



University Senate TRANSMITTAL FORM

Senate Document #:	10-11-57
PCC ID #:	N/A
Title:	Request for Non-Exempt Staff Issues and Development Review
Presenter:	Steve Petkas, Chair, Senate Staff Affairs Committee
Date of SEC Review:	November 29, 2011
Date of Senate Review:	December 8, 2011
Voting (highlight one):	<ol style="list-style-type: none"> 1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report
Statement of Issue:	<p>During the past few years, the Senate Staff Affairs Committee has discussed challenges faced by non-exempt staff members on campus, and the complexity of issues regarding inclusion and communication. As the standing committee of the Senate charged with continually reviewing campus policies affecting staff members and actively promoting orientation and opportunities for staff involvement in shared governance, this broad issue has been brought to the committee's attention on numerous occasions. The committee has found that non-exempt staff members often anecdotally cite that they are consistently unaware of opportunities they have on campus, they do not receive regular information about their rights and benefits, and they are seemingly unaware of campus policies, processes, and tools in place for grievance procedures and other important measures that directly impact their positions.</p>
Relevant Policy # & URL:	N/A
Recommendation:	<p>The Staff Affairs Committee recommends that an inter-divisional Presidential Task Force or working group be created to consider and undertake seven distinct recommendations, which are outlined in the attached report.</p>

<p>Committee Work:</p>	<p>In May 2011, the Staff Affairs Committee sent a letter to the Senate Executive Committee (SEC) asking it to consider the creation of a Task Force for the purpose of conducting a detailed and careful review of the unique issues faced by non-exempt staff members at the University. The SEC considered this request alongside another related proposal, which had been sent to the SEC, entitled “Making UMD a Great Place to Work Initiative” (Senate Doc #10-11-55). At the same time, an HR Working Group was created on campus to review three anonymous letters that had been sent to administrators in the Spring of 2011 regarding issues in the workplace, specifically in Facilities Management (FM). The Black Faculty and Staff Association (BFSA) also submitted a Workers’ Rights Report, which the HR Working Group congruently reviewed. The letters and report under review cited alleged mistreatment of staff in several departments on campus. Following the release of the HR Working Group Report in September 2011, the SEC asked the Staff Affairs Committee to determine whether the report addresses any of the committee’s concerns raised in the letter it submitted to the SEC in May. The Staff Affairs Committee created a subgroup of members to review the HR Working Group report and compare its findings to the committee’s original letter of request. The subcommittee developed a report with seven revised recommendations. The Staff Affairs Committee reviewed and approved this report and its recommendations at a meeting on November 7, 2011.</p>
<p>Alternatives:</p>	<p>The Senate could choose not to create a Task Force charged with undertaking these recommendations.</p>
<p>Risks:</p>	<p>There are no associated risks.</p>
<p>Financial Implications:</p>	<p>Any related financial implications would be determined by the Task Force, if created and charged.</p>
<p>Further Approvals Required: <i>(*Important for PCC Items)</i></p>	<p>Senate Approval, Presidential Approval.</p>

Senate Staff Affairs Committee Report
November 2011
Request for Non-Exempt Staff Issues and Development Review
Senate Doc #10-11-57

BACKGROUND

On May 5, 2011, the Staff Affairs Committee (Staff Affairs) wrote to the Senate Executive Committee (SEC) requesting a task force be composed to examine issues faced by non-exempt staff at the University. The committee had been discussing the broader challenges faced by staff members on campus, specifically non-exempt staff employees, and the complexity of issues regarding inclusion and communication. The letter noted that non-exempt staff members often anecdotally cite that they are consistently unaware of opportunities they have on campus, they do not receive regular information about their rights and benefits, and they are seemingly unaware of campus policies, processes, and tools in place for grievance procedures and other important measures that directly impact their positions.

Meanwhile, on April 7, 2011, Dale Anderson, the Director of University Human Resources, was charged with leading a review of three anonymous letters sent to administrators in the spring of 2011 by employees from Facilities Management (FM). An HR Working Group was created to review these letters, as well as a “Workers’ Rights Report,” which was submitted on May 27, 2011, by the Black Faculty and Staff Association (BFSA). The HR Working Group was comprised of Director Dale Anderson, JoAnn Goedert, Assistant Vice Chancellor for Human Resources for the University System of Maryland, and Phillip Ross III, Associate Vice President for Human Resources at Towson University. The letters and report under review cited alleged mistreatment of staff in several departments on campus. On September 12, 2011, the HR Working Group submitted a report to the Provost describing its examination and findings for consideration by the President and Cabinet. The HR Working Group Report was distributed to the campus community on September 21, 2011.

COMMITTEE WORK

On October 3, 2011, the SEC requested that Staff Affairs review the HR Working Group Report to determine the extent to which its findings and recommendations addressed concerns previously expressed by Staff Affairs, and if necessary, submit revised recommendations to the SEC. Staff Affairs met during the Fall 2011 semester to discuss and review this request. The Staff Affairs Committee determined the following:

In its letter of May 5, 2011, Staff Affairs cited the following concerns with respect to inclusion of and communication with non-exempt staff:

- Lack of understanding of campus processes, involvement opportunities, benefits and policies.

- Lack of access to computer work stations which limit their knowledge of, or capacity to research campus information available to other staff on campus resources, processes, events, their rights, etc.
- Obstacles to participation in campus shared governance and volunteer service activities.
- Lack of recognition, including low nomination rates for the Board of Regents' (BOR) University System of Maryland Staff Awards.
- Lack of understanding or knowledge of grievance options, or alternative problem solving and conflict resolution resources, such as the Staff Ombuds Office.

Of the nine specific recommendations put forth in the HR Working Group Report and accepted by the Cabinet, the following are pertinent to the concerns cited by Staff Affairs:

- Expand offerings of English for Speakers of Other Languages (ESOL) classes and re-evaluate criteria for staff participation.*
- Provide computer skill training.*
- Enhance access to promotional opportunities.*
- Revise FM Fair Treatment Guidelines.*
- Improve supervisory practice and communication through mandatory training.
- Provide a non-English speaking Facilitator for FM.
- Improve grievance representation in Residential Facilities.

*Also recommended in the report by the BFSAs.

The efforts described in the HR Working Group Report to assess the scope of the problems that emerged last year should be commended. Director Anderson and his colleagues on the HR Working Group made multiple and carefully considered efforts to engage staff in ways that would reassure them that the inquiries were being made in good faith and that their perspectives and accounts would be taken seriously and handled with care.

The recommended actions put forth in the HR Working Group Report and accepted by the Cabinet are good steps forward; however, they do not address all of the concerns cited by Staff Affairs in its letter of May 5, 2011, about the issues faced by non-exempt staff.

- The findings primarily address two departments: Facilities Management (FM) and Residential Facilities (RF). Although the BFSAs Forums, which were taken up in the HR Working Group report, likely represented issues arising from departments on campus in addition to FM and RF, there is no determination of how representative the findings are for problems that may lie elsewhere. The recommended actions are a mix of actions particular to FM and RF and actions that would apply campus-wide.
- No recommendations were made to improve access of non-exempt staff to computer stations and web/campus information. This need is acute for non-exempt staff in the trades and on grounds or housekeeping crews whose “work stations” are dispersed throughout the campus and provide no individual computer work stations (unlike non-exempt staff who serve in administrative or support positions attached to specific offices).

- There is no discussion of the range of information where inadequate knowledge or access is a serious liability for non-exempt staff. While supervisor training may improve communication, a clear designation of the absolute necessities of available information that staff must know would be helpful to supervisors and staff alike.
- No recommendations were put forward for actions to improve the recognition of non-exempt staff by management or by the campus community, both for superlative service, and as well for appreciation of daily jobs well done.

REVISED RECOMMENDATIONS

Staff Affairs submits the following recommendations which are aimed particularly at improving mechanisms by which non-exempt staff are included and recognized for their contributions to the University Community, informed on resources and information that the University makes available to them, and are encouraged and empowered to act in their own interests toward constructive solutions when faced with conflicts or problems in their work experiences. Staff Affairs recognizes that these recommendations could additionally improve the working environment for all staff members, including exempt staff. Ideally, improvements will be made over time by implementing these recommendations to better the workplace for all staff employees. In order to make continuing improvements in the inclusion, satisfaction, equitable treatment, recognition, and empowerment of non-exempt staff, the Staff Affairs Committee reasserts the need for an inter-divisional Presidential Task Force or working group to undertake the following:

1. **The group/task force should stipulate the bare minimum scope of information that every non-exempt staff member should know in order to be aware of the policies and procedures pertaining to their employment, as well as the multiple available campus resources available to assist employees in addressing problems in their employment settings.** This information should be published in a manner that enables redundant display (technology, handbooks, break rooms, etc.), and enables supervisors to verse employees, as well as to determine that employees have received the information provided. This information should also be published in various languages, including Spanish and French. While employees should make themselves informed, Staff Affairs believes that University Departments/Units should be resolute in their efforts to provide, communicate, and display this information, as well as to engage staff members in order to abet their understanding.
2. **The group/task force should determine how to increase the availability of computer work stations/laptops that each Department/Unit must provide to all non-exempt employees who do not have individual workstations equipped with computers.** This availability is crucial to non-exempt staff on crews and in the trades, and could be expressed in a minimum ratio of numbers of staff to workstations as well as accessible locations in break rooms, crew dispatch locations, maintenance/repair facilities, etc. This accessibility is crucial to staff members' abilities to remain abreast of campus information, research campus policies and resources for assistance, and to communicate by email with those who might provide assistance.

3. **The group/task force should investigate the possible ways in which the University might enable and assist the procurement of personal computers by non-exempt staff, particularly those on crews and in trades who are not assigned to a computer in their work stations.** With the assistance of the Office of Information Technology (OIT), the group should investigate such options as whether any forms of purchase assistance or discounted purchases might be made available which would enable access of these staff to University information and resources via the web.
4. **The group/task force should inventory and assess the multiple resource offices and agents on campus that are available to non-exempt staff in order to either identify or establish a resource able to provide a comprehensive range of assistance including counsel, information on rights, support, and procedural options.** The currently available resources on campus provide some overlapping assistance in the above categories, yet each has limitations in either role or scope. A resource needs to be identified that is versed in issues related to individual and group identity and diversity, is structurally able to counsel individuals or groups, is versed in the entire range of campus services and resources, and positioned so as to be viewed credibly by non-exempt staff in need of assistance. University Human Resources staff, either within specific Departments/Units or UHR, generally represent campus management in grievance situations or are perceived as having that allegiance. The American Federation of State, County, and Municipal Employees (AFSCME) is the representative for all employees in the exempt and non-exempt employee bargaining unit. The Staff Ombuds Officer provides counsel, but only informal resolution to conflicts. The Campus Compliance Officer determines if alleged grievances violate Campus or Federal codes or laws. Department Equity Officers serve primarily to insure equity in search, hiring, promotion, and other personnel actions, but vary in their perceived readiness to counsel individual staff. The Faculty/Staff Assistance Program provides counseling and referral. The new Associate Vice President and Chief Diversity Officer (CDO) will advocate for diversity and equity issues; provide active oversight, coordinator, and evaluation of work in these areas; track University progress in meeting the goals of the *Diversity Strategic Plan*; and encourage and support the efforts of units to achieve their diversity goals. The Office of the CDO will serve as a resource providing regular and accurate information on existing University equity and diversity programs, centers, academic units, and identity-based organizations.
5. **The group/task force should explore the creation of peer mentoring and advising resources for non-exempt staff via a “Communities of Assistance” (CA) program in which seasoned and veteran non-exempt staff might be identified and prepared to serve as mentors to fellow staff.** Focal areas for mentoring could include assistance with communication across language and cultural barriers, awareness and understanding of work-related procedures and routines within specific Departments/Units, encouragement and assistance with constructive problem solving and provision of information on available University resources for assistance. A “CA” role and program might be organized and administered by the new Office of University Diversity under the leadership of the Chief Diversity Officer and peer staff mentoring roles could be formalized and staff members who serve in those roles could be recognized via that office. Such a CA program might also

incorporate service learning opportunities for University students who might offer skills to non-exempt staff, such as second language learning and translation, among others.

6. **The group/task force should compose a values statement describing the desired opportunities for non-exempt staff participation in campus shared governance structures and Presidential Commissions.** This statement would become the basis for campus policy on such matters as leave approval for shared governance participation.
7. **The group/task force should recommend strategies to increase the recognition and appreciation of non-exempt staff members by Departments/Units and the campus for the work they do.** These strategies should address both recognition for superlative work, as well as appreciation by others for a daily job well-done. Best practices should be stipulated for individual Department/Unit efforts to recognize staff based on those already being utilized by some Departments/Units on the campus. Best practices should also be stipulated for Department/Unit efforts to utilize existing award structures such as the BOR Staff Awards, and the President's Distinguished Service Awards. The group should recommend a strategy by which the President or the Vice Presidents might recognize those Departments that have adopted best practices for increased recognition of non-exempt staff for both superlative service and for a daily job well-done.

The working group or task force would need to include representatives from the Department of University Human Resources (UHR), the Senate Staff Affairs Committee, the Staff Ombuds Office, the Council of University System Staff (CUSS), the President's Commission on Women's Issues (PCWI), the President's Commission on Lesbian, Gay, Bisexual, and Transgender (LGBT) Issues, the President's Commission on Disability Issues, the President's Commission on Ethnic Minority Issues, and the Office of the new Associate Vice President and Chief Diversity Officer.

APPENDICES

Appendix 1: Request from Senate Executive Committee (SEC) in Response to the HR Working Group Report – October 3, 2011

Appendix 2: HR Working Group Report – September 12, 2011

Appendix 3: Staff Affairs Committee's Letter to the SEC – May 5, 2011



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Date: October 3, 2011
To: Steven Petkas, Chair, Staff Affairs Committee
From: Eric Kasischke, Chair of the University Senate 
Subject: Human Resources Working Group Report & Impact on the Staff Affairs
Committee Recommendation Regarding Non-Exempt Staff Issues

The SEC reviewed the Staff Affairs Committee's letter regarding the challenges and issues faced by non-exempt staff members at its meeting on May 12, 2011. SEC members agreed to consult with the Chairs of the Campus, Faculty, Staff, and Student Affairs Committees on this and other work-life related proposals. The SEC reviewed the minutes from the meeting of these chairs at its meeting on September 7, 2011. However, they agreed to postpone consideration of the issue until after the Human Resources (HR) Working Group Report was released.

The HR Working Group Report was distributed to the campus community on September 21, 2011. The SEC reviewed the report at its meeting on September 26, 2011 and agreed that it should be forwarded to the Staff Affairs Committee. The SEC would like the committee to review the report and decide whether it addresses any of the concerns raised in your letter. If appropriate, we ask that you submit revised recommendations to the SEC. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.

Attachment

EK/rm



Report of the HR Working Group

September 12, 2011

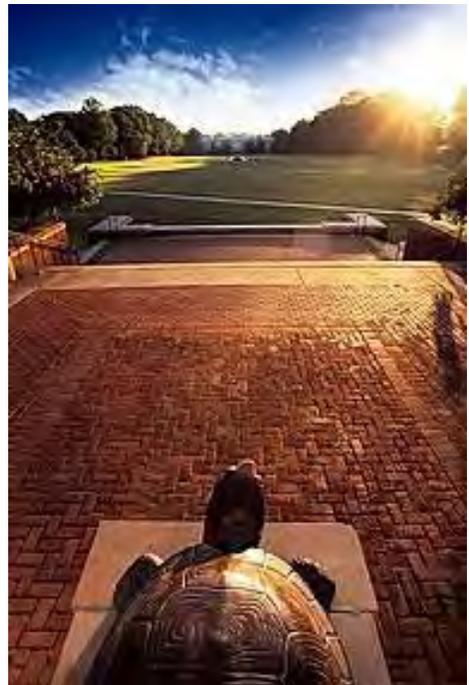


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BACKGROUND

Between February 2, 2011, and March 5, 2011, three anonymous letters were sent to senior University administrators on subjects pertaining to management and supervisory **practices in Facilities Management (hereafter referred to as “FM”)**. These letters appeared to originate from employee groups in two different departments within FM – Campus Projects and Building & Landscape Services. Though different in their specifics, the three letters pointed to a number of larger management themes including respect/civility, communication, fair treatment, access to channels for registering complaints without fear of retribution, and promotional opportunities.

On April 7, 2011, Provost Ann Wylie, the recipient of the first letter during her capacity as Interim Vice President for Administrative Affairs, charged Director of University Human Resources Dale O. Anderson with **“conducting a confidential review of the anonymous complaints both with respect to their specific allegations (such as they may exist in an anonymous format) and, more importantly, with respect to their broader themes.”** Provost Wylie’s charge further states, **“The purpose of the review is to determine what, if any, changes should be made to address the concerns underlying the anonymous letters.”** (Appendix A)

On April 26, 2011, the Black Faculty and Staff Association¹ (**“BFSA”**) sponsored the first of several **“Let Your Voice Be Heard!” forums** held at the Nymburu Cultural Center. Frank Brewer, Interim Vice President for Administrative Affairs was invited to provide opening remarks and listen. 18 staff members spoke at the first forum; of those that shared their departmental affiliation, most were from FM and Residential Facilities². **The BFSA went to great lengths to compile their “Workers Rights Report” and on May 27, 2011, they met and shared their report with President Loh.**

On July 26, 2011, Provost Ann Wylie sent a letter to all campus staff on the subject of **“Concerns About the Campus Work Environment”**; the letter was translated and distributed to Spanish-speaking staff (Appendices B and C). The letter provided an update on the steps that had been taken regarding the concerns identified in the three anonymous letters. It also informed staff that Dr. Loh had referred the BFSA report to the HR Working Group, led by Dale Anderson, to be used as supporting materials in their investigation.

This report addresses the **general findings** of HR Working Group in the review of the three anonymous letters and the BFSA report, along with **recommended changes**.

¹ The BFSA is an independent advocacy group that requires annual membership dues.

² Facilities Management is a department within the Division of Administrative Affairs; Residential Facilities aligns within the Division of Student Affairs.

The letters that triggered this review included several specific citations of incidents between one or more named employees and other FM staff, also named. Similarly, the BFSAs report cited specific incidents between individual employees. Each instance has been duly investigated by the HR Working Group, but because of confidentiality required in certain personnel matters under Maryland statute, specific details (including actions taken) are not contained within this report.

HR WORKING GROUP

Provost Wylie's charge directed Mr. Anderson to be assisted in his review by external human resources experts from within the University System of Maryland. This was to ensure an objective review by top-level HR administrators who have experience with USM human resources programs and policies at the institutional level, and as well as with higher education collective bargaining law in the State of Maryland.

The review panel of three was appointed; they are referred to as the "HR Working Group" throughout this report. They are:

- **Dale O. Anderson**, review leader, Director of University Human Resources
University of Maryland, College Park
- **JoAnn Goedert**, Assistant Vice Chancellor for Human Resources
University System of Maryland
Former Maryland Assistant Attorney General for Educational Affairs
- **Phillip Ross III**, Associate Vice President for Human Resources
Towson University

REVIEW PROCESS

In the summer of 2011, general information and specific facts were gathered as the investigation of the three anonymous letters commenced. Additional feedback was received from a variety of sources, including the Black Faculty and Staff Association forums and their subsequent **“Workers Rights Report,”** and a letter from the Senate Staff Affairs Committee to the Chair of the Senate on the subject of nonexempt staff concerns.

Simultaneously, Director Anderson conducted dozens of individual interviews with employees representing all levels of the FM Campus Projects and Building & Landscape Services groups, as well as with a smaller number from Residential Facilities (**“RF”**). Some were selected and invited to be interviewed, and others came forward on their own accord. They represented a diverse cross-section of **FM’s employee population** in terms of race/ethnicity, age, and gender. **FM’s senior leadership** staff were interviewed, as were staff from the FM-Human Resources office, and supervisors down to the Zone Supervisor level in Building & Landscape Services. A similar approach was taken with staff and managers in RF.

The interviews were conducted during the day and in the evenings, at the convenience of the employees who agreed to share their experiences and opinions. Most interviews spanned 90 minutes to two hours. Some employees required translation assistance from a friend or relative; some employees asked that a representative from AFSCME be present. All requests were accommodated as the goal was to make the individuals feel comfortable and unimpeded in sharing what they had to say.

Staff were asked general questions about work practices and policies, and specific questions about their work environment, their supervisors, and their experiences working for Facilities Management or Residential Facilities. They were also asked:

- Were their work rules and supervisory directions explicit and easy to understand?
- Were the rules applied fairly and consistency?
- Did they feel that their supervisor treated them with respect?
- Did they have fair and open access to problem-solving channels without fear of retribution (or did they even know there were resources available to assist?)
- Did they believe they had opportunities for training, including access to ESOL classes?

- What were their experiences and perceptions regarding promotional opportunities within FM (or RF)?

The confidential interviews were designed to be free-flowing and comfortable, with no topic being “off-limits.”

Director Anderson communicated with AFSCME as the investigation process was developed. AFSCME is the “exclusive representative” for **College Park’s Nonexempt and Exempt bargaining unit staff on matters of “wages, benefits, and other terms and conditions of employment,”** pursuant to the Maryland State Higher Education Labor Relations Act³. Supervisors, managers and a small number of “confidential” staff are excluded from bargaining under the law. As of August 25, 2011, **there were 1,916 regular Nonexempt staff employed by the campus, of which 1,604 (84%) were represented by AFSCME.** In addition, **there were 2,724 regular Exempt staff, of which 1,503 (55%) were represented by AFSCME.** Collective bargaining is administered centrally by UHR’s Office of Staff Relations.

For privacy reasons, individual employees will not be identified in this report, as many agreed to discuss their work experiences only on the condition of anonymity. In fact, some employees who initially agreed to be interviewed, canceled out of concern that their information would not be kept private. Several employees scheduled, did not show, and scheduled again.

³ MD Code, State Personnel and Pensions, §§ 3-101 to 3-602 (July 1, 2006).

FINDINGS

The review of the three anonymous letters did not support the allegations of broad employee mistreatment in Facilities Management or Residential Facilities, particularly given the size of the organizations, and the scope of their missions. The review did identify issues in the management of FM and RF staff that warrant attention. It pointed to general themes that should compel action, including a critical need to better develop supervisors, and efforts to improve communication from a qualitative standpoint.

With regard to specific, individualized complaints of mistreatment, it is important to note that several of the incidents detailed in the letters have already been addressed and resolved through the staff grievance process available to employees under State law and the collective bargaining agreements and/or through disciplinary measures directed at offending employees.

The following is a summation of the investigation of each of the three letters.

SPECIFIC LETTERS

FIRST ANONYMOUS LETTER (DATED 2/9/2010, RECEIVED IN 2/2011)

The first letter, published in *The Diamondback*, alleged unfair treatment of employees in FM's Campus Projects unit **and work conditions characterized as "being run like a Nazi camp."** The letter also alleged favoritism in hiring. Director Anderson interviewed management and staff from this unit.

Based on the interviews and a review of the facts, the HR Working Group concluded that this new department in FM is experiencing sharp growing pains associated with the combination of two units into one over a relatively short period of time. There are clearly issues in the Campus Projects unit related to change management, and the sense **that the new organization's management** group may have been compelled to implement too much change too fast and without sufficient employee input.

The review found examples of inappropriate language used as a result of frustration with tasks or deliverables; there were also examples of questionable or unacceptable tone in communications at times. While the motivation expressed by managers to exceed customer expectations in meeting deadlines and improve the quality and economy of the Campus Projects work product was legitimate, it did not justify inappropriate interactions with staff.

A specific point in this letter was the matter of the three layoff notifications that occurred in the week before Christmas. Although served with 90-days of notice at that time, upon later reflection, the former Associate Vice President expressed regret that he chose to have those employees notified immediately before the holidays. The HR Working Group agrees that his action was an exercise in insensitive judgment.

There were no facts provided to support the allegations of cronyism in hiring or promotions within Campus Projects. The credentials of the employees hired were examined, and it was determined that each met the qualifications for the position for which s/he was hired.

The review also netted positive feedback about the Campus Projects unit. Some employees interviewed indicated an excitement about the work of the new unit, and enjoyed the professional challenges and deadline orientation of their work.

SECOND ANONYMOUS LETTER (DATED 2/9/2011)

The second anonymous letter alleged mistreatment of snow removal staff in FM's Building & Landscape Services unit. **FM's snow removal staff are designated as "Essential Employees" and are required to report on-time in a weather emergency to clear the sidewalks and parking lots. The goal is always to re-open the campus as quickly as possible once the weather improves.**

The HR Working Group analyzed data provided by Facilities Management gathered over a period of 26 months – covering all weather events that resulted in closures, delayed openings and early closings. Though 369 disciplinary actions were taken under the FM ***Fair Treatment Guidelines***⁴ ("FTG"), in 84% of those cases, employees eventually sought and received waivers to the discipline, citing reasons such as "restricted duty; under care of doctor." **The remaining 16% received the discipline required by the FTG, mostly for infractions such as "no call, no show."** Clearly, supervisors are granted very little latitude in applying discretion under the Fair Treatment Guidelines, as is evidenced by the number of waivers granted by FM-HR. The HR Working Group reviewed the FTG and characterized them as "unnecessary and dysfunctional." The Working Group further commented about the "bad will" they felt the FTG engendered within the FM workforce.

The second anonymous letter also asserted that FM gave raises to their management staff during the "recent times of hardship." Though there were no specific examples cited, the letter included a copy of an old advertisement placed by AFSCME in ***The Diamondback*** listing certain administrator salaries and what they alleged were pay raises granted during years when University and State employees were experiencing freezes in COLA and merit. Notably, those allegations were investigated at the time the advertisement ran, and it was established that the AFSCME ad represented data from the period including FY2009, the last year that all employees received COLA and merit

⁴ The Facilities Management "**Fair Treatment Guidelines**" serve as their roadmap for progressive and cumulative discipline. The document was developed by FM senior staff in 1997; FM is the only department on the campus that uses them.

adjustments. However, the ad characterized the data as salary adjustments occurring in FY2010, which created the appearance that administrators were continuing to receive routine increases when in fact, they were not.⁵

The **review of FM's** salary administration practices by the HR Working Group demonstrated that the only salary adjustments that had been made in the past several years were those that were the result of approved actions supported by Board of Regents policies, such as reclassification actions when an employee assumed significant additional duties, or when an employee competed for and was selected for a new position. In all cases reviewed, policies and procedures were applied correctly, and appropriate reviews and approvals were conducted by the responsible offices outside of FM.

THIRD ANONYMOUS LETTER (UNDATED, RECEIVED 3/5/2011)

The third letter alleged “racism, favoritism, and unfair advancement” in the Landscape Services group, particularly with respect to promotional opportunities for Nonexempt employees. As the letter correctly pointed out, the Landscape Services group is a “majority-minority” population, a phenomenon mirrored across the FM workforce. The population in this group is both race/ethnicity diverse, and gender diverse. The leadership positions reflect a similar degree of diversity.

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Speaking in general terms and without naming specific employees, the issue pertains to the criteria by which certain new positions in the unit were filled. In one case, a female manager was reclassified/promoted to a higher-level vacancy without a search. This action was permissible under the campus ***Procedures and Guidelines for Conducting Searches*** inasmuch as the internal candidate was well-qualified for the position, and such an appointment supported the **unit's** diversity goals. This action was reviewed and approved by UHR and the Vice President for Administrative Affairs.

In the second case identified by the letter, FM ultimately decided to upgrade a vacant manager position to require a **Bachelor's degree**, and they initiated a search. The addition of the **Bachelor's degree was deemed to be a critical** qualification by the unit in order to bring a higher level of expertise and academic perspective. The unit maintained **that hiring a manager with a Bachelor's degree was essential to upgrading the unit's capabilities, and they were sufficiently persuasive in making the case that the Bachelor's degree was a bona fide occupational qualification for this particular position. UHR's** Classification unit **approved the addition of the Bachelor's degree to the minimum** qualifications before the position was posted.

⁵ Immediately following publication of *The Diamondback* ad, Director Anderson informed AFSCME of their mistake; however, they took no steps to correct the misinformation.

However, the addition of the **Bachelor's degree requirement precluded** individuals from within the unit from qualifying to compete for the regular position because they did not have the required degree. This included an African-American employee who, during the **search, had temporarily served in the position in an "acting capacity"** status. Once the impact was brought forward, the search was stopped.

In the review of facts relating to both cases cited in the third letter, the HR Working Group concluded that Board of Regents and campus policies and procedures had been applied correctly. In one case, those policies and procedures created a promotional opportunity for a well-qualified female employee. In the other case, in an effort designed to **upgrade the capabilities of a particular job, the addition of a Bachelor's degree** to the minimum qualifications did result in screening out a number of internal candidates, including minorities. The search was canceled and the position is being reevaluated.

GENERAL THEMES

There is no doubt that there is a general discontent permeating the FM and RF workforces, and it, to some extent, mirrors some of what the campus is experiencing at-large. UM's staff employees at all levels have endured three years without any regular salary increases or cost of living adjustments, and three years of furloughs which have reduced their take-home pay. At the same time, the costs of benefits for employees have increased, including significantly increased mandatory retirement contributions for some. There have been University-wide hiring freezes which had the effect of restricting promotional opportunities for staff, plus budget cuts, organizational restructurings resulting in layoffs, and a dramatic wave of leadership changes. All of this has contributed to a general sense of unease and has undermined the foundational trust between staff and the institution. One employee interviewed summed it up by stating **"this place used to be a family, but now everyone is always looking over their shoulder."**

In addition, FM and RF have some unique challenges, some of which are inherent in the nature of their work. The University community has high expectations for the physical **appearance of the campus, and isn't always fully aware of what it takes to achieve such excellence.** Some of their work occurs in the shadows of the regular day, and just outside of the consciousness of most campus citizens – except when there is a problem with a dirty classroom or dormitory space or some such issue, when it has the potential to become a noisy complaint by a student or parent. It is essential that FM and RF supervisors and managers provide recognition of the good work of their staff, and there is evidence that many do. It is equally imperative that the campus as a whole effectively recognize the efforts of staff.

COMMUNICATION

From the interviews, there were numerous examples of ineffective communication within FM and RF at different levels, from the manner in which some supervisors give instructions, to the use of inappropriate language, to a complete lack of communication within a work group, to an assistant director not having access to information she needs to do her job. Examples of intimidating behaviors were found in both organizations. The review indicated that most units do employ some regular mechanisms to communicate with their staff such as weekly meetings, electronic communications, and team meetings, **but there is a “quality” element missing in some groups**, manifesting itself as a lack of effort to genuinely engage employees in a meaningful and constructive way. Some supervisors seem to be focused on the work product to the exclusion of most **everything else, and it contributes to the perception that they “bark orders.”**

In addition, FM and RF have a segment of their population that lacks basic computer skills. Many of these staff do not use computers to perform their work, and some do not use computers at home. Some do not even use a computer to record their time each day in PHR, instead using cardswipe. Therefore these employees do not have regular access **to the staples of communication in today’s workplace**, nor do they have the opportunity to acquire skills to build this critical competency.

The final communication issue is a significant one. It pertains to the non-English speaking population in Facilities Management – estimated to be approximately two hundred staff, predominantly located in Housekeeping and Building & Landscape Services.⁶ The tragedy is that a significant portion **of FM’s** non-English speaking employees not only lack English language proficiency, but are also functionally illiterate in their native language (principally Spanish⁷). This is a profound realization that poses significant challenges. For example, campus administrators often ask “is this a document that should be translated into Spanish for our employees?” when in fact, such communications often cannot be read in English OR their native Spanish. Therefore, it is difficult for the University to communicate with this population in order to meet their basic needs and help them grow professionally.

As a result of this phenomenon, these employees are virtually insulated from the University and largely function on the job within their own sub-culture. Though some of the FM Zone Supervisors are bi-lingual and assist with work assignment instructions, these non-English speakers need a tremendous amount of support in other areas of University life – enrolling in Benefits, for example. They currently receive support from

⁶ There were fewer English literacy issues raised by RF employees. ESOL is offered to RF employees by in-house staff.

⁷ Spanish is not the only language spoken in FM or RF; diversity in primary language is growing exponentially on the campus. For example, Landscape Services recently hired ten new French-speaking employees from Cameroon.

an informal network of “friendly” staff scattered around the University who speak their language and assist with verbal translating when necessary and available. However, in relying on this type of communication, they miss a substantial amount of formal information from the University. As a further impact of the sense of isolation from the institution, they do not feel free to bring complaints forward, out of fear of the unknown, and because they tremendously value the steady income and good benefits of a University job.

ESOL program support has been limited in the past few years due to budget cuts to the program; the most recent class was able to enroll 40 staff from across the campus, and **80 will be enrolled in this fall’s** session. At a minimum, **UHR’s ESOL** and Adult Basic Education program should be expanded and made widely available to help these campus employees work toward basic language literacy to improve their lives and have promotional opportunities. Efforts to improve literacy or enhance English as a Second Language will have to be broader than the simple Spanish-to-English variety⁸.

FM’S PRD PROCESS AND EVALUATION

There was significant and almost unanimous feedback from non-supervisory staff regarding the negativity of the PRD process as it is administered in FM. Words like **“threatening” and “intimidating” were used with a surprising degree of regularity.** Whereby the PRD process was developed and implemented on the campus to ensure good and positive feedback to employees regarding their performance throughout the review year, many of the FM staff interviewed viewed the PRD process as one to be dreaded or feared. Some of the RF staff had negative feedback about the PRD process as well.

The review found that too much emphasis is being placed on the negative components of the various performance categories and not enough emphasis placed on the positive aspects of performance. Furthermore, it was learned that the FM Fair Treatment Guidelines actually detail PRD penalties for certain behavioral offenses, and in fact, **include a section entitled “PRD Cumulative Violations” that is used as a basis for lowering an employee’s annual rating.** The PRD process should not be, nor was it ever intended to be, a disciplinary tool.

RESPECT/CIVILITY

The diminishment of “civil treatment” or the lack of consideration of personal dignity is a theme throughout society, and a particular issue in FM and RF. Indeed, it is seen

⁸ For example, the Housekeeping unit in Residential Facilities has many employees who speak languages from Southeast Asia (Vietnamese, Laotian, and Cambodian).

around the campus, and is recognized as a negative in societal evolution. There have been efforts to address respect and civility within FM and RF. For example, FM recently rolled out a new civility training **program called “It’s As Simple As Respect,”** and UHR has included civility modules as part of its last two collective bargaining briefings to the campus. There have been other campus efforts as well. However, when such training is applied sporadically at the University, these types of efforts have minimal impact in changing undesirable behaviors, no matter how well-intended.

Quite simply, many employees are increasingly feeling stressed and disrespected, no matter what their job. Lest anyone think this is unique to Facilities staff, there were examples expressed at the BFSAs forums from staff in academic departments. In the **University’s goal-oriented, budget-challenged, “do more with less” environment,** the focus on high-profile accomplishments tends to put pressures on supervisors to achieve, and also often over-shadows the recognition of *all* employees in the daily work that occurs to keep the campus on-mission.

FAIR TREATMENT IN PROMOTIONAL OPPORTUNITIES

Facilities Management has been aggressively working to improve the quality of their support to the campus as the University has ascended in stature over the past decade. This is evident in all areas of **FM’s organization;** they are not **the old “Physical Plant.”** Residential Facilities has grown in size and mission too.

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During this period of time, there have been increased governmental requirements for training, recordkeeping, and pertaining to matters such as waste disposal and safety, and these regulatory requirements have placed new demands on their organizations. **No longer can it be assumed that employees merely need to spend “time in service” to automatically qualify for a promotional opportunity. Sometimes, in addition to “on the job training” there are bona fide educational requirements or specialized training or experience that existing staff in a unit don’t possess.**

At the same time, there are positions that open up within FM and RF that would be suitable in providing promotional opportunities for staff within their units. AFSCME has expressed concerns for years about the lack of promotional opportunities for bargaining unit staff, and they have questioned why some employees are given access to promotional opportunities while others seemingly are not. They have also expressed concerns about the number of new layers of management in FM which have substantially added to the size and complexity of the organization over the past ten years, but with what they represent as few opportunities for rank and file staff.

ACCESS TO CHANNELS FOR REGISTERING COMPLAINTS WITHOUT THE FEAR OF RETRIBUTION

One very strong theme – in the letters, in the BFSAs report, and during the interviews – was that staff employees feared bringing complaints forward. This concern was **registered in the letters with statements such as “if you complain, you are opened up for retaliation,”** (first letter, p.1). This was also expressed by staff at the BFSAs forums with **statements such as “if you speak up, they give you more work.”** The fears expressed were fairly widespread.

In particular, there was a great deal of feedback received about **FM’s Human Resources** group. There seems to be a general perception that FM-HR is a support group for management only, despite their messages to the contrary; that issues generally do not receive a fair evaluation in **hearing the employee’s “side of the story.”** There is a perception that **FM-HR never intercedes on an employee’s behalf,** nor do they make effective outreach efforts to help employees understand that they are there to help. Most interviewed were wary of FM-HR generally and felt that their organizational purpose was to “build a case” against the employee to be used in a disciplinary action or grievance⁹. The non-English speaking population feared FM-HR the most.

This was a matter that was looked at closely by Director Anderson, and there were no facts to support the allegations of retribution for employees who brought complaints forward to FM-HR. In the cases examined, it was determined that it was not the complaint that caused the later disciplinary action or termination, but rather a gross violation of work rules or other breach of conduct. Although no facts were found to support the allegations, the perception exists, and it must be addressed.

Under many University policies and procedures, employees who raise problems or concerns about work–related issues have protection against retaliation without having to resort to local, state or federal agencies. If the concern is raised through the staff grievance process (which covers acts of discrimination), the Maryland grievance statute reflected in USM Policy states:

“Each University System employee shall have the right to make known a problem or complaint without the fear of coercion or reprisal. The employee also has the right to representation at any step of the grievance procedure. An employee who violates the provision of this subsection shall be subject to disciplinary action, up to, and including termination **of employment.”** (Emphasis added)

⁹ The grievance process is administered by UHR. Under BOR policy, the initial employee filing and Step 1 hearing is conducted in the **employee’s department, but Steps 2 and 3 are heard by an impartial hearing officer or Administrative Law Judge.**

Finally, there were also complaints raised about the manner in which RF handles employee grievances. Specifically, the RF-HR person responsible for hearing cases at Step 1 is the representative for the University at Step 2 of the process before a neutral hearing officer. That creates the perception of a conflict of interest that has the effect of dissuading some employees from filing grievances; this was first raised at the BFA forums and substantiated through the interview process. Though RF is not in violation of any Board of Regents policies, the HR Working Group agrees that once RF hears the initial Step 1 case, it should be transferred to UHR to avoid any appearance of a conflict of interest.

RECOMMENDATIONS

The HR Working Group recommends the following specific actions:

1. Systematic training of supervisors and managers in how to communicate and interact with staff appropriately and effectively is essential to addressing the issues in FM and across the campus. **The HR Working Group strongly recommends that the President and Cabinet endorse the implementation of the “Pillars (Building Great Supervisors)” proposal, which provides new mandatory training for all nonexempt and exempt staff supervisors and managers to develop broader, more even competencies across the campus.** (Appendix H)

The implementation of Pillars represents an important first step as the campus renews its commitment to developing its staff. Pillars content will include the following subject areas delivered in four days of training:

- ***Who are we and where are we going? The University in 2012 and beyond*** (organization/structure, shared governance, collective bargaining, foundational commitment to diversity and inclusion, Dr. Loh’s four strategic priorities and the climate/culture he wants fostered)
- ***Roles and responsibilities of a UM supervisor*** (including transitioning from subordinate to supervisor)
- ***Toward a healthy culture: respect and civility at the University***
- ***Your employees are your customers too: understanding what your employees need and developing your commitment to them***
- ***Communication 101: developing fluency upward, downward, and sideways***
- ***Getting the work done: positive supervision in a collective bargaining environment***
- ***Conflict resolution*** (between peers, and between management/supervisors and subordinates)
- ***Maximizing the PRD process*** (to benefit staff *and* supervisors)

- ***Tough boss or bully?*** (knowing the difference, developing skills to work in a challenging environment, and when to get help)
 - ***Safety, security, and sexual harassment prevention at the University of Maryland***
 - ***The nuts and bolts of staff relations*** (collective bargaining MOU's, time and attendance basics, and fundamentals of employee discipline)
2. Language isolation contributes greatly to the communication problems within FM. ESOL support for non-English speaking employees is at a critical juncture now with several hundred non-English speaking workers in FM and other campus departments. The HR Working Group strongly endorses a **vigorous campus effort to provide expanded work-related ESOL training**. It is recommended that UHR dedicate an FTE to expanding the ESOL program for campus staff, and identify barriers that should be eliminated in order to expand utilization in FM and other departments.
 3. The HR Working Group recommends that **FM consider hiring a “facilitator” for the non-English speakers**. Furthermore, **an evaluation should be done to determine if there is a member of the FM staff who is qualified and for whom this would be a promotional opportunity**. The non-English speakers are a tremendously underserved employee population, with deep challenges related to English and native-language literacy, along with general cultural dissonance **within UM’s workforce**. Their needs are currently being attended to by an informal network of employees scattered in various offices, but this matter should be elevated in importance.
 4. **Access to promotional opportunities for FM staff should be enhanced; FM-HR should work with FM managers and supervisors to better inform staff when new positions are being created in their work unit.** Additionally, FM-HR should commit to developing their employees and to giving their existing staff fullest consideration of their qualifications when they apply for internal positions. FM’s management is encouraged to **fully utilize existing policies and Equity guidelines¹⁰ to promote staff from within the organization, particularly those from underrepresented groups; supervisors should be recognized when they provide such opportunity**. This should be a PRD performance objective for every manager and supervisor within the organization.

¹⁰“Procedures and Guidelines for Conducting Searches at the University of Maryland” published by the Equity Council (July 2007)

5. The FM Fair Treatment Guidelines contribute greatly to the sense of fear and misunderstanding among FM staff. The HR Working Group strongly recommends **the FM Fair Treatment Guidelines be modified or eliminated through collective bargaining** negotiations with AFSCME **so that FM's employees are not treated with an inflexible "cookbook approach"** in their employment relationship with the University. This has been an ongoing source of grievance and general irritation over many years, and notably, FM is the only organization at the University that employs such a formulaic set of disciplinary guidelines **with an "if this, then that" approach**. In the interviews, employees and supervisors alike cited the FTG as ineffective and/or unevenly applied. Some of the employees interviewed did not even know they existed, **or didn't know where to get a copy**. **Notably, RF's approach** is more reasonable and allows managers/supervisors greater discretion and flexibility in applying a range of discipline. (Appendix G)
6. Enhancing computer skills among FM and RF staff has the potential to significantly improve communications. The HR Working Group endorses UHR's **efforts to develop a training course to build basic computer skills for employees who do not use computers in their daily work**. This has to be the most fundamental type of training, to begin to build basic literacy in this segment of the population so that they have access to the full breadth of information available to employees. FM-HR and RF-HR will identify who these individuals are, and ensure their employees have full access to these classes during an agreed-upon time during the workday.
7. **RF should hear employee grievances at Step 1 of the process only, to avoid the appearance of "conflict of interest."** Once a decision is rendered at Step 1 and the employee appeals, the grievance should be turned over immediately to UHR for representation at the next step(s). Step 2 hearings are conducted before a neutral, third-party hearing officer, and Step 3 hearings are conducted before an administrative law judge.
8. There are provisions in the 2010 Nonexempt and Exempt bargaining agreements **with AFSCME that provide for a "Labor-Management Problem Solving Committee"** comprised of representation from AFSCME and the University¹¹. The HR Working Group recommends that **the LMPSC process be used more effectively to resolve labor issues that are broader in nature than individual employee grievances**. The LMPSC process does not supplant or replace the employee grievance process available to staff.

¹¹ Article 16 in both MOU's.

9. The effectiveness of the FM-HR Office needs improvement. The HR Working Group initially considered a recommendation to move FM-HR's reporting structure to UHR **to report to the "central office" while providing field support in FM.** The benefit of such a re-**structuring would be that FM's employees would be less likely to perceive that FM's HR** office acts solely in the best interests of FM management.

However, after careful consideration of this recommendation, an alternative re-structuring was deemed to be more likely to achieve the desired effects and in the shorter term. Therefore, the recommendation is to **reorganize the FM-HR office to elevate its importance in FM's organizational structure and give it greater accountability** by moving the Assistant Director for FM-Human Resources to a direct-report relationship with the Associate Vice President. This action is intended to convey a message from the Associate Vice President that *"FM's staff issues are so important to me that the HR leader will be one of my direct-reports and have immediate access to me."* (Notably, the Residential Facilities HR group reports to their director, and that is a best practice.)

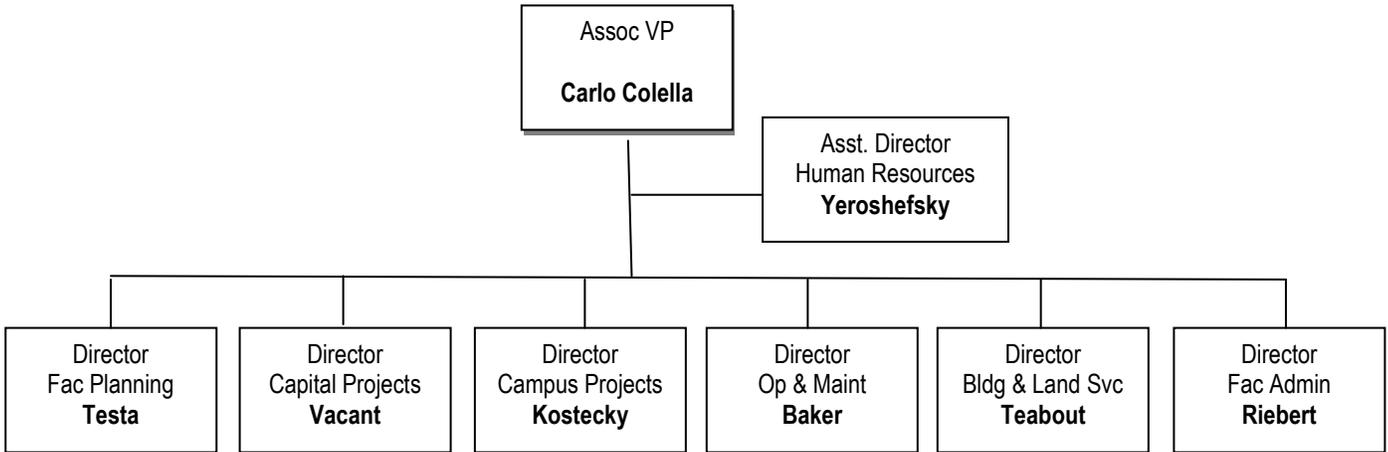
It is critical that FM's HR office re-invent itself so that all segments of the FM workforce – including the non-English speaking population and other underrepresented groups – see FM-HR as a front-line resource for problem solving, rather than an organization to fear. HR's reporting to the very top of the organization is intended to make sure employees understand their issues and concerns will not be marginalized or filtered. Similarly, employees will know that when the head of FM-HR speaks, she speaks directly on behalf of the Associate Vice President.

The following specific measures are also recommended by the HR Working Group:

- A. It is essential that the **Manager of FM-Staff Relations work more directly with UHR's Office of Staff Relations** (which has responsibility for the entire campus) to ensure an efficient and effective relationship with AFSCME, and so that BOR and campus policies are administered correctly on behalf of all campus employees. This includes the timely sharing of critical information and documents pertaining to investigations, employee grievances and other disciplinary matters, as required by Board of Regents policy. This is currently lacking, and UHR is often unable to get a balanced view of an employee matter before it escalates.
- B. **FM's four-person Payroll staff** should remain within the Office of Facilities Administration, which aligns it with the financial and other administrative functions. This would parallel the campus structure where UHR reports directly

to the Vice President for Administrative Affairs and Payroll Services reports to the Comptroller.

Recommended Organizational Structure Facilities Management



CONCLUSIONS

The HR Working Group concluded that there have been no widespread breaches of Board of Regents or campus human resources policies or procedures within FM or RF. Though the HR Working Group found no fundamental issues that create a “toxic workplace,” two systemic concerns clearly contribute to discontent among staff. First, in FM, the Fair Treatment Guidelines that are used to discipline staff create substantial problems. In the opinion of the HR Working Group, the FTG are “antiquated, cumbersome, and antagonistic” and should be abolished or modified through collective bargaining with AFSCME. The University and its departments have an obligation to develop supervisory skills and competencies so that they are fair and effective, without having to rely on such a rigid disciplinary matrix such as the FTG.

Second, issues related to the training of supervisors and managers require serious attention, and this report should serve as a call to action. There is inconsistent development of supervisors within FM and RF, and across the campus, that manifests itself in a variety of ways. The implementation of the new **“Pillars” supervisory** development training program will make great strides in developing a consistent set of supervisor/manager competencies, and it will make an important statement that the University of Maryland deeply values its staff employees.

In addition, FM can make better, more proactive efforts to develop its employees and provide them with promotional opportunities. The workforce is loyal and dedicated, and committed deeply to the mission of the institution. A reorganized, revitalized FM-HR Office can and should lead in these efforts.

Finally, the University must recognize that the FM and RF workforces are loyal and dedicated, and committed deeply to the mission of the institution. The HR Working Group especially wishes to thank the FM and RF employees who came forward to share their experiences and offer their insights. The efforts of AFSCME and the BFSA have helped tremendously in elevating their voices.

The HR Working Group believes that the flagship campus will rise to the occasion in meeting its challenges so that ALL employees will be treated with the respect and dignity that they deserve. Only with an engaged, knowledgeable, and committed workforce will the University reach its highest potential. With a new President, and key leadership changes including a new Vice President for Administrative Affairs and Associate Vice President for Facilities Management, this is an opportune time to effect necessary changes.

Respectfully submitted,

The HR Working Group
September 12, 2011

APPENDIX A: PROVOST WYLIE'S LETTER TO UHR DIRECTOR
DALE ANDERSON CHARGING THE "HR WORKING GROUP"
(4/7/11)

CONFIDENTIAL & PRIVILEGED

To: Dale Anderson
Director, University Human Resources

From: Ann Wylie, Senior Vice President and Provost

Date: April 7, 2011

Re: Review of Facilities

Between February 9, 2011, and March 5, 2011, the University received 3 anonymous Letters questioning a variety of personnel related matters in the Division of Facilities Management. The letters raise specific allegations about particular managers, supervisors and events in separate departments, e.g., Landscape Services and Campus Planning, but also raise common themes of alleged unfair treatment, disrespect and inequity in the application of employment rules and processes. In this regard, they raise questions about the opportunities available for regular exempt staff, especially minorities, to receive promotions, qualify for newly created higher level supervisory and managerial positions and/or to increase their income and salaries. They also raise complaints that the investigation of employee complaints to Human Resources staff housed internally within the Division of Facilities Management is tainted by conflict of interest.

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These anonymous letters have been brought to my attention because the former Associate Vice President for Administrative Affairs with responsibility for oversight of the Division of Facilities Management during the timeframe at issue currently serves as Interim Vice President for Administrative Affairs. As a result, I would ask you to coordinate a confidential review of the anonymous complaints both with respect to their specific allegations (such as they may exist in an anonymous format) and, more importantly, with respect to their broader themes. The purpose of the review is to determine what, if any, changes should be made to address the concerns underlying the anonymous letters. The review should be performed, to the extent practicable, by University personnel outside the Division of Facilities Management, and assisted, preferably, by individuals from outside the University, such as representatives from the University System of Maryland and/or other institutions of higher education within the University System of Maryland.

I would hope that the review can be completed by June 30, 2011. Please let me know if you have any questions.

APPENDIX B: PROVOST WYLIE’S LETTER TO CAMPUS STAFF
REGARDING “CONCERNS ABOUT THE CAMPUS WORK
ENVIRONMENT,” ENGLISH VERSION (7/26/2011)



UNIVERSITY OF
MARYLAND

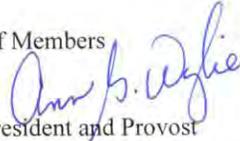
OFFICE OF THE SENIOR VICE PRESIDENT AND PROVOST

1119 Main Administration Building
College Park, Maryland 20742-5031
301.405.5252 TEL 301.405.8195 FAX

MEMORANDUM

DATE: July 26, 2011

TO: All UMD Staff Members

FROM: Ann G. Wylie 
Senior Vice President and Provost

SUBJECT: Concerns about the Campus Work Environment

I want to take this opportunity to give you a brief update on the steps President Loh and I have taken to date in response to the concerns you have raised about working conditions on campus.

First, let me say to you that, without any qualification, President Loh is determined to have a safe and respectful work and learning environment for all faculty, staff, and students. When the issues revolving around the campus work environment were presented to him, the President immediately asked me to take the necessary steps to explore the nature of these concerns and begin making recommendations for resolving them.

To ensure that we had the expertise and objectivity required, and considering the confidential nature of employee issues, the President asked me to assemble a three-person "HR Working Group" to investigate the issues raised by the anonymous letters. That group consists of Dale Anderson, Director of University Human Resources at the University of Maryland, College Park (UMD); Joanne Goedert, Assistant Vice Chancellor, Administration and Finance at the University System of Maryland (USM); and Phil Ross, Associate Vice President, Office of Human Resources at Towson University.

Collectively, this group has significant experience in addressing confidential employment issues and practices. It has expertise in personnel matters, including the integrity of the collective bargaining process and established USM and UMD policies and procedures (sexual harassment, discrimination). It will ensure that the affected employees have access to those procedures. Finally, the HR Working Group will also bring unbiased credibility to resolving the issues that will be identified.

The initial plan was for the group to report back to me by June 30. However, when President Loh met with representatives from the Black Faculty and Staff Association (BFSA) and they handed him their report, he asked Frank Brewer, Interim Vice President for Administrative Affairs, and Susan Bayly, Legal Counsel, to review the BFSA report and to recommend next steps to him. They, in turn, recommended that President Loh forward the BFSA report to the HR Working Group and expand its scope.

The HR Working Group is now reviewing the original allegations as well as the report that the BFSA presented to the President, and will make recommendations to me at the beginning of the fall semester. The recommendations included in the BFSA's report certainly will be considered, and the BFSA will be informed of the measures put into place as a result.

BFSA President Solomon Commisiong and Nyumburu Director Ron Ziegler have been informed about President Loh's decision and about the time frame for the investigation. They have also been asked to forward any additional complaints they may receive to Mr. Dale Anderson for the HR Working Group to include in its review.

President Loh and I take each and every one of these concerns very seriously – both the initial allegations and those contained in the BFSA report. We have directed the HR Working Group to fully explore the concerns that have been raised by members of the UMD community and to provide substantive recommendations for further action as appropriate. We will all learn more when the team makes its recommendations to me.

APPENDIX C: PROVOST WYLIE’S LETTER TO CAMPUS STAFF
REGARDING “CONCERNS ABOUT THE CAMPUS WORK
ENVIRONMENT,” SPANISH VERSION (7/26/2011)

UNIVERSITY OF MARYLAND

OFICINA DEL VICEPRESIDENCIA Y DIRECCIÓN

1119 Main Administration Building College
Park, Maryland 20742-5031 301.405.5252
TEL. 301.405.8195 FAX

MEMORÁNDUM

FECHA: 26 de julio de 2011

PARA: Miembros del Personal de UMD

DE: Ann G. Wylie
Vice Presidenta y Rectora

TEMA: Preocupaciones con Respecto al Ambiente de Trabajo en la Universidad

Quiero aprovechar esta oportunidad para darles una breve actualización con respecto a las medidas que el Presidente Loh y yo hemos tomado hasta la fecha en respuesta a las preocupaciones que ustedes han manifestado con respecto a las condiciones de trabajo en el campus.

En primer lugar, quisiera expresarles que, sin ningún tipo de calificación, el Presidente Loh está decidido a lograr un ambiente de trabajo y aprendizaje seguro y respetuoso para todos los miembros académicos, el personal y los estudiantes. Cuando se le presentaron al Presidente los temas con respecto al ambiente de trabajo en el campus, él inmediatamente me solicitó que tomara las medidas necesarias para investigar la naturaleza de dichas preocupaciones y que comenzara a hacer recomendaciones a los fines de resolver las mismas.

Para asegurarnos de contar con la experiencia y objetividad necesaria y considerando la naturaleza confidencial de los temas con los empleados, el Presidente me solicitó formar un "Grupo de Trabajo de Recursos Humanos" integrado por tres personas para investigar los temas planteados en las cartas anónimas. Ese grupo está integrado por Dale Anderson, Director de Recursos Humanos de la Universidad de Maryland, College Park (UMD); Joanne Goedert, Vice Rectora Adjunta, Administración y Finanzas del Sistema Universitario de Maryland (USM) y Phil Ross, Vice Presidente Asociado, Oficina de Recursos Humanos de la Universidad de Towson.

En conjunto, este grupo cuenta con una significativa cantidad de experiencia en tratar temas y prácticas confidenciales relacionadas al empleo. El mismo cuenta con experiencia en temas de personal, incluyendo la integridad del proceso de convenios colectivos y con respecto a las políticas y procedimientos (acoso sexual, discriminación) establecidos en USM y UMD. Esto asegurará que los empleados afectados tengan acceso a dichos procedimientos. Finalmente, el Grupo de trabajo de Recursos Humanos, también contará con credibilidad imparcial para resolver los temas que se identifiquen.

El plan inicial era que el grupo me informaría a mí antes del 30 de junio. Sin embargo, cuando el Presidente Loh se reunió con los representantes del Black Faculty and Staff Association (BFSA) y ellos le entregaron su informe, el Presidente Loh le solicitó a Frank Brewer, Vice Presidente Interino de Asuntos Administrativos, y a Susan Bayly, Asesora Legal, que revisen el informe de BFSA y le recomienden los pasos a seguir. Ellos, a su vez, recomendaron al Presidente Loh que enviara el informe de BFSA al Grupo de Trabajo de Recursos Humanos y que expandieran los parámetros de la investigación.

El Grupo de Trabajo de Recursos Humanos se encuentra actualmente revisando los alegatos originales así como también el informe que BFSa presentó al Presidente y me informará sus recomendaciones al comienzo del semestre de otoño. Sin duda se tomarán en cuenta las recomendaciones incluidas en el informe de BFSa y se informará a BFSa de las medidas tomadas como resultado.

Solomon Commissions, Presidente de BFSa y Ron Ziegler, Presidente de Nyumburu, han sido informados de la decisión del Presidente Loh y del marco de tiempo de la investigación. También se les ha solicitado enviar cualquier reclamo adicional que ellos reciban al Sr. Dale Anderson para que el Grupo de Trabajo de Recursos Humanos lo incluya en su revisión.

El Presidente Loh y yo tomamos con mucha seriedad todas y cada una de estas preocupaciones – tanto los alegatos iniciales como aquellos incluidos en el informe de BFSa. Hemos instruido al Grupo de Trabajo de Recursos Humanos para que investigue a fondo las preocupaciones que han sido expresadas por los miembros de la comunidad de UMD y que brinde recomendaciones concretas para tomar las acciones futuras que resulten adecuadas. Todos recibiremos más información cuando el equipo me entregue sus recomendaciones.

APPENDIX D: FACILITIES MANAGEMENT EMPLOYEE COUNTS,
BY UNIT (AS OF 8/23/2011)

FACILITIES MANAGEMENT		
UNIT	TYPE	COUNT
Building & Landscape Services	Contingent 2 ¹²	21
	Regular	273
	Total	294
Operations and Maintenance	Contingent 2	11
	Regular	277
	Total	288
Office of Facilities Administration	Contingent 2	3
	Regular	76
	Total	79
Capital Projects	Contingent 2	1
	Regular	46
	Total	47
Campus Projects	Contingent 2	4
	Regular	41
	Total	45
Facilities Planning	Contingent 2	4
	Regular	16
	Total	20
TOTAL – ALL FM		773

¹² Contingent 2 (“C2”) employees are “contractual” staff employees, appointed for a term of one year and with benefits, pursuant to Board of Regents policy VII-1.40. C2’s are hired through a competitive search, and are converted to regular status after three years of continuous employment in the same position.

APPENDIX E: RESIDENTIAL FACILITIES EMPLOYEE COUNTS,
ALL UNITS (AS OF 8/23/2011)

RESIDENTIAL FACILITIES		
UNIT	TYPE	COUNT
	Contingent 2	39
	Regular	181
TOTAL – RF		220

APPENDIX F: FM “FAIR TREATMENT GUIDELINES”

FACILITIES MANAGEMENT

FAIR TREATMENT GUIDELINES

Including consequences to Pay that may result from inappropriate workplace behaviors.

Revised by: Senior Staff, FM

Effective: March 15, 1997

Revised: 02/20/2007

This document includes a revised Attachment B that reflects changes surrounding the lateness policy that resulted from the implementation of the Payroll Human Resources (PHR) System effective, August 12, 2001. This revised attachment also references the UMCP Sick Leave Policy that took effect December 5, 1997. This document clarifies certain provisions as a result of the 2004 Memorandum of Understanding (MOU).

POLICY TITLE:

FAIR TREATMENT GUIDELINES

PURPOSE:

To establish guidelines for progressive disciplinary action of Facilities Management (formerly the Department of Physical Plant) that ensures equal treatment for violations of policy and misconduct. **The guidelines provide the consequences which may be expected to result from inappropriate workplace behaviors.**

These consequences fall into one of three (2) categories:

- 1) Pay (associated with the offense itself)**
- 2) Fair Treatment Guidelines sanction when disciplinary action is taken**

Supervisors are expected to follow the guidelines or a waiver form must be processed and submitted to Human Resources.

General provisions and definitions accompany the guidelines for clarification.

BACKGROUND:

The University of Maryland Personnel Policies and Rules for Classified Employees, Section VIII- CONDUCT AND DISCIPLINE, pages 1-7, defines the University of Maryland policy and procedure on this topic.

The guidelines, general provisions, and definitions were developed by the Facilities Management Employee Relations Office, as directed by the Senior Staff. The package was discussed and distributed to Leadership Staff at a training Session in West Virginia in June of 1987. The package was given to a Task Force of twelve (12) employees in July 1987. The Task Force reviewed the package, rewrote the guidelines and definitions to reflect their recommendations. Senior Staff made final decisions including some of the recommendations. In June 1988, the Leadership Staff reviewed the final approved version of the Fair Treatment Guidelines reflected in this document.

POLICY STATEMENT:

ALL REGULAR AND CONTINGENT II EMPLOYEES OF FACILITIES MANAGEMENT ARE SUBJECT TO THE FAIR TREATMENT GUIDELINES. AN EMPLOYEE GUILTY OF MISCONDUCT SHOULD EXPECT CONSEQUENCES. SUPERVISORS WILL INITIATE PROGRESSIVE DISCIPLINARY ACTION USING THE FAIR TREATMENT GUIDELINES.

DISCIPLINARY ACTION MAY BE IN THE FORM OF: A LETTER OF COUNSELING, A LETTER OF REPRIMAND, SUSPENSION WITHOUT PAY FROM ONE TO FIVE DAYS, OR SUSPENSION PENDING REMOVAL FROM STATE SERVICE.

PROCEDURES:

1. The Fair Treatment Guidelines for disciplinary action will be used by all units of Facilities Management in accordance with the definitions and general provisions. (See Attachments A & B, and the attached table, “Inappropriate Workplace Behaviors and Consequences”.)
2. Any supervisor who does not follow the guidelines will submit an exception to the guidelines on the “Waiver Form.”
3. In cases where consequences are not listed on the guidelines or when there are cumulative infractions within sections of the guidelines, supervisors will contact the Facilities Management Employee Relations Manager for consultation.
4. All supervisors will work with Employee Relations personnel when initiating disciplinary actions and removals. Employee Relations will coordinate the necessary final actions with the appropriate Assistant Directors and Payroll Services.
5. The Employee Relations Office will monitor compliance with the guidelines, and coordinate appropriate actions with the Department of University Human Resources.

NOTE: Employees serving a probationary period may be rejected on probation at any time during the probationary period and the following information contained in the general guidelines may not apply. The consequences and guidelines apply to regular employees who have satisfactorily passed probation. The guidelines may also be used for Contract employees (Contingent II).

EFFECTIVE DATE: MARCH 15, 1997

DEPARTMENTAL POLICY COORDINATOR:

Manager, Employee Relations
Assistant Director, Human Resources Management

REVIEW/REVISION DATE: Annually, no later than July 1

FORM(S):

- 1) General Guidelines
- 2) Definitions
- 3) Counseling Forms
- 4) Counseling Statement Forms
- 5) Disciplinary Suspension Forms (HR)
- 6) Charges and Specifications for Removal of Permanent Employees (HR)
- 7) Waiver Forms

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POLICY AUTHORIZATION & DATE: _____

Associate Vice President of Facilities Management
(Date)

UNIVERSITY POLICY REFERENCE(S):

- 1) University of Maryland Personnel Policies and Rules for Classified Employees, Section VIII, pages 1-7

CLOSELY RELATED DEPARTMENT POLICY(S):

- 1) All Facilities Management policies must be observed.

Facilities Management

Inappropriate Workplace Behaviors and Consequences

Below appear the normal departmental responses to the noted inappropriate workplace behaviors.

SECTION I – 1 YEAR “ROLLING WINDOW”

BEHAVIOR	RESPONSE	1	2	3	4	5	6	7
UNAUTHORIZED ABSENCE, 60 MINUTES OR LESS (3 Emergency Call-Ins are allowed each March)	PAY	Docked for length of UA	Docked for length of UA	Docked for length of UA	Docked for length of UA	Docked for length of UA	Docked for length of UA	Docked for length of UA
	FTG	Verbal Counseling	Written Counseling, FSAP Referral	Official Letter of Reprimand	1-Day Suspension	3-Day Suspension	5-Day Suspension	Terminate
	PRD	*	*	*	*	*	*	N/A
UNAUTHORIZED ABSENCE: MORE THAN 60 MINUTES (3 Emergency Call-Ins are allowed each March)	PAY	Docked for length of UA	Docked for length of UA	Docked for length of UA	Docked for length of UA	Docked for length of UA	Terminate	-----
	FTG	Written Counseling FSAP Referral	Official Letter of Reprimand	1-Day Suspension	3-Day Suspension	5-Day Suspension	Terminate	-----
	PRD	*	*	*	*	*	N/A	-----
UNAUTHORIZED ABSENCE DURING THE WORK SHIFT	PAY	Dependent upon the circumstances	Dependent upon the circumstances	Dependent upon the circumstances	Dependent upon the circumstances	Terminate	-----	-----
	FTG	Official Letter of Reprimand OR 1-Day DS	1-Day Suspension	3-Day Suspension	5-Day Suspension	Terminate	-----	-----
	PRD	*	*	*	*	N/A	-----	-----
FAILURE TO CALL IN (During absences for which the cause is already known, e.g., sick absence)	PAY	-----	-----	-----	-----	-----	-----	Terminate
	FTG	Verbal Counseling	Written Counseling, FSAP Referral	Official Letter of Reprimand	1-Day Suspension	3-Day Suspension	5-Day Suspension	Terminate
	PRD	*	*	*	*	*	*	N/A
ABUSE OF OFFICIAL WORKTIME	PAY	Dependent upon the circumstances	Dependent upon the circumstances	Dependent upon the circumstances	Dependent upon the circumstances	Terminate	-----	-----
	FTG	Official letter of Reprimand OR 1-Day DS	1-Day Suspension	3-Day Suspension	5-Day Suspension	Terminate	-----	-----
	PRD	*	*	*	*	N/A	-----	-----

**Cumulative violations may result in below expectation and unsatisfactory ratings.*

SECTION I – 1 YEAR “ROLLING WINDOW” (cont.)

BEHAVIOR	RESPONSE	1	2	3	4	5	6	7
FAILURE TO PUNCH/SIGN IN OR OUT	PAY	Dependent upon the circumstances	Dependent upon the circumstances	Dependent upon the circumstances	Dependent upon the circumstances	Dependent upon the circumstances	Dependent upon the circumstances	Terminate
	FTG	Verbal Counseling	Written Counseling, FSAP Referral	Official Letter of Reprimand	1-Day Suspension	3-Day Suspension	5-Day Suspension	Terminate
	PRD	*	*	*	*	*	*	N/A
PUNCHING TIMECARD FOR ANOTHER EMPLOYEE (Both employees participated)	PAY	Dependent upon the circumstances	Dependent upon the circumstances	Dependent upon the circumstances	Terminate	-----	-----	-----
	FTG	Official Letter of Reprimand OR 1-Day DS	3-Day Suspension	5-Day Suspension	Terminate	-----	-----	-----
	PRD	*	*	*	N/A	-----	-----	-----
INCOMPLETE UNIFORM OR ID BADGE	PAY	-----	-----	-----	-----	-----	-----	Terminate 37
	FTG	Verbal Counseling	Written Counseling, FSAP Referral	Official Letter of Reprimand	1-Day Suspension	3-Day Suspension	5-Day Suspension	Terminate
	PRD	*	*	*	*	*	*	N/A
SMOKING IN UNAUTHORIZED AREAS (Includes all State buildings)	PAY	-----	-----	-----	-----	Terminate	-----	-----
	FTG	Official Letter of Reprimand	1-Day Suspension	3-Day Suspension	5-Day Suspension	Terminate	-----	-----
	PRD	*	*	*	*	N/A	-----	-----
USE OF PROFANITY OR ABUSIVE LANGUAGE	PAY	-----	-----	-----	-----	Terminate	-----	-----
	FTG	Official letter of Reprimand	1-Day Suspension	3-Day Suspension	5-Day Suspension	Terminate	-----	-----
	PRD	*	*	*	*	N/A	-----	-----

* Cumulative violations may result in below expectation and unsatisfactory ratings.

SECTION II – 3 YEAR TIME PERIOD

BEHAVIOR	RESPONSE	1	2	3	4	5	6	7
FAILURE REPORT DAMAGE TO A STATE VEHICLE	PAY	-----	-----	-----	Terminate	-----	-----	-----
	FTG	1-Day Suspension	3-Day Suspension	5-Day Suspension	Terminate	-----	-----	-----
	PRD	*	*	*	N/A	-----	-----	-----
UNAUTHORIZED USE OF A STATE VEHICLE (On/Off campus, during/not during work shift)	PAY	-----	-----	Terminate	-----	-----	-----	-----
	FTG	1-Day to 5-Day Suspension	5-Day Suspension or N/A	Terminate	-----	-----	-----	-----
	PRD	*	*	N/A	-----	-----	-----	-----
DRIVING A STATE VEHICLE WITHOUT A VALID LICENSE	PAY	Terminate	-----	-----	-----	-----	-----	-----
	FTG	Terminate	-----	-----	-----	-----	-----	-----
	PRD	N/A	-----	-----	-----	-----	-----	-----
MAKING A FRAUDULENT OFFICIAL STATEMENT	PAY	-----	-----	Terminate	-----	-----	-----	-----
	FTG	1-Day Suspension	5-Day Suspension	Terminate	-----	-----	-----	-----
	PRD	*	*	N/A	-----	-----	-----	-----
INSUBORDINATION	PAY	-----	-----	Terminate	-----	-----	-----	-----
	FTG	1-Day Suspension	5-Day Suspension	Terminate	-----	-----	-----	-----
	PRD	*	*	N/A	-----	-----	-----	-----
HARASSMENT OR USE OF SEXUAL/RACIAL LANGUAGE	PAY	-----	-----	Terminate	-----	-----	-----	-----
	FTG	1-Day Suspension	5-Day Suspension	Terminate	-----	-----	-----	-----
	PRD	*	*	N/A	-----	-----	-----	-----

**Cumulative violations may result in below expectation and unsatisfactory ratings.*

SECTION III – ALL INFRACTIONS REMAIN ON PERMANENT RECORD

BEHAVIOR	RESPONSE	1	2	3	4	5	6	7
THREATENING A CO-WORKER	<i>PAY</i>	-----	-----	Terminate	-----	-----	-----	-----
	<i>FTG</i>	1-Day DS	5-Day DS	Terminate	-----	-----	-----	-----
	<i>PRD</i>	*	*	N/A	-----	-----	-----	-----
PHYSICAL ABUSE OF A CO-WORKER	<i>PAY</i>	-----	-----	Terminate	-----	-----	-----	-----
	<i>FTG</i>	1-Day DS	5-Day DS	Terminate	-----	-----	-----	-----
	<i>PRD</i>	*	*	N/A	-----	-----	-----	-----
ASSAULT AND BATTERY OF A CO-WORKER	<i>PAY</i>	-----	Terminate	-----	-----	-----	-----	-----
	<i>FTG</i>	5-Day DS OR Terminate	Terminate	-----	-----	-----	-----	-----
	<i>PRD</i>	*	N/A	-----	-----	-----	-----	-----
DESTRUCTION OF PROPERTY	<i>PAY</i>	-----	-----	-----	Terminate	-----	-----	-----
	<i>FTG</i>	1-Day DS	3-Day DS	5-Day DS	Terminate	-----	-----	-----
	<i>PRD</i>	*	*	*	N/A	-----	-----	-----
POSSESSION, USE, OR SALE OF ILLEGAL DRUGS	<i>PAY</i>	-----	-----	-----	-----	-----	-----	-----
	<i>FTG</i>	Terminate	-----	-----	-----	-----	-----	-----
	<i>PRD</i>	N/A	-----	-----	-----	-----	-----	-----
WORKING WHILE UNDER THE INFLUENCE OF DRUGS OR ALCOHOL	<i>PAY</i>	-----	-----	Terminate	-----	-----	-----	-----
	<i>FTG</i>	1-Day DS	5-Day DS	Terminate	-----	-----	-----	-----
	<i>PRD</i>	*	*	N/A	-----	-----	-----	-----
UNAUTHORIZED USE OR LOSS OF KEYS	<i>PAY</i>	-----	Terminate	-----	-----	-----	-----	-----
	<i>FTG</i>	5-Day DS	Terminate	-----	-----	-----	-----	-----
	<i>PRD</i>	*	N/A	-----	-----	-----	-----	-----
SLEEPING DURING SHIFT	<i>PAY</i>	-----	-----	Terminate	-----	-----	-----	-----
	<i>FTG</i>	1-Day Suspension	5-Day Suspension	Terminate	-----	-----	-----	-----

	PRD	*	*	N/A	-----	-----	-----	-----
--	-----	---	---	-----	-------	-------	-------	-------

*Cumulative violations may result in below expectation and unsatisfactory ratings.

SECTION III – ALL INFRACTIONS REMAIN ON PERMANENT RECORD (cont.)

BEHAVIOR	RESPONSE	1	2	3	4	5	6	7
SUBMISSION OF FRAUDULENT LEAVE DOCUMENTATION	PAY	-----	Terminate	-----	-----	-----	-----	-----
	FTG	5-Day DS	Terminate	-----	-----	-----	-----	-----
	PRD	*	N/A	-----	-----	-----	-----	-----
MINOR THEFT	PAY	-----	-----	Terminate	-----	-----	-----	-----
	FTG	1-Day DS	5-Day DS	Terminate	-----	-----	-----	-----
	PRD	*	*	N/A	-----	-----	-----	-----
MAJOR THEFT OR THEFT OF ANY AMOUNT FROM A CUSTOMER	PAY	Terminate	-----	-----	-----	-----	-----	-----
	FTG	Terminate	-----	-----	-----	-----	-----	-----
	PRD	N/A	-----	-----	-----	-----	-----	----- 40

*Cumulative violations may result in below expectation and unsatisfactory ratings.

PRD CUMULATIVE VIOLATIONS

VIOLATION	CALENDAR	OUTSTANDING	EXCEEDS	MEETS	BELOW	UNSAT
SECTION I- Failure to call in, punch in/sign in, Timecard, uniform violations, UA (late) (60 minutes or less)	12 months	0	Up to 3 Excused, no Unexcused 60 minutes or less UA's, no other violations	Up to 3 Excused and up to 2 Unexcused 60 minutes or less UA's, up to 2 other violations	3	4+
Other SECTION I Violations	12 months	0	N/A	N/A	1 or 2	2 or 3+
SECTION II	3 years	0	N/A	N/A	N/A	1
SECTION III	Permanent	0	N/A	N/A	N/A	1

When calculating the final overall employee rating, an employee who is rated "below" in any of the above sections cannot be rated "exceeds" or "outstanding" overall. An employee who is rated "unsatisfactory" in any of the above sections cannot be rated "meets", "exceeds", or "outstanding" overall.

GENERAL GUIDELINES

The “General Guidelines” establish a fair and uniform approach to carry out disciplinary action within Facilities Management. Under these provisions, employees regardless of unit or individual supervisor will be treated equally.

Inappropriate behavior(s) are listed along with the consequences on the attached table. Across the top of the table, numbers “1” thru “7” indicates the number of times that inappropriate behavior takes place. Under each number, the consequence of that behavior is defined in 3 areas: “PAY” denotes any loss of pay which is a direct result of the behavior, “FTG” is the response as a result of disciplinary action taken because of the inappropriate behavior which can mean additional loss of pay through suspension, and “PRD” defines the eventual category rating that can be expected on the Performance Review and Development Evaluation for cumulative violations.

Explanations of **behaviors** and supporting information are found in attachment B. **Behaviors and Consequences** listed in the General Guidelines are more common violations of policy. Infractions, however, are not limited to those listed. Infractions not listed will be dealt with appropriately. Supervisors should contact the Office of Human Resources Management for consultation and disposition.

Inappropriate Behaviors listed in the first section of the table are considered less severe; infractions will be counted by the rolling window method through each twelve-month period. Basically, the rolling window counts only the past twelve-month period. The employee’s record of infractions and any disciplinary actions taken during the twelve-month period will remain a part of the employee’s permanent file. Items under Section II are more serious infractions that will remain active and be counted during a three-year time period. After three years, the offense will no longer be counted, but will remain a part of the record. Section III violations are the most serious and remain active and permanent on the employee’s record. Employees committing a first infraction under this section will receive referral information concerning the Faculty/Staff Assistance Program (FSAP) when appropriate.

When infractions of policy are in more than one category or section, they must be looked at as combined infractions when determining progressive discipline. Before an employee is terminated for any offense listed within the guidelines, the record of previous years will be reviewed and taken into consideration.

All supervisors are expected to follow the guidelines. Unusual circumstances will occur that will constitute exceptions to prescribed sanctions. In such cases when the disciplinary action indicated will not be taken for good reason, supervisors will complete a “Waiver Form” within **24 hours** of the day in which the infraction occurred. **An**

General Guidelines (cont.)

employee may fill out a “Waiver Form” and submit it to the supervisor for approval.

The Waiver form will be submitted to the Assistant Director of the division, who will forward approved forms to the Employee Relations office.

The guidelines and rules contained herewith are intended for use by Facilities Management in compliance with the Personnel Manual, *Personnel Policies and Rules for Classified Employees of the University of Maryland*. The provisions of the Personnel Manual and rules and regulations of the State of Maryland will have precedence over any inconsistencies now or in the future regarding disciplinary sanctions contained in these departmental guidelines.

[FM FAIR TREATMENT GUIDELINES ATTACHMENT B]

NOTE: **This attachment was revised January 2002, with changes resulting from the implementation of the Payroll Human Resources System (PHR). The changes fall under the Lateness & Less than 60 minutes category and were communicated at the time of implementation August 2001. The section on Medical Documentation and Sick Leave has been deleted, and the new Sick Leave Policy, approved by the Board of Regents December 5, 1997 is made available under separate cover. No other changes are reflected in this document.**

DEFINITIONS

LATENESS: Employees are expected to arrive at their appointed work area, ready to work, at their scheduled starting time. **Anyone who arrives after his or her designated starting time is considered late.** However, Facilities Management has established a traffic management window of five (5) minutes before and after the beginning and ending of a scheduled shift, before an employee is subject to disciplinary action and before pay is impacted. This does not mean that arriving five minutes late to work is acceptable behavior. In fact, an employee demonstrating a pattern of abuse regarding swiping in after the start of their shift, or swiping out prior to the end of their shift will have such performance reflected in their performance evaluation and their evaluation rating and potential for merit increase will be adversely impacted. **Disciplinary action may also be warranted.**

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Examples:

1. Employee A's shift is from 7:00 am to 3:30 pm.

Employee A swipes in at 7:05 am and punches out at 3:30pm.

Employee A is not penalized for payroll purposes. The employee is reminded by the supervisor that the work shift begins at 7:00 am.

2. Employee B's shift is from 7:00 am to 3:30 pm.

Employee B swipes in at 7:06 and punches out at 3:30 pm.

Employee B is penalized for payroll purposes and is docked the length of the unauthorized absence (6 minutes). The employee also receives disciplinary action for an Unauthorized Absence in the 60 minutes or less category.

DEFINITIONS (cont.)

3. Employee C's shift is from 11:00 pm to 7:00 am.

Employee C swipes out at 7:30 am.

Unless pre-approved by a supervisor to work beyond the end of the shift (or prior to the beginning of the work shift), Employee C will receive disciplinary action for Unapproved Work Hours.

EXCUSED LATENESS:

The first three (3) times beginning March 15 each year (eff. March 1998) that an employee is late less than 60 minutes will be considered an excused lateness. The employee is not required to call-in (if arrival is less than 20 minutes after the start of the shift), but the lateness must be recorded on the "Emergency Call-Ins to Record Leave" form. For these emergency exceptions, the employee must take earned annual, personal, or compensatory leave to cover the absence.

When an employee is less than 20 minutes late, it will be assumed that the lateness could not be anticipated or that the employee could not call-in while traveling to the job and an emergency occurred. An employee is excused from the call-in procedure when using the three late emergency exceptions (60 minutes or less); however, an employee is required to follow the call-in procedure when using the three emergency exceptions due to unauthorized absence of more than 60 minutes, or, if the period of lateness exceeds 20 minutes after the start of their work shift.

UNAUTHORIZED ABSENCE (UA), 60 MINUTES OR LESS:

Means arriving at work six (6) minutes after the workshift begins to sixty (60) minutes after the starting time. Beginning with the first instance of unexcused lateness (fourth incident of lateness per twelve month period), infractions will be counted and progressive disciplinary action will be taken in accordance with the General Guidelines. No leave will be granted to cover the lateness and payroll deductions will be made.

Unauthorized absences 60 Minutes or Less may also be excused in cases of emergencies at the discretion of the supervisor. In these instances, the supervisor may require an explanation and documentation of the emergency. When the supervisor excuses the lateness, a Waiver Form must be submitted by the supervisor within 24 hours of the infraction.

[FM FAIR TREATMENT GUIDELINES ATTACHMENT B]

UNAUTHORIZED ABSENCE OF MORE THAN 60 MINUTES:

Unauthorized absence occurs when an employee is absent from the regular workshift and is not in an approved leave status. Unauthorized absence of more than 60 minutes includes:

- a. Late a portion of the day (more than 60 minutes).
- b. Absent all day without approval.
- c. Late call-in to request sick leave, which means the employee was absent without authorization until the time of notification.
- d. Call-in for family sick leave beyond the 15 days allowed per calendar year.

The first three (3) emergencies that exceed one hour beginning each March 15 (eff. March 1998) will be considered exceptions to the requirement to request leave in advance, *if* the employee has complied with the call-in policy. The following stipulations apply:

- a. Emergency call-ins are not allowed during snow or other weather emergencies, steam shut down, year-end closings, or other declared emergencies.
- b. When an emergency absence occurs, the employee will request and use annual, personal, or compensatory leave. An employee who has worked less than six months is not eligible to take annual leave.
- c. Each incident of unauthorized absence will be more than one hour but will not exceed one day.

An employee who has used the three excused late exceptions (less than 60 minutes) and has one or more emergency exceptions of more than 60 minutes available, may request to use an exception when absent without authorization 60 minutes or less (late).

ADVANCE REQUEST FOR LEAVE: All leave including annual, personal, and sick leave for scheduled medical appointments must be requested in advance on a leave request form and is subject to approval by the supervisor. Advance notice requirements are as follows:

- Less than 1 day.....1/2 day in advance
- 1-2 days.....one working day in advance
- 3-5 days.....one week in advance
- More than 5 days.....two weeks in advance

UNAUTHORIZED ABSENCE DURING THE WORKSHIFT: Can occur once the employee has officially arrived at work and is away from the job site without approval. Employees must remain at their workstations engaged in official duties at all times during the workshift unless released by their supervisor or the supervisor's designee.

ABUSE OF OFFICIAL WORKTIME: Will be charged if the employee has officially arrived at work (punched in or signed in) and is engaged in other than official duties during the workshift. Examples: absence from work area, delay in proceeding to job site, extended breaks, excessive personal telephone calls or use of machinery, lengthy conversations, gambling or soliciting that may involve raffle tickets (unless sponsored by the University or the Department), subscriptions or sale of merchandise for personal profits or charities, and trips to the Credit Union or bank.

UNIFORM VIOLATIONS: Department policy requires most employees to wear uniforms and/or identification badges. When a partial uniform, no uniform, or the uniform is worn inappropriately, disciplinary action will be taken as indicated. The uniform consists of pants and shirt, or T-shirt and/or coveralls with ID badge. For safety reasons, some units require that specific footwear also be part of the uniform. An employee may be sent home if the supervisor determines that an employee's footwear is unsafe.

FAILURE TO CALL-IN: An employee is required to telephone the supervisor, unless otherwise instructed, to report an unscheduled absence. The call-in policy requires that the employee call-in each day, *before the start of the shift*.

FOR INFORMATION ON MEDICAL DOCUMENTATION AND SICK LEAVE, PLEASE REFERENCE THE UMCP POLICY: Policy on Sick Leave (VII-7.45), effective December 5, 1997.

VEHICLE POLICY VIOLATIONS: a University vehicle may only be driven by a licensed employee engaged in official business. Disciplinary action will result for failure to observe the rules as defined in Facilities Management's Vehicle Policy I.3 as revised. These rules include, but are not limited to the following:

1. All accidents or damage to a University vehicle must be reported to the supervisor.
2. Leaving campus on official business must be authorized by the supervisor or reported to Work Control before leaving and upon returning to campus.
3. Unauthorized use of a vehicle during the workshift or after the workshift is not allowed.

[FM FAIR TREATMENT GUIDELINES ATTACHMENT B]

4. Failure to possess a valid Class C driver's license with less than 6 points, while operating a state vehicle.

FALSE OFFICIAL STATEMENT: A false official statement (*written or verbal*) is a statement made intentionally to mislead another and can involve loss of time, property, money, and/or inefficient or ineffective performance of duty.

INSUBORDINATION: Refusal to follow a reasonable job related direction given by a supervisor or person of authority. If refusal is to prevent injury, the employee must identify the safety concern and carry out the direction as soon as the safety problem is satisfactorily resolved.

MISCONDUCT: Employees must treat others courteously and with respect whether supervisor, co-worker, faculty, staff or student. The property of others will also be respected. Any conduct that reflects in an adverse way upon the Department or other employees will be considered misconduct. In addition, the following infraction examples will not be permitted (not all inclusive):

1. Profanity and verbal and non-verbal abuse that insults an individual is considered misconduct; this is unproductive use of official work time, and is harmful to others. Crude and vulgar language is inappropriate in the workplace as is profanity, particularly when directed toward another, in the presence of others, or when such language will reflect poorly upon the department.
2. Harassment and language that references or insults an individual's background or beliefs, including: race, gender, sexual orientation, disability, ethnic or religious background, carries a more severe penalty. Sexual harassment is included in this category.
3. Threatening a Co-Worker is a communicated intent or hostile act to inflict physical or other harm on any person or their property. Direct or indirect threats (intent to harm another made to a third party) are considered threatening behavior.
4. Physical Abuse is pushing, shoving, grabbing or coming into intentional contact with a co-worker if that contact is unacceptable to the co-worker. In order to minimize circumstances that might lead to physical abuse, management and employees have a responsibility to discourage any kind of physical contact or interaction outside the normal scope of work that could lead to physical abuse as defined above.

[FM FAIR TREATMENT GUIDELINES ATTACHMENT B]

5. Assault and battery will include (although not limited to): Punching another, physical fighting, hitting, or use of an object that inflicts harm or injures another employee or the employee's property.
6. Destruction of Property is negligent or willful conduct that causes damage to public property or waste of public supplies.
7. Theft is willfully taking, or attempting to take, any article or thing without regard for ownership. **Minor theft** can be possession of someone else's property without the owner's knowledge with the intention of returning it. **Minor theft** involves items of little value or consequence. **Major theft** is willfully taking any item from a customer, staff member, student or the University regardless of value. **Major theft** is of items of monetary value or items of consequence to the owner.
8. Use of Controlled Substances - Employees may not bring alcoholic beverages to the workplace or drink alcoholic beverages on the job. Drugs will not be allowed on the job except for medical reasons (see Item 8 below).
9. Unsafe to Perform Duty – If a supervisor suspects that an employee (who is not actually in possession of alcoholic beverages or drugs) is not in full control and is not operating in a responsible or safe manner, or that the employee may be working under the influence of alcohol or drugs, the supervisor may: recommend medical assistance, take the employee to be tested through the Health Center, or have the employee escorted home. Leave will be charged or disciplinary action recorded, whichever is applicable. A supervisor must use his discretion to ensure the safety of the employees and the campus community.
10. Unauthorized Use or Loss of Keys/Card Swipes – Facilities Management employees have access to keys and or cards for entry on campus; therefore they are expected to properly secure these items at all times. Employees may not use keys or cards except for the purpose of performing official duties.
11. Sleeping During the Shift – The employee must be fully conscious and aware in order to perform duties. An employee cannot sleep during the workshift or on a break, both of which are paid time.
12. Submission of Fraudulent Leave Documentation – Documentation from a medical authority is an official notification that must be submitted in its original form. It is fraudulent act to change any medical certification intentionally after it is signed or to fabricate medical documentation.

APPENDIX G: RF SUPERVISORY GUIDELINES FOR MISCONDUCT—NONEXEMPT STAFF

RF Supervisory Guidelines To Misconduct–Nonexempt Staff

The chart that follows is provided as an example of the range of actions that would be considered in response to various employee behaviors. As employees review this chart, they should keep in mind that the specific action(s) taken by a supervisor will always reflect consideration of important factors such as the employee's past performance, the seriousness of the incident, and/or other special circumstances which affect the incident.

GROUP I: Action taken as a result of these types of violations will remain an active part of the employee's record for one "rolling year."	
Examples of Misconduct	Range of Supervisory Response
<ol style="list-style-type: none"> 1. Failure to clock in and/or out at the designated times for the beginning and end of a shift. 2. Reporting late to work at the beginning of a shift. 3. Stopping work before or starting work after the designated time. 4. Failing to follow established lunch and break procedures (e.g., reporting late after the lunch period or after a designated work break). 5. Failing to follow established leave request procedures/policies (i.e., providing the required advance notice, requesting supervisor approval before taking leave, contacting supervisor in advance of work shift, etc.) 6. Failing to perform work assignments or work schedules as instructed. 7. Failing to follow uniform and staff identification procedures and policies. 8. Failing to observe appropriate campus parking regulations or department parking policies. 9. Failing to follow established work safety procedures and regulations (e.g., not establishing a safe work site to protect self and others; not using protective safety equipment - gloves, goggles, face shields; removing safety devices from equipment). 10. Failing to follow work procedures or use appropriate work techniques as instructed (i.e., not maintaining adequate supply levels; not using the correct equipment, materials, parts, or chemicals to perform a task; using improper dilution of chemicals or incorrect buffing pads; leaving work incomplete; not removing all debris; filling out work orders improperly, not posting important service notices to residents; etc.). 11. <i>Inappropriate care of department-issued "take-home" keys</i> 	<p>First Occasion: Performance Counseling</p> <p>Second Occasion: Letter of Understanding/Written Reprimand</p> <p>Third Occasion: Written Reprimand or One-day Suspension</p> <p>Fourth Occasion: One or Three Day Suspension</p> <p>Fifth Occasion: Three or Five Day Suspension</p> <p>Sixth Occasion: Five Day Suspension or Termination</p> <p>Seventh Occasion: Termination</p>

RF Supervisory Guidelines To Misconduct–Nonexempt Staff

GROUP II: Action taken as a result of these types of violations will remain an active part of the employee's record for two "rolling years."	
Examples of Misconduct	Range of Supervisory Response
<ul style="list-style-type: none"> 12. Leaving the work site during work hours without the prior approval of supervisor. 13. Intentionally punching another employee's time card. 14. Failing to report for part or all of a day's work for which leave was not granted in advance by the supervisor (UA). 15. Failing to perform all or part of a day's work. 16. Failing to provide satisfactory documentation as required, to support absences due to illness, emergencies, or other reasons. (UA). 17. Verbally or physically harassing an employee or resident through use of sexual, racial, ethnic or other inappropriate language or actions. 18. Using inappropriate language with residents, employees or supervisors. 19. Failing to follow building security procedures (i.e., leaving exterior doors propped and unattended). 20. Inappropriate use or care of telephones, supplies, tools, materials, equipment or vehicles. 21. Inappropriate access or entry into department <i>or unoccupied</i> resident spaces. 22. Mishandling of University issued ID/Access card. 23. Failure to promptly report loss of University issued ID/Access card. 24. Mishandling or loss of keys or access cards borrowed from a keybox for short-term loan. 25. Deliberate mismanagement of take-home or permanently issued department keys (e.g., duplicating keys or accepting duplicated keys from others) 26. Working unauthorized overtime. 	<p>First Occasion: Written Reprimand or One-day Suspension</p> <p>Second Occasion: One or Three Day Suspension</p> <p>Third Occasion: Three or Five Day Suspension</p> <p>Fourth Occasion: Five Day Suspension or Termination</p> <p>Fifth Occasion: Termination</p>

RF Supervisory Guidelines To Misconduct–Nonexempt Staff

GROUP III: Action taken as a result of these kinds of violations will remain an active part of the employee's record for three "rolling years."	
Examples of Misconduct	Range of Supervisory Response
27. Sleeping or resting except at authorized breaks or during lunch breaks.	First Occasion: One or Three Day Suspension
28. Verbally or physically threatening a supervisor, employee or resident.	Second Occasion: Three or Five Day Suspension
29. Insubordination by refusing through word or action to follow a supervisor's legitimate instruction.	Third Occasion: Five Day Suspension or Termination
30. Unauthorized use or operation of telephones, supplies, tools, materials, equipment or vehicles.	Fourth Occasion: Termination
31. Failing to report a vehicle accident involving damage to only the department vehicle.	
32. Deliberate mismanagement of University ID or other key/access card issued for short-term loan (duplicating keys, forging IDs, or lending key/ID to others to provide unauthorized access).	
33. Mishandling or loss of Master Keys (includes failure to properly secure master keys, transferring master keys to others in the field, failing to return master keys to keybox at end of shift)	

RF Supervisory Guidelines To Misconduct–Nonexempt Staff

GROUP IV: Action taken as a result of these types of violations will remain an active part of the employee's record for three "rolling years."	
Examples of Misconduct	Range of Supervisory Response
<p>34. Working under the influence of alcohol or illegal drugs to the extent work performance is impaired.</p> <p>35. Intentionally damaging university property, or the property of other employees or residents.</p> <p>36. Intentionally making a false official statement.</p> <p>37. Theft or removal of university or personal property.</p> <p>38. Failing to report traffic accidents involving damage to other vehicles, university or private property, or personal injury.</p> <p>39. Possession of weapons or firearms on university premises.</p> <p>40. Driving a university owned or rental vehicle with an invalid, suspended or revoked license.</p> <p>41. Mishandling or loss of Grand master keys or control keys. (taking grand masters off campus, failure to return to key box at end of work shift)</p> <p>42. Deliberate mismanagement of Grand Master, Master or control key (e.g., duplication of keys, obtaining duplicated keys from others).</p> <p>43. Inappropriate or unauthorized access to any occupied space.</p> <p>44. Use of department issued key to facilitate deliberate and serious employee misconduct.</p>	<p>First Occasion: Five Day Suspension or Termination</p> <p>Second Occasion: Termination</p>

GROUP V: Actions taken as a result of these violations will become a permanent part of the employee's record.	
Examples of Misconduct	Range of Supervisory Response
<p>45. Drinking alcoholic beverages while on the job.</p> <p>46. Possessing or using illegal drugs while on the job.</p> <p>47. Intentionally falsifying university records.</p> <p>48. Physically assaulting another employee or resident.</p> <p>49. Fighting on university premises.</p>	<p>First Occasion: Termination</p>

APPENDIX H: PROPOSAL FOR “**P**ILLARS (BUILDING GREAT SUPERVISORS)”



Renewing the Campus Commitment to Staff Training & Development

University Human Resources
Leadership Development Institute

Pillars

(Building Great Supervisors)

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July 20, 2011

Renewing the Campus Commitment to Staff Training & Development

Pillars (Building Great Supervisors)

Following a decade of cuts to staff training programs and the effects on the workforce, the institution must re-commit to developing its staff. This is a matter of high strategic priority for the University, and it must begin at the beginning – with the front-line supervisors and lead workers that the institution first set out to develop in 2000 through the Leadership Development Institute. Only with an engaged, knowledgeable, and committed workforce will the University reach its highest potential.

A new program – Pillars – has been developed as a component of the Leadership Development Institute administered by University Human Resources (“UHR”). This proposal includes the following elements:

- UHR will train all nonexempt and exempt staff supervisors on the LDI Pillars program within the first twelve months following implementation. It is estimated that there are between 800 and 1,000 such supervisors on the campus.
- Pillars training will be comprised of four full days of mandatory supervisory development, with 20-25 attendees per 4-day session. Pillars will be piloted twice in February 2012, with a full launch of the program following a short period of assessment and adjustment. All supervisors and lead workers will complete the Pillars training by April 1, 2013.
- The objective of Pillars is to develop broader competency in the university’s cadre of supervisors by offering uniform training on established content areas. This will be accomplished through the utilization of both external “subject matter expert” trainers and UHR trainers. This program is intended to attain maximum immediate effect – to develop knowledge and skills *and* change behaviors.

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Pillars will include the following content areas:

- ***Who are we and where are we going? The University in 2012 and beyond*** (i.e., organization/structure, culture of shared governance, foundational commitment to diversity and inclusion, Strategic Plan, Dr. Loh’s four points)
- ***Roles and Responsibilities of a UM Supervisor***
- ***Toward a healthy culture: respect and civility at the University***
- ***Your employees are your customers too: understanding what your employees need and developing your commitment to them***
- ***Communication 101: developing fluency downward, upward, and sideways***
- ***Getting the work done: positive supervision in a collective bargaining environment***

- *Conflict resolution in the workplace*
- *Maximizing PRD: coaching and performance management*
- *Tough Boss or Bully?* (content to be developed from SHRM research; this is a potentially rich topic to mine in an effort to build awareness and understanding)
- *Safety, security, and sexual harassment prevention at the University of Maryland*
- *The nuts and bolts of Staff Relations* (MOU, policies, time and attendance basics, fundamentals of discipline)

Notes:

1. A significant amount of the Pillars content has already been developed by UHR, and includes training on the workplace issues that have emerged through various employee feedback channels in 2011.
2. UHR will identify and market “bundles” of SkillSoft web-based training courses to complement the Pillars program (the SkillSoft catalogue is already available to UM employees 24/7). Examples of current SkillSoft catalogue offerings are “Coaching with Confidence,” “Essential Skills for Tomorrow’s Managers,” and “Delegation Skills.”
3. For supervisors who don’t use computers in the daily performance of their work, UHR will offer basic computer skills training on the Outlook email system, basic web surfing, and introduction to “Word,” “Excel,” and “SkillSoft.” This training will be classroom-based and taught by a facilitator.
4. UHR will develop and offer secondary content to augment Pillars for supervisors seeking continuous learning opportunities, and this may evolve into a second level of Pillars programming (contingent upon campus support). Examples may include: “Effective Selection and Interviewing Skills,” “Team Building to Maximize Employee Engagement,” “Understanding UM’s Career Opportunities to Help Develop Your Employees,” and “Project Management.”
5. UHR will implement a reorganization plan previously approved by former Vice President of Administrative Affairs Ann Wylie which proposed folding the Employee Training and Development unit back into the Staff Relations unit. Historically, the two functions fell under one unit in the old Personnel Services Department; then in 1998, the training function was split off in order to give greater emphasis to what was then the new campus PRD program. However, since collective bargaining came to the campus in 2001, it has become apparent that there should be a closer, more strategic programmatic link between staff relations and training, and this is the appropriate time to re-combine these two functional areas.

Pillars Funding Requirements

1. **Permanent funding is requested of the Vice President for Administrative Affairs** to support this Pillars supervisory development proposal, as well as provide additional programmatic support for UHR's Staff training and development programs (including ESOL, basic computer literacy, and future Pillars content).

Year	Description	Amount	Total
FY2012	Salary support for two permanent trainers, to begin on or about 1/1/2012 (@\$65,000 annual salary)	\$65,000	\$75,000 (FY2012)
	Operating support for two staff	\$10,000	
FY2013	Salary support to bring trainers to from half-year to full-year equivalence	\$65,000	\$65,000 (FY2013)
Total permanent funding requested of the VPAA:			\$140,000

2. **One-time funding is requested of the campus Finance Committee** to support mandatory Pillars supervisory development training, spread over FY2012 and FY2013, as follows:

Year	Description	Amount	Total
FY2012	Contract trainers (12 sessions/48 days of training=250 supervisors)	\$48,000	\$72,000 (FY2012)
	Assessment instruments, room rentals, materials	\$24,000	
FY2013	Contract trainers to supplement UHR trainers (40 sessions/160 days of training=800 supervisors)	\$80,000	\$120,000 (FY2013)
	Assessment instruments, room rentals, materials	\$40,000	
FY2014 (if needed)	Contract trainers	\$20,000	(If needed)
	Assessment instruments, room rentals, materials	\$12,000	
Total one-time funding requested of the Finance Committee:			\$192,000

3. **UHR will charge Pillars attendees \$100 per participant**, which will be paid by the employee's department. The fees will cover the costs of lunches and refreshment breaks.

Year	Description	Training Fees
FY2012	250 supervisors @ \$100 each	\$25,000
FY2013	800 supervisors @ \$100 each	\$80,000
Participation fees to be collected from departments:		\$105,000

Addendum

History of the UHR Leadership Development Institute

In 2002, University Human Resources implemented the first phase of the **University of Maryland Leadership Development Institute** to great fanfare. LDI was developed from a collaborative effort with the CQI-Quality of Worklife Coordinating Group intended to remedy challenges in the UM workforce by developing the skills and competencies of supervisors and managers. A climate survey at that time indicated low employee morale, attributed to a number of factors including marginal supervisory development.

Conceptually, LDI was initially developed as a three-tier program, with the first level being supervisory development, the second tier as a professional management practicum, and the third level as an executive leadership development program for senior administrators and executives. In 2002, when first presented with the full-spectrum LDI proposal, the Cabinet approved and funded the implementation of “Level One” (the “new supervisors” development program), with \$100,000 in permanent funding for University Human Resources. The total cost of attendance was \$1,500 per participant; the campus funding allowed the cost to be shared between the University and the employee’s department, with the University’s share being \$1,000 per attendee, and the sponsoring department’s share \$500 per attendee. The Cabinet felt strongly that this cost-sharing model ensured departments were fully invested and engaged in the development process of their supervisors.

The first year, UHR offered three Level One programs. Each “class” had 25 participants who had been nominated by their supervisors and who were accepted into LDI based on rigorous selection criteria, and with a commitment of strong engagement from their unit management. The program required attendance at LDI for a day a week for 12 weeks. Core competencies were developed by a team of expert external trainers who worked closely with UHR training staff, and LDI graduates returned as alumni to teach and mentor later classes. The results were very positive, and each enrollment session had long waitlists. There was a demonstrated excitement and commitment from the campus for the LDI program. And though only 75 students were enrolled in LDI that first year, it was evident that the program began to sow the seeds of change in new front-line supervisory.

Unfortunately, in FY2002, the campus entered into a decade of budget shortfalls resulting in years of deep cuts. As a discretionary matter, departments generally pulled back in their willingness to sponsor training for employees. UHR was not immune to the cuts, and within a year of initial implementation, UHR had to pare LDI-Level One to two sessions a year and reduce reliance on the external trainers who were intended to be a hallmark of the program. Several years later, LDI was cut to one session per year, and then in 2009, eliminated altogether. **The full campus allocation of \$100,000 was given back to the campus in a series of budget recissions.**

The Leadership Development Institute never realized anywhere close to its full potential before the cuts began, and yet **the workforce conditions first identified by the Quality of Worklife Coordinating Group in 2000 remained, and in fact worsened over the decade that followed their work.** **Additional factors have compounded staff morale issues: freezes on**

wages, furloughs, two hiring freezes that limited employee mobility, and reduced staffing levels that challenged units and employees to do more with less.

It wasn't simply that LDI funding that was cut; UHR's Employee Training and Development unit had 5.5 FTE at the time LDI was implemented in 2002. The unit was comprised of an Assistant Director, an LDI coordinator, an Adult Basic Learning coordinator responsible for ESOL and GED preparation programs, a "generalist" trainer that conducted PRD and other professional development training, a half-time ESOL instructor, and an administrative assistant. Following three budget recissions, the training unit headcount was reduced to two: an Assistant Director and an administrative support staff person. UHR's once-abundant and innovative staff training and development programs have suffered deep and disproportionate cuts to the point where only minimal programming is now offered to the campus. **The lack of quality training and development programs made available to campus staff over the past decade has had profound effects on UM's workforce.**

UHR's Employee Training & Development Unit
(Then and Now)

FY2002 (5.5 FTE)

Assistant Director for Training
Leadership Development Institute coordinator
Training coordinator – general professional development
Adult Basic Learning coordinator – ESOL and GED prep
ESOL instructor (.5 FTE)
Admin assistant/nonexempt support

FY2011 (2 FTE)

Assistant Director for Training
Admin/nonexempt support



UNIVERSITY OF
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May 5, 2011

Professor Linda Mabbs
Chair, University Senate
1100 Marie Mount Hall
University of Maryland
College Park, MD 20742-7541

Dear Chair Mabbs:

For many years, the challenges and issues faced by staff members, in particular non-exempt staff members, have been frequently discussed at Staff Affairs Committee meetings. The Staff Affairs Committee would like to recommend that a Task Force be created to conduct a detailed and careful review of the unique issues faced by non-exempt staff members at Maryland. This Task Force could include members from the Department of University Human Resources, Staff Ombuds Office, Staff Relations, the Senate Staff Affairs Committee, all four of the President's Commissions, CUSS, and other members of campus engaged in the overall well-being and interests of non-exempt staff members. Such a Task Force would need to conduct focus groups and/or open forums with non-exempt staff members in order to find out more about the severity of the issue regarding lack of understanding of campus processes, involvement opportunities, benefits and policies, etc. If the Senate Executive Committee determines that a Task Force is not feasible at this time, the Staff Affairs Committee respectfully requests that, at a minimum, a working group of the Department of University Human Resources be established to look into this matter further.

Any body created for such purpose should also be granted authority to work with all related units and groups involved with the creation of staff policy and departmental procedures for non-exempt staff members, including the American Federation of State, County, and Municipal Employees (AFSCME) as much as possible.

Recently, the Chair of the Council of University System Staff (CUSS) asked the Staff Affairs Committee to review the issue of low recognition of non-exempt employees on campus; this request was prompted by the low nomination rate of non-exempt staff members for the Board of Regents Staff Awards, an issue on which the Staff Affairs Committee continues to work. Additionally, the committee has been discussing the broader challenges faced by non-exempt staff members on campus, and the complexity of issues regarding inclusion and communication. As the standing committee of the Senate charged with continually reviewing campus policies affecting staff members and actively promoting orientation and opportunities for staff involvement in shared governance, this broad issue has been brought to our attention on numerous occasions.

The Staff Affairs Committee has continuously struggled with the fact that non-exempt staff members, particularly those without access to computers or workstations, have often stated that they feel "out-of-the-loop." These staff members cite that they are consistently unaware of opportunities they have on campus and are not receiving regular information about their rights and benefits. During recent discussions about such challenges, the Staff Affairs Committee was also made aware of the fact that many other committees and councils at the University have

been reviewing these same overarching concerns. For instance, the President's Commission on Ethnic and Minority Issues drafted notes regarding ongoing staff development issues following the Diversity Town Hall meeting in 2009. The President's Commission on Women's Issues also recently conducted research on staff development opportunities at other institutions, illustrating areas where the University of Maryland is lacking in terms of staff recognition and involvement. Additionally, the Staff Affairs Committee has conducted an institutional comparison on diversity and inclusion, the findings of which also pertain to these broader ideals. Both Commissions have expressly shared their support of the intention of our request in this letter.

The Staff Affairs Committee, as well as some of the President's Commissions, have noted that non-exempt staff members face difficulty in participating in elements of shared governance as they cannot easily receive permission to take time away from their workday duties to volunteer for service. However, because the issue of receiving time off to attend trainings and other activities falls under bargaining unit agreements, the committees and commissions have not investigated these areas further. As a body representing shared governance on campus, even the Senate itself often has difficulty reaching staff members who do not readily have access to email or the internet with information regarding elections, voting procedures, and access to mechanisms for submitting feedback. Issues and challenges faced by non-exempt staff members when attempting to make complaints about their work environments or professional circumstances were also recently emphasized in an anonymous letter sent to administrators by a Facilities Management employee, which was published in the University's student newspaper, *The Diamondback*, on March 31, 2011. In addition to this letter, it has been anecdotally shared on a number of occasions that many non-exempt staff members are seemingly unaware of campus policies and the processes and tools in place for grievance procedures and other important measures that directly impact their positions.

Several suggestions for better communication with non-exempt staff members have arisen in Staff Affairs Committee meetings, such as posting information on bulletin boards in break rooms, the re-instatement of printed benefits handbooks (also printed in Spanish, etc.), ongoing mini-orientations at monthly safety meetings, and the addition of closed-circuit television sets in break rooms to display information. Additionally, the committee, as well as many other bodies, believes that new employee and faculty orientations should be mandatory. While the feasibility and practicality of these suggestions vary from department to department, the core idea remains that actions need to be taken to create clear ways for better connections with non-exempt staff members, especially those who do not have access to regular email. It is our understanding that there are several hundred staff members on campus who do not have routine access to email.

Thank you for your consideration of this matter.

Sincerely,

Cynthia Shaw
Chair, University Senate Staff Affairs Committee

Enclosure(s):

PCEMI Notes on Staff Development Issues

Staff Affairs Spreadsheet of Peer Institution Comparison of Diversity and Inclusion Programming

PCWI Spreadsheet of Peer Institution Comparison of Professional Development Opportunities

CS/cb

Cc: Reka Montfort, Executive Secretary and Director, University Senate

Staff Development
Diversity Town Hall Briefing 2009
Administrators, Exempt and Non-Exempt

- Develop an assertiveness training program that empowers individuals to inform others if they aren't comfortable with a specific word, joke etc.
- Can there really only be one woman of color in FM Administration?
- Institute a formal mentor program or succession plan for new staff on diversity
- Provide opportunities "to learn how to talk with people different than myself, never really had education or training on communication with others different than me"
- We want to have the Non Exempt conference brought back. What happened to the Administrative Assistance Day Celebration?
- There should be a LDI training for non exempts who want to become managers.
- We need to have release time to attend diversity programs.
- Administrators do not include us in meetings or ask us to join important committees.
- More classes need to be given to Bosses that cannot speak Spanish.
- Why can't we evaluate our supervisors?
- We want a program that will help us get promoted and we need someone to listen to us rather than always siding with the supervisors.
- New employee and faculty orientations. Make them mandatory.

Appendix Two: Spreadsheet of Peer Institution Comparison of Diversity and Inclusion Programming

	A	B	C
1	Institution	Programs	Description
2	Duke	Managing Diversity at Duke: A Toolkit for Managers	10 PDF files that address issues such as strategies for cross cultural communication, creating a unit diversity working group and Diversity Measures for evaluating manager specific performance http://www.duke.edu/web/equity/diversity_managing.htm
3		Office for Institutional Equity Training Programs	Offers customized training for departments on subjects such as LGBT concerns in the workplace, self awareness and bias, challenging dialogues, and enhancing respect in the workplace http://www.duke.edu/web/equity/Diversity_eduOpp.htm
4		Office for Institutional Equity Resource Links page	includes commonly used definitions and terms, EEO reporting forms, and coaching clips, e.g. identifying and reducing subtle bias http://www.duke.edu/web/equity/Resources.htm
5	U Florida	Multicultural and Diversity Affairs	"Conversations with Black Faculty and Staff" opens the doors of communication between students and African American staff. This program is designed to help students network with faculty and staff in a setting outside of the classroom.
6		Diversity at Work Training	Nonmandatory workshop that educates departments and staff on making diversity work for them
7		Sexual harassment prevention training	Every new employee is expected to complete the online Preventing Sexual Harassment training, and all employees are encouraged to review the training if they would like a refresher.
8	U Illinois	Office of equal opportunity and access	Has links to policies, organizations and initiatives

	A	B	C
9		Inclusive Illinois Diversity Roundtable Series	conversations around, African American, Native American, and women's issues. Also sponsors a cross-community event geared towards deepening racial and cultural understanding. Participants will engage in brief, focused conversations centered around race and diversity on campus
10	U Michigan	Diversity web page	Has links to policies, organizations and initiatives, news and events, also has links to same info in Spanish http://www.diversity.umich.edu/about/
11		Building Great Places to Work Initiative	a website that provides ideas and tools to help departments enhance working climates across campus. The HR department staff will also provide custom workshops for individual units http://www.hr.umich.edu/greatplaces/why.html
12	U Maryland, Baltimore County	Office of Human Relations	Provides conflict/dispute management, sexual harassment training, leadership development, fair employment practices, and Affirmative Action implementation plans. The Human relations committee is made up of members from each senate and works with the office to advance its programs. http://www.umbc.edu/ola/hr/index.html
13	George Mason	Office of Equity and Diversity Services	Provides educational workshops that educates members of the campus community on their rights and responsibilities, specifically in regard to maintaining a learning and working environment free from illegal discrimination. Training is mandatory for all new hires and those up for promotion or tenure. http://equity.gmu.edu/
14	Georgetown	Office of Institutional Diversity, Equity & Affirmative Action	offers counseling to any member of the University community about personnel issues related to equity, diversity, and discrimination. All counseling is confidential. Counseling provides faculty, administrators, staff and students with information on federal, local anti-discrimination laws, university policies and procedures as well as specific advice on issues of individual concern.

	A	B	C
15			provides educational programs for any department, student and employee organization. also offers a series of discussions on timely topics to the university community.
16			"Promoting a Respectful Campus Community" is a University-wide anti-harassment online training program designed by and for Georgetown University faculty and staff. The training is mandatory.
17	UC Berkley	Initiative for Equity, Inclusion	Innovation grants for students, faculty, and staff to seed work in areas that advance equity, inclusion, and diversity
18		Faculty and Staff campus climate forum	charged to increase the collective understanding of the campus landscape in regards to climate. What's going well? Where are the gaps? Explore steps the Division of E&I and/or others could take to enhance campus climate.
19	UNC Chapel Hill	Office of Diversity and Multicultural Affairs	The Diversity Incentive Fund: designed to provide support for new, innovative and creative approaches to engaging a broad cross-section of the University community in issues related to diversity.
20		Consultations	Providing assistance with strategies and planning for encouraging/increasing diversity; conflict management assistance; best practices; planning & assessment; identifying readings and resources
21		Diversity Advocate Certificate	Attend Diversity 101 Training; Attend four (4) other diversity events on campus; Attend four (4) other diversity events on campus; Write a 250-word statement on your experiences of diversity, what you learned from the attended events, and/or how you sought to promote a diversity-friendly environment; All events must have been attended within two years of submitting the application

Appendix Three: PCWI Spreadsheet of Peer Institution Comparison of Professional Development Opportunities

	A	B	C	D
1	Institution	Programs	Description	Costs
2	Duke	Duke Leadership Academy	A 12-month program Offering emerging leaders from across the university the opportunity to focus on leadership and management styles and strategies and to learn from senior-level staff	Unavailable
3		Development and Support Resources	numerous job transfer support resources for staff looking for new challenges and opportunities, e.g, resume help, interview prep, mentor/mentee tips, etc.	Unavailable
4		First Time Supervisor Program	focuses on developing high-potential Duke staff who aspire to become supervisors or who will be moving into new supervisory roles, has classes, seminars, and OJT	Unavailable; an application process in involved
5		Office Staff Development Program	A 44-week program to help lower level clerical/administrative staff gain the skill needed to advance at Duke	borne by both the staff's department and the university; An application process in involved
6	Florida State	Training and Orginational Development	short in person and online workshops on par with UMD	borne by the participant's department
7	Illinois State	Training and Development	short in person and online workshops on par with UMD	born by the participant's department
8	Michigan	Leadership Development	Leadership courses usually about 3-hours long that have various topic, i.e., developing your leadership style, leading under pressure, delegating, etc.	borne by participant with tuition support available from their department; classes avg \$160
9		Personal and Professional Development	various 3-hour to all day courses that range from time management to presenation skills	borne by participant with tuition support available from their department; classes avg \$160
10		Compentency Training Tracks	Website under revision, no information available	N/A
11	Ohio State	Bridge Program	Program for employees with a high school education or equivalent. Class offerings are one core course dedicated to bridge student over three semesters, also have dedicated academic advisors	Fee authorization: similar to tuition remission, but incompleation or failure requires varying levels of forfeiture

	A	B	C	D
12		Faculty Staff Tuition Assistant Program	For enrollment in undergraduate, graduate or professional programs	Up to \$9000 per academic year for residents in undergraduate programs; for graduate programs, any amount over \$5250 is taxed. Also must reimburse the school if course is not completed with a passing grade
13	Penn State	Office Professional Certificate	a 40-hour program covering various topics such as time management, customer service, oral & written communication, etc.	\$475, borne by the department with supervisor permission
14		Master Supervision	a 63-hour program that offers seminars to develop skills for supervision other such as interviewing, staff review, managing meetings, etc.	\$475, borne by the department with supervisor permission
15		The Penn State Leader	an eight-hour program for both faculty and staff at all campus levels that cover topics on the concepts and principles of leadership	\$150, borne by the department with supervisor permission
16	UC-Berkley	Career Development for staff	Link broken or page currently down	N/A
17		Career Compass	A new initiative linked by three components: job standards, performance management and career development with the intent to standardize job responsibilities, the evaluation process, and the skills needed to perform the job, both employees in their current positions and those seeking to advance; workshops and training are involved	borne by the university
18		Berkley Staff Assembly (BSA) Mentorship Program	An application process open to BSA members only; BSA web link broken or down	N/A
19		Staff Learning and Development	there are standard resume and interviewing workshops run by the career center	borne by the university
20	Univeristy of Colorado	Leadership Development	Seminars that cover leadership style, dealing with conflict and reports	borne by the university
21		Jobs Skills development and enhancement	seminars covering topics such as communication, writing, running effective meetings, etc	borne by the university, with a \$25 administrative fee paid by the participants department

	A	B	C	D
22		Professional development Center	classes for personal development (e.g. Spanish 1); online training in Microsoft applications; specialized training (no offerings at this time); supervisory training, technical training (e.g. project management or Microsoft apps); Webinars	fees borne by student to cover operational costs of the center
23	UNC Chapel Hill	Clerical Skills Training Program	career development program for UNC employees who have minimal or no training in an office environment to gain skills to work in an entry level clerical position.	An application process, however; program is currently being revamped
24		Workplace Literacy Program	Offers small classes and self-paced study on writing and computer skills	borne by university
25		Mentoring Resources	Offers support mechanisms for monitoring success, i.e., training materials, departmental consultations and development programs	Unavailable
26		Professional development and Training	Offers courses on general and specific topics for both faculty and staff, examples: managerial skills, instructional technology, environmental health and safety, and financial systems training	borne by the participants department with supervisor permission
27		Leadership Education and Development (U-LEAD)	a nine-week comprehensive program that addresses core characteristics and skills needed to lead effectively in an academic environment	borne by the university; but an application process limited to those with a minimum of three years managerial experience
28	USC	Professional Development	covering topics such as basic writing, computer skills, the basics of supervision, understanding power relationships, decoding USC's strategic plan	borne by the university
29		Trojan Leadership Academy	a new highly customized, experiential leadership and management development program; no specifics	N/A