

# Supervisor 101

Part 2: Basic Employment Law, Discipline Process, and Managing Performance (The Six Steps to Managing Others, Effective ePDPs, and Performance Improvement Plans (PIP))

# Employment Law

# Employer Rights

We have the right (and obligation) to manage our departments to the best of our ability.

# Employer Rights

- Full and exclusive control of the management of the University, the supervision of all the operations, the methods, processes, and means of performing any and all work, the control of the property and the composition, assignment, direction, and determination of the size of its working forces;

# We Have the Right to:

- change or introduce new or improved operations, methods, means or facilities;

# We Have the Right to:

- hire, schedule, promote, reassign, transfer, release, and lay off staff members;

# We Have the Right to:

- suspend, discipline, and discharge staff members for cause;

# We Have the Right to:

- establish rules and regulations which shall be published and issued to each staff member or posted on bulletin boards and it is understood that the rules include any illegal acts;



# We Have the Right to:

- subcontract such portions of the work which may be done by bargaining unit staff members as the University deems to be in its best interest; and to otherwise maintain an orderly, effective and efficient conduct of its affairs.

# It's the Law

As a supervisor at Grand Valley State University, you are expected to comply with federal and state employment laws.

Make sure that you:

- Treat all persons fairly and legally
- Act within the parameters of University policy and procedure
- Do not overstep your authority
  - Spending, contracts, hiring, firing etc.

# Discrimination

Cannot discriminate in any terms of employment on the basis of:

- Age
- Sex
- Pregnancy
- Race
- National Origin
- Religion
- Disability
- Veteran Status
- Sexual Orientation

Title VII makes it illegal to discriminate against any protected class in regards to the terms, conditions, or privileges of employment.

Discrimination is treating, or proposing to treat, someone unfavorably based on a personal characteristic protected by law.

BFOQ's

# Harassment

Federal and state laws prohibit harassment on :

- Age
- Sex
- Pregnancy
- Race
- National Origin
- Religion
- Disability
- Veteran Status
- Sexual Orientation

Harassment can be :

- Quid pro quo
- Hostile Work Environment
  - Physical, Verbal, Visual

The harasser can be supervisor, supervisor in another area, an agent of the organization, a coworker, or **non-employee**.

If you receive a complaint, immediately contact HR. We **must investigate all complaints**.

There is to be NO retaliation of any kind.

# Harassment

- Employers may not discriminate against qualified individuals who, with or without reasonable accommodation, can perform the essential functions of the job.
- Disability is:
  - Substantial impairment of a major life activity
  - A record of such a disability
  - Regarded as having such an impairment
- It is the employee's responsibility to request a reasonable accommodation.
- We must *consider* all requested accommodations.

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We must *consider* all requested accommodations.

Can an employer ask if someone has a disability?

Can someone be temporarily disabled?

What about alcohol and drug addiction?

# Case Studies

# Case Study A

Elizabeth is a Mormon. During a disagreement regarding a joint project, a co-worker (Sam), told Elizabeth that she didn't know what she was talking about and should "go back to Salt Lake City."

When Elizabeth subsequently proposes a different approach to the project, Sam tells her that her ideas are "flaky" as would be expected from "her kind."

# Case Study **B**

Pam, a staff member, regularly engages in friendly small talk with Ahmed, an international post-doc.

Ahmed's culture is more formal, with defined rules for male-female interactions. He views Pam's conversations with him as romantic interest.

One day, Ahmed hugs Pam and discloses his attraction to her. Pam is upset and files a complaint.



# Case Study C

Mary Ann is a department chair. She reserves a private room at a local restaurant for the departmental holiday dinner.

At the dinner, a faculty member (Eric) becomes inebriated and starts loudly commenting to another faculty member (Ron) about female staff member's physical attributes. Another staff member, Carl, overhears the exchange.

The next day, Carl shares his concerns with Mary Ann about Eric's comments.

# Case Study **D**

Veronica is the chief editor of a popular woman's lifestyle magazine. Every Thursday night, she asks a group of her female subordinates out for drinks and to "go partying" on the town.

Elliot, a male coworker, is never asked to go with the Veronica's merry gang and has been told that "it's a girl thing."

# Case Study E

A large automotive parts manufacturer recently finds out that the process it uses to make car batteries exposes workers to a potentially dangerous chemical. The chemical has been linked to elevated instances of birth defects in the children whose mothers have been exposed to the chemical within two years of giving birth.

The management, out of concern for their female employees, ban any females from the battery production process and assign them to other jobs.

# Discipline Process

# Employment Definitions

## At Will

- An employee can be terminated for any reason and without warning

## For Cause Employer

- An employee is terminated for any actions that are considered to be grave misconduct
- Examples:
  - Violation of policy
  - Falsifying records
  - Violence or threatening violence
  - Stealing money or property
  - Lying
  - Harassment

# Discipline Process

## Step 1: Verbal Warning

- Discuss issue employee
- Set expectations
- Document the conversation
- Send a copy to HR ??

## Step 2: Written Warning

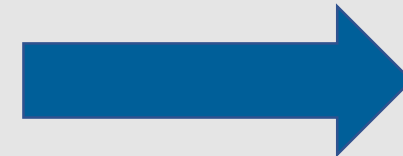
- Contact HR
- Discuss the issue
- Set expectations
- Document the conversation/ warning, details and action toward correction
- Send a copy to HR

## Step 3: Disciplinary Layoff

- Contact HR
- Not to exceed 5 work days
- When applicable employees are entitled to union representation when discipline is imposed

## Step 4: Termination

- Contact HR
- Employee will be notified of charges against them
- Pre-termination hearing, with union representation when applicable



# Seven Tests of Just Cause

- Reasonable rule
- Notice
- Sufficient Investigation
- Fair Investigation
- Proof
- Equal Treatment
- Appropriate Discipline

# Loudermill Hearing

- In *Cleveland Board of Education v. Loudermill*, (1985), the Supreme Court held that employees with a property interest in their jobs are entitled to certain **due process rights** prior to termination. These rights include oral or written notice of the charges against them, an explanation of the employer's evidence, and an opportunity to be heard in response to the proposed action. *Loudermill* rights are applicable in instances when the employee may have a loss of pay, such as suspension, termination, or demotion.

Loudermill applies only to government institutions.



# Managing Performance

# Exercise: Identify a Challenge



Identify a performance challenge you have with an employee, team member, or your self.

# The Framework

1. Set Expectations
2. Give Feedback
3. Provide Resources
4. Provide Training & Development
5. Assess Job Fit
6. Address Motivation

Easy



Hard

# Set Expectations

- Get S.M.A.R.T
- Competency Modeling
- Mission, Vision, Values
- Stories/Promotions
- Integration with systems



# Give Feedback

- Personal
  - Specific, Behavioral, and Timely
  - Start with Heart
  - Practice CPR
- Institutional
  - Dashboards
  - Line-of-Sight
  - Customer Stories
  - Evaluations



# Give Feedback

Effective feedback is:

- In private\*
- Balanced
- Relevant
- Specific
- Documented
- Personal\*\*

## Formal Feedback Steps

- Set time and place
- Prepare documentation
- Start the meeting
- Outline change or offer praise
- Check for understanding
- Follow up

\*Praise in public; “punish” in private

\*\*The right person, not generalities

# Common Evaluation Questions

- Should I put more emphasis on the results the employee achieved or how they did the job?
- What are rating errors?
- How should I consider the performance of someone new in their job? Should they be evaluated the same as someone who's been in their role a long time?
- How should I open the appraisal discussion?
- How should I open the discussion if the evaluation has “bad news?”
- How should I react if the employee starts to cry?

# Provide Resources

- Money
- People
- Time
- Authority
- Information
- Influence
- “Cover”





# Provide Training and Development

- Workshops and Classes
  - Excellence Series
  - IT workshops
  - Departmental offerings
  - Academic participation
  - Conferences
- OJT
- Job Aids
- Mentoring
- Coaching



# Provide Training and Development

- PSS Development Credit and Pay
  - Provide the opportunity for PSS to attend trainings to obtain development credit
- PSS Development Credit Approvals
  - Supervisors need to review and assess trainings submitted in the portal to ensure they qualify for credit
  - Must go above and beyond the employee's normal duties – Not required
  - Trainings listed in the portal may not automatically be eligible for credit
    - Some trainings may be required for one person, but go above and beyond for another
- Examples: Handshake, Difficult Conversations, CMS4

# Ensure Job Fit

- Cultural Fit
- Personal/Job Fit
  - Personality
  - Behavioral
  - Aptitudes



# Address Motivation

## Intrinsic

- Sense of *competence*
- Sense of *control*
- Sense of *progress*
- Sense of *purpose*



## Extrinsic

- *Rewards* such as money, awards, accolades, plum assignments
- *Punishments* such as suspension, termination, poor assignments, undesirable shifts, criticism



# Performance & Compensation

- AP/Faculty – ePDP
  - Merit raises based on ePDP
- MGS – Supervisor evaluations/Contract
  - Increases bargained in contract and outlined in appendix tables
- PSS – ePDP/Contract
  - Increases bargained in agreement and outlines in appendix tables
  - Development Pay – available once employee has reached top step
    - Must meet the qualifications to receive by completing appropriate type and number of development programs
    - Supervisors need to approve programs for employees to receive credit – tool to ensure programs being attended go above and beyond job requirements

# The Framework Revisited

1. Set Expectations
2. Give Feedback
3. Provide Resources
4. Provide Training & Development
5. Assess Job Fit
6. Address Motivation

Easy



Hard

# Questions?

# Contact Information

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