSIONALS:

- **Steve Holz**

HR Associate Director, Labor & Employee Relations, 5-3056

# Objectives (CIVIL SERVICE)

## **CIVIL SERVICE DISCIPLINE :**

- To dispel myths related to discipline and Civil Service employees
- To describe the role of the Employee Relations Officer
- To identify resources available through Labor and Employee Relations
- To explain the current disciplinary process at UIC
- To provide interpretation and application of:
  - UIC Policy and Rules
  - Civil Service Statute and Rules
  - Union Contracts
- To empower the supervisor with the ability to apply formal discipline when warranted in accordance with UIC procedures

# Objectives (CIVIL SERVICE – Cont'd)

## **Position Elimination:**

- To develop an understanding of seniority, how it's earned, and its impact on the elimination of civil service positions
- To familiarize you with HR policies on position elimination
- To provide an overview of the process
- To identify UICHR contacts for questions about seniority and Position Elimination

# Objectives (ACADEMIC PROFESSIONALS)

## **ACADEMIC PROFESSIONALS:**

- To develop an understanding of the *nature of AP appointments* and sources of AP employment rules
- To become familiar with how and under what circumstances to *terminate AP employment*
- To understand the rules regarding *notice rights* for AP's
- To develop a familiarity with *other practical considerations*

# Myths (Civil Service)

- You can never discipline or fire a CS employee
- Once an employee becomes status they have a job for life
- The Unions help make decision regarding disciplining CS employees
- It a CS employee's right to use their sick-time whenever they want until it's exhausted (earn and burn). Then you have to let them use their vacation time.
- You can't discipline a CS employee w/o Union representation
- A supervisor is 'stuck' with a 'bad' employee; there's nothing he/she can do
- During the EDP process is when an employee should be discipline

# FOSA (Civil Service)

- **F - Facts**
- **O - Objectives**
- **S - Solutions**
- **A - Actions**



# FACTS (Civil Service)

When documenting for discipline always include:

- What
- When
- Where
- Who was involved



Remember to document observable and specific incidents.

# PERFORMANCE OBJECTIVES (Civil Service)

- Performance objectives should be specific and positive
- Use objectives to communicate specific expectations

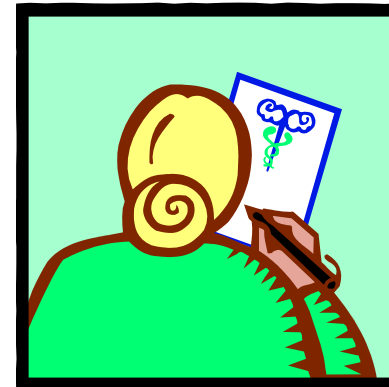
# SOLUTIONS (Civil Service)

To help the employee reach his/her objectives:

- Suggest training
- Offer help
- Schedule frequent meetings
- Coaching

# ACTIONS (Civil Service)

Explain the action you will take if the employee fails to meet expectations.



# Role of Employee Relations (Civil Service)

## **Interprets Disciplinary process and provisions in:**

- University Policy and Rules
- Civil Service Statue and Rules
- Union Contracts

# Role of Employee Relations (Civil Service)

- Provide advice regarding good business practices
- Suggest alternatives to certain actions
- Assist with resolution of disagreements
- Coordinate and monitor the disciplinary process

# Role of Employee Relations (Civil Service)

- Conducts
  - Pre-disciplinary action meetings
  - Intent to discharge meetings, a.k.a. “Reconciliation Meetings”

Employee Relations also offers suggestions related to investigations.

# Disciplinary Process at UIC (Civil Service)

- Verbal counseling
- Letter of Warning
- Disciplinary Suspension(s)
- Recommendation for Discharge

The disciplinary process may start or move to any step within the established process depending on the severity of the infraction(s).



# Meeting Notification (Civil Service)

Three (3) workdays notification\* required, include:

- Specified infractions (charges)
- Meeting guidelines
- Supporting documentation

Notification also advises the employee that he or she may have representation at the meeting

\*Five (5) workdays notification required for INA members

## Verbal Counseling (Civil Service)

- Considered the initial/informal step of progressive discipline
- Schedule meeting in a private setting
- Follow-up Memo outlining what was discussed

A copy of the memo is **NOT** placed in HR file.  
Counseling is informal.

# Letter of Warning (Civil Service)

## **Initial formal step of progressive discipline:**

- Pre-disciplinary action meeting held at department level
- Issue follow-up Letter of Warning if warranted

# Disciplinary Suspension (Civil Service)

**Three (3) step unpaid suspensions in progressive discipline process (5 workdays, 10 workday, 30 calendar days):**

- Discuss situation, develop charges, schedule pre-disciplinary action meeting with ER Officer
- Caucus with ER Officer
- If warranted, ER Officer prepares Notice of Disciplinary Suspension

# Discharge (Civil Service)

## **Final step of progressive discipline:**

- Provide documentation to ER Officer formally requesting discharge
- ER Officer drafts Intent to Discharge Letter
- ER Officer conducts Reconciliation Meeting
- If warranted, Written Charges for Discharge are served to employee

# Empowerment Tools (Civil Service)

Provide employee with:

- Established written work guidelines and expectations
- Written requirement to provide substantiation of absence due to illness/personal business
- Infractions should be documented:
  - - time card or report sheets copied
  - - examples of poor work performance

## Contact Information (Civil Service)

**Labor & Employee Relations**

**Human Resources**

**715 South Wood Street, Room 205**

**312 355-3055**

**Taycine McInnis, Employee Relations Officer**

**Elise Williams, Employee Relations Officer**

# Seniority (CIVIL SERVICE)

- Employees who work in status civil service positions earn seniority
- Seniority earned after completion of probationary period and is based on hours worked in pay status exclusive of overtime.
- Seniority once earned in a class, is retained during any period of continuous employment.
- Seniority accrued in other classifications is retained for purposes of retreat rights.



# UIC Policy – Dismissal During the Probationary Period (CIVIL SERVICE)

- **UIC Policy and Procedures – Separations:**
  - 1201 Dismissal During the Probationary Period**
  - The probationary period is used to observe and evaluate the employee's work, to obtain the most effective adjustment of a new employee to the position, and to determine whether an employee demonstrates the ability and qualifications to provide satisfactory work.
  - Periodically, throughout the probationary period, the supervisor should discuss with the employee his/her progress on the job. An employee who is dismissed during a probationary period shall be given the reason (s) for his/her dismissal. The dismissal and reason (s) for dismissal are not reviewable unless discrimination is alleged.
- **Applies to all UIC – Civil Service Status Employees**

# Seniority and Workforce Reductions (CIVIL SERVICE)

- **Workforce Reduction is necessary**
- When
  - there is a need to reduce budgets or
  - the function of the job has changed significantly requiring restructure

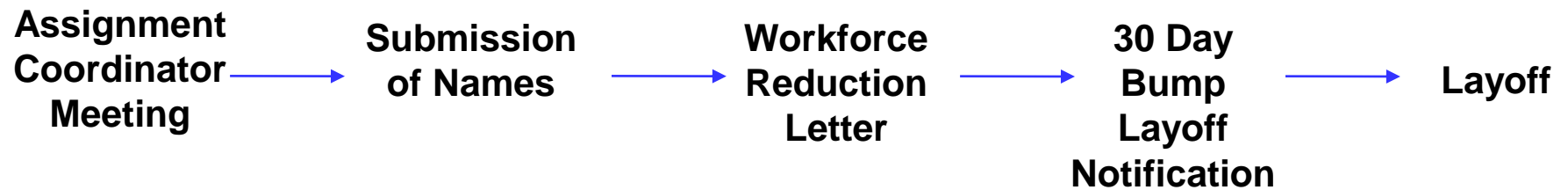
# UIC Policy – Support Staff Position Elimination

(CIVIL SERVICE)

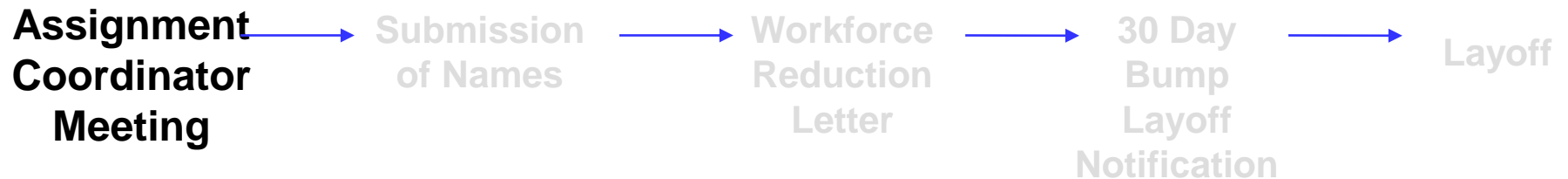
- Civil Service support staff positions on the UIC campus can only be eliminated for financial exigency or if the function of the position is no longer needed within a unit.
- Elimination of any position requires the approval of one of the following officers:
  - **The Chancellor, a Vice Chancellor, or the Vice President for Business and Finance.**
- HR works with campus departments to determine an acceptable solution or arrangement transfer or accommodate the bumping of affected employees. Efforts are made by HR to place affected employees into a vacancy.
- The least senior employee in that category campus-wide could be laid off if that employee has no other seniority rights. If no vacancy is available, the employee may exercise seniority rights and displace another employee with the least seniority in the class.
- Employees exercising such rights may earn salaries which exceed those budgeted for the positions assumed. This salary difference must be made up by the unit eliminating the position, in order to transfer the employee into the new position.

# Process Overview (CIVIL SERVICE)

## Support Staff Position Elimination

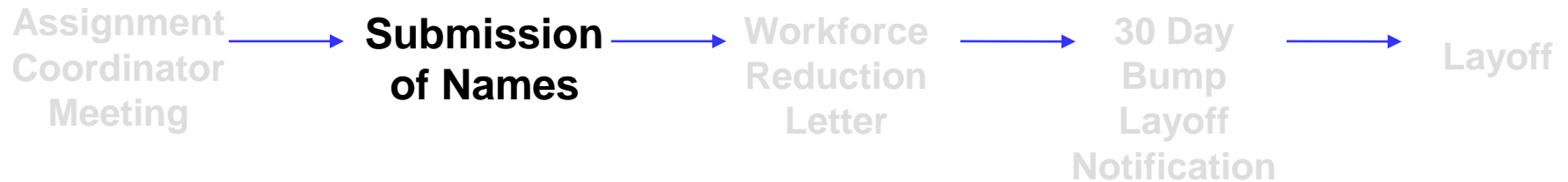


# Process Overview (CIVIL SERVICE)



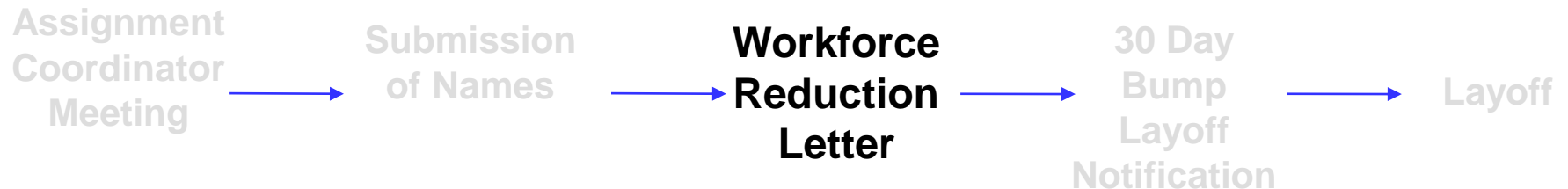
- Pre-meeting with Assignment Coordinators occurs to discuss the Submission of Names
- Preliminary timetable is established for the layoff cycle
- Agree to freeze impacted classification (s)
- Bumping Trees are created by HR

# Process Overview (CIVIL SERVICE)



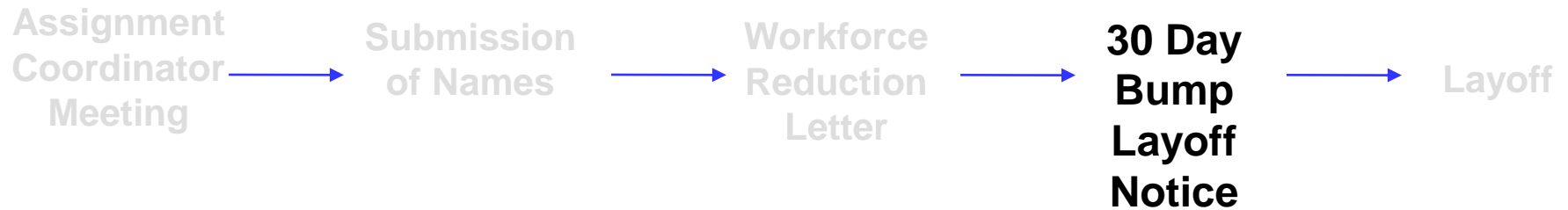
- Departments submit names/positions to Assignment Coordinators or College HR representative
- Assignment Coordinators and or department supervisors meet with impacted employees
- Assignment Coordinators and or college department HR representative work with HR to place impacted employees internally (within their unit)

# Process Overview



- Supervisor meets privately with impacted employee to discuss the workforce reduction with the affected employee
- A Workforce Reduction notice is issued
  - Indicating reason for the elimination of the position
    - This is a preliminary notice and is not a layoff notice
  - The notice identifies an HR contact to assist in addressing questions and providing information

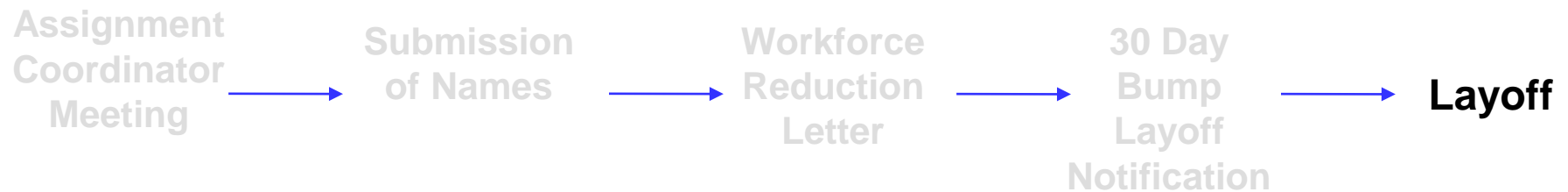
# Process Overview



- HR works with employee and campus units in an effort to find placement
- If unable to find placement, HR issues the official 30 Day Bumping/ Layoff Notice
- Formal 30 day process begins
  - Affected employees meet with HR Employment Officers
  - Interviews with impacted departments or vacancies are scheduled
  - Exams are scheduled for possible alternative placement
  - Career Transition Information is provided



# Process Overview



- If no resolution, Bumping and Layoffs occur on scheduled date
  - Last worked day occurs at the end of a pay period
- Laid off employees are restored to the:
  - Reemployment Register
  - Restoral Register

# Sample Employee Seniority By Class

University of Illinois

## UIC Chicago Seniority List by Class

Nov 11, 2005 10:34

DO-Banner

Input Parameters - Campus: \* Department: \* P-class: \*

P-Class: 32532

Title: ADMINV SECR (LC)

Employee Name

UIN

Status  
Leave  
Flex

FTE

Campus

Dept #

Dept Title

Prog Line

Prog Seq

P-Class Code

P-Class Title

Employment Date

P-Class

Years

Hours

Prog Line

Years

Hours

DOE, JANE

000000000

A

C

111222 DEPARTMENT A

49B

50

32532

ADMINV SECR (LC)

04/29/1974

18

45.00

18

45.00

49B

30

32438

SECR 4 (LC)

10 1,747.50

28 1,792.50

20

08466

SECR 3 (LC)

1 1,650.00

30 1,492.50

10

08453

SECR 2 (LC)

0 1,387.50

31 930.00

# Sample Bumping Tree

## EMPLOYEE A

**Administrative Secretary**  
Department A  
VCAA

**Rank Class:** 32532/Local 73 Clerical

**18 years 45.0 hours**

**\$42,352.00** Employee A

**Current Salary** \$42,352.00

**Salary Differential:** \$3,234.50

**\$39,117.50** Employee B

## BUMPS

## EMPLOYEE B

**Administrative Secretary**  
Department B  
VCSA

**Rank Class:** 32532/Local 73 Clerical

**7 years 1500.0 hours**

**Current Salary** \$39,117.50

**\$38,903.00** Employee B

**Salary as Secretary IV** \$38,903.00

**Salary Differential:** \$7,001.00

**\$31,902.00** Employee C

**Employee B** is least senior Administrative Secretary, retreats to **Secretary IV with 25 years 1670.0 hours**

## BUMPS

## EMPLOYEE C

**Secretary IV**  
Department C  
VCA

**Rank Class:** 32438/Local 73 Clerical

**5 years 594.29 hours**

**Current Salary** \$31,902.00

**Employee C** is least senior Secretary IV, retreats to **Secretary III with 10 years 1500.0 hours**

**Employee C** is least senior Secretary III, retreats to **Secretary II with 13 years 25.0 hours**

**Employee C** is least senior Secretary II with no other retreat rights

**EMPLOYEE C goes on LAYOFF** Reemployment Register

**Total Salary Differential:** Department A pays to fund salary differential to affected departments \$10,235.500

# Questions

For more information contact:

Mirta N. Mendez at 6-4852, [mendezm@uic.edu](mailto:mendezm@uic.edu)

or

Gladys Black at 3-8081, [blackg@uic.edu](mailto:blackg@uic.edu)

# Nature of Academic Professional Appointments

## CONTRACT: Notification of Appointment (NOA)

- Board of Trustees signature required
  - No “apparent authority”
- Exempt from Civil Service
  - Principal Administrative Positions (PAPE) (36e3 Civ Svc Code)

# Sources of AP employment rules

- Civil Service exemption
- Board of Trustees Statutes (bylaws), and General Rules
- UI/UIC policies, Rules
- Constitution(s)
- Laws
  - Contract law
  - Discrimination, Civil Rights laws

# Ability to terminate AP's (OVERVIEW)

## OVERVIEW

- Non-reappointment (not really a “termination” – just not a new contract).
- Immediate discharge.
  - Contract Reasons:
    - Void from the start -- Lack of required license/credentials.
    - Failure/Refusal to perform/abide by terms of contract.
  - Job Abandonment.
  - Government Sanctions list
- Resignation.

## Ability to terminate AP's (NON-REAPPOINTMENT)

- NON-REAPPOINTMENT
  - No Constitutional or other right to be reappointed. Right only to current contract.
  - At-Will: Any reason or no reason.
  - But reasons must be lawful:
    - Non-discriminatory (race, age, sex, etc.)
    - Non-retaliatory
    - Document reasons (performance, budget, etc.)
- [CROSS-REF: COPY OF NOA, LANGUAGE FROM STATUTES, LANGUAGE FROM COURT CASES]



# Notice (ACADEMIC PROFESSIONALS)

- NOTICE of NON-REAPPOINTMENT [*See attached memo's*]
  - When Required:
    - Full-time AP's who are not "Interim," "Acting," "Visiting".
  - When not required:
    - Less than full-time, or
    - Interim, Acting, Visiting.
    - Give courtesy notice.
  - Differing lengths of notice.
  - Length of Service
    - Funding source – Hard/Soft.
    - Athletics
  - Attached memos:  
<http://www.uic.edu/depts/hr/uichr/ahr/Terminal%20Notice%20Memo.htm>  
<http://www.uic.edu/depts/hr/ahr/Notice%20of%20Non-reappointment.pdf>

# Notice (ACADEMIC PROFESSIONALS)

## NOTICE OF NON-REAPPOINTMENT LETTER:

### Process:

- 1. One-sentence letter from Unit to the Employee: “We are asking the Board of Trustees to issue you a notice of non-reappointment.”
  - Date the letter to show when you mailed/handed to employee.
  - Do *not* to put in any dates as to the term of the terminal contract (we can adjust for the NOA without their having to give another letter).
  - Do not state reasons for decision (none required & may just start an argument).
- 2. Unit verifies with the employee that the address on the letter or in Banner is correct (or provides a corrected address).
- 3. Unit sends a Pitr to HR (via their College/VC HR) with a copy of the letter given to the employee. Unit must also note in Memos that they have verified that the home address on the letter or in Banner is correct.

## Reassignment to other duties (ACADEMIC PROFESSIONALS)

- Ability to reassign AP's to other duties:
  - Incident to Terminal Contract: Yes.
  - Without a terminal contract: Stay within scope of PAPE.
- General considerations about reassignment.
  - Actual work
  - Must still supervise the AP
  - Do not humiliate

# Ability to terminate AP's (IMMEDIATE DISCHARGE)

## IMMEDIATE DISCHARGE

- ALWAYS work with Labor & Employee Relations and with University Counsel on these.
  - Does not require Terminal contract/notice of non-reappointment.
  - But will require a Due Process Hearing opportunity before final decision.
- Contract Reasons:
  - Void from the start -- Lack of required license/credentials. [Language from NOA].
  - Failure/Refusal to perform/abide by terms of contract.
  - Government Sanctions list [Language from NOA].

# Ability to terminate AP's (IMMEDIATE DISCHARGE, Cont'd)

- Job Abandonment.
  - Akin to voluntary resignation
  - But need Due Process Hearing
  - Or, possibly, a Return to Work order.
- Due Process hearing for immediate discharge/abandonment
  - Again, Work with Legal and Labor and Employee Relations
  - Let the employee know what you're considering, and give the employee the opportunity to tell you anything they feel you should know before you make final decision.
- Resignation.
  - Accept.
  - No notice needed, no Due Process hearing required.
  - Ok to offer
    - Make appropriate record: Written.

# Practical, business, operational considerations

(ACADEMIC PROFESSIONALS)

- Retaliation concerns
- Business first/Fear of litigation
- Security – Access to databases, files, buildings
- Safety
- Confidentiality/Operational requirements

# Separation Agreements (ACADEMIC PROFESSIONALS)

- Guidelines for Individual Retirement and Severance Agreements Procedures [*See attachment*]:  
<http://www.vpaa.uillinois.edu/policies/retirement.asp?bch=0>
- Work with Dean/Department Head and Labor & Employee Relations.
- Payment/Severance:
  - Normally (vast majority of situations) no payment allowed.
  - Pre-approval required up administrative chain prior to offering to employee.

For assistance re AP performance/discipline issues, contact  
Labor and Employee Relations:

Steve Holz

Associate Director of Labor & Employee Relations

3-3056

sholz@uic.edu