

IOWA STATE UNIVERSITY

Professional and Scientific Council

Memo to University Human Resources - July 7, 2016

17MEMO01 - Response to UHR based on feedback received from Professional and Scientific Council's Motion FY16.7: 'Seeking Clarification regarding interpretation and application of the Flexible Hours Program, Flex Time Policy, and Vacation Leave Policy during an Iowa State University partial closing.'

To: Kristi Darr, Director of Employee/Labor Relations & Workers' Compensation, Iowa State University

CC: Julie Nuter, Vice President for University Human Resources, Iowa State University

From: Clayton Johnson, Professional and Scientific Council President, on behalf of the Professional and Scientific Council Executive Committee, Iowa State University

Background:

In response to Professional and Scientific Council Motion FY16.7, University Human Resources submitted a number of proposed changes to the Flexible Hours Program, Flex Time Policy, and Vacation Leave Policy to the Professional and Scientific Council for feedback. The Professional and Scientific Council Executive Committee, with the guidance of the Policies and Procedures Committee, has reviewed the proposed changes and wishes to submit the following recommendations.

Recommendation #1

In the fourth paragraph of the Holiday Policy, it states:

"If an employee is on leave without pay for the work days preceding and following a holiday, the employee will not be paid for the holiday." It goes on to say "If on leave without pay for only the working day preceding or following a holiday, the employee will be paid for the holiday."

In the Staffing Guidance for University Breaks, it states:

"Employees who have been approved for LWOP will be paid for holidays that fall within the week of Thanksgiving and winter break period."

Professional and Scientific Council feels it's important to add in the Holiday Policy that there is an exception if LWOP is approved during flexible hour periods the week of Thanksgiving and winter break period.

Recommendation #2

The policies jump between inconsistent phrasing of "administrative and service offices," "departments" and "units." It would help to be consistent in the terms used.

Examples of inconsistencies:

In the Office Hours Policy, the introduction paragraph indicates:

"All administrative and service offices on the campus are open Monday through Friday, 8:00 a.m. to 5:00 p.m. during the academic year. Units may change their hours in the summer with approval."

In the Staff Guidance for University Breaks, paragraph two under the section "Work Schedules during Breaks," it indicates:

"Offices of deans, vice presidents, senior vice presidents and the president must be staffed from 8:00 a.m. until 5:00 p.m. Monday through Friday throughout the year, except holidays."

When the term "All administrative and services offices" is used in the Office Hours Policy, there is confusion as to what areas are included under this phrase. The sentence in the Guidelines document (specifying which offices) should be reflected in the Office Hours Policy to avoid further confusion.

Using the ISU Card Office as an example, their office hours are 8:00 a.m. to 4:30 p.m. Because of the lack of clarification in the policy, and the perception of that unit to be a service office, the question was asked why they are not required to maintain 8:00-5:00 hours. Professional and Scientific Council would like the above sentence in the Guidelines document added to the policy itself.

Recommendation #3

It was brought to Professional and Scientific Council's attention that higher level administration (deans and associate deans) had required employees to take time off from work which was not the employee's choice. In the Vacation Leave Policy, new wording in paragraph two under "Usage," indicates:

"Excluding times outlined in the Staffing Guidance for University Breaks document, an employing department may require employees to take vacation leave whenever, in its judgment, such action will be in the interests of the department in consultation with Employee and Labor Relations or respective Vice President or Dean."

One of the reasons behind the start of this review process is that not only were some employees required to take vacation, they were also being asked to stay in touch by checking emails or voice messages while on vacation. It appears that this clarification is not fully explained/described just by stating "Excluding times outlined in the Staffing Guidance..." Professional and Scientific Council would like to ensure that wording within the Guidelines indicating employees being required to take vacation will not be required to perform work-related duties. If agreed upon between supervisor and employee to perform work-related duties during these break periods when the office is going to close, then the employee's used vacation hours would be reduced, or at least that the employee wouldn't be expected to use vacation hours when they are being asked to work.

Recommendation #4

In the Guidelines document, paragraph one under the section "Leave", it indicates:
"If the supervisor has determined there is no work to be performed or no need for full staffing during the defined period, employees may request to use leave without pay (LWOP), vacation, or compensatory time (Merit only)."

It is suggested that the sentence be switched around in order to put more emphasis on the employee requesting the time off during these break periods. Any time throughout the year, an employee may request to use their accrued vacation and not just if the supervisor determines there is no work to be performed.

Suggested wording:

Employees may request to use leave without pay (LWOP), vacation, or compensatory time (Merit only) if the supervisor has determined there is no work to be performed or no need for full staffing during the defined period.

Recommendation #5

In the Guidelines document, paragraph one under the "Leave" section, it indicates:
"Employees must make their request to use LWOP, vacation, or compensatory time (Merit only) in the aforementioned situations at least two (2) weeks in advance of the defined period."

The Vacation Leave Policy doesn't indicate a timeframe for requesting time off. Professional and Scientific Council understands the need for planning over breaks, however, the supervisors are not being given a specific timeframe in order to inform their employees of an office closure. In the Guidelines document, paragraph one under the section "Work Schedules during Breaks," it indicates:

"The schedule is determined by supervisors on a voluntary basis and is expected to be communicated in advance to promote unit level planning."

Professional and Scientific Council feels that this could cause problems in units where the supervisor only gives an employee two week notice (or less), therefore not allowing said employee to stick within the guidelines UHR is proposing. It is being requested to remove the two weeks and keep the term "in advance" simulating the supervisor's obligations.

Additional Concerns/Questions

1. There are proposed changes to the Fair Labor Standards Act that are being discussed regarding paid overtime for exempt status employees. How will these affect our current HR policies and practices already in place?
2. In the Holidays Policy it states:
"When a holiday falls on a Saturday, the Friday preceding will be declared the holiday. When any holiday falls on a Sunday, the following Monday will be declared a holiday."

This is true for all holidays except when January 1st fall on a Saturday. Unless it has changed, under collective bargaining the employees under that agreement are guaranteed X number of holidays per year. If the January 1st holiday is pushed to Friday, December 31st, they are long in one year and short in the next. We got caught on this in 2011 and Warren Madden had to negotiate the change at the last minute, as the academic dates and holidays had been published for a very long time.

This will not be coming up again until 2022. We currently have dates posted through 2021 and will be establishing the next set of five years probably within the next year.

Professional and Scientific Council realizes that this isn't exactly related to the intent of this review, but wanted to call it to UHR's attention.

3. Professional and Scientific Council is wondering how the changes to these policies and newly developed Guidelines document will be shared throughout the campus community as they are not going through PLAC. We would like to hear how UHR will implement and enforce the policies and supporting Guidelines document.