MINUTES
University Staff Congress
10.19.15

All members present with the following exceptions:

EXCUSED ABSENT: Morris (107), A. Thorp (109), Schueller (134), R. Childs (140), L. Martinez (142), J. Yanzapanta (145), B. Molinar (176), J. Cooper (185), A. Rosas (192), D. E. Schafer (202), T. Walker (205), J. Whitesel (USEC – 3)

ABSENT: D. Scovill (132), K. Woelke (136), M. Adem (139), M. Jacobson (141), M. Diebold (149), G. Goplin (173), L. Jones (193), R. Pond (USEC – 8)

In addition, 5 Alternates were present.

At 2:30PM, Vice Chancellor Bazzell called the October meeting of the University Staff Congress to order.

Representative of USEC Seat 1 moved to approve the draft Minutes of the September meeting. A second to the motion was heard.

Representative of District 111 requested a correction regarding her statement in relation to a request for a future agenda item, stating that she said “re-definition” rather than “definition” of Operational Areas. Secretary replied he would be pleased to make the change.

Representative of District 174 stated that there needs to be a change in previous meeting draft for attendance.

Representative of District 124 noted that while the content of the draft Minutes was accurate, the grammar and punctuation often was not, and suggested the campus Writing Center be engaged to improve the quality of the Minutes.

Vice Chancellor Bazzell called for a vote on the motion. All in Favor. MOTION CARRIED.

Vice Chancellor Bazzell paused to accept public comments. None sought recognition.

Vice Chancellor Bazzell provided a report to the Congress in which noted the strong representation of the shared governance groups that participated in the joint shared governance reception held earlier in the month. Vice Chancellor Bazzell also commented on the public launch of the largest fundraising campaign the UW has ever undertaken and which will be conducted over the next five years. Vice Chancellor Bazzell noted the introduction of legislation that would allow for the carrying of concealed weapons into campus buildings and informed the Congress that the UW-PD has already issued a statement in opposition to such legislation. Vice Chancellor Bazzell concluded by asking the members of Congress to inform their constituents about the UW-Madison Wellness Symposium, the first of its kind, which will take place on 28 October.
Representative of District 124 inquired if employees could participate in the Wellness Symposium without loss of pay. Reply was in the affirmative.

Representative of USEC Seat 5 referenced the recent financial gifts to the University that were dedicated to benefit Faculty and inquired if there were any future plans for compensation that might benefit University Staff. Reply came that nothing can be announced today but interest remains in providing some sort of compensation in the future.

Representative of USEC Seat 5 clarified that compensation should be considered beyond just ‘merit pay,’ although such compensation would also be welcome if that is the only source available. Reply came that the one option not available to the Administration is across the board raises, so compensation would have to take some other form than that.

Representative of District 130 inquired if it would be possible to allow for health insurance payments to be split among two checks, rather than deducted all from one check as is now planned. Representative stated that since the Trades have their payments arranged this way; it should be possible for the rest of University Staff. Reply came that this option will be investigated and a reply provided to the Office of the Secretary who will distribute it.

Vice Chancellor Bazzell recognized Mr. Russell Kutz for a report from the Executive Committee.

Mr. Kutz noted that there would be no regular Thursday meeting of the Executive Committee so that its members and others may have the opportunity to attend the UW-System Strategic Planning Listening Session. Mr. Kutz also informed the Congress of his meeting with shared governance leaders of other campuses who signed on to the resolution opposing legislation that would ban use of fetal tissue/stem cell line research. Mr. Kutz provided the history and background of University Staff shared governance involvement in the progression of the crafting of a policy on hostile and intimidating behaviors.

Representative of District 124 expressed the need for mass transit options so that members of the University Staff could attend such off-campus events as the Strategic Planning session.

Mr. Kutz introduced Mr. Bob Lavigna of the Office of Human Resources for the purpose of discussing proposed changes to the Wisconsin Civil Service System. Upon introduction applause was heard in the hall.

Mr. Lavigna noted that the law authorizing the HR Design changes on campus allowed creating a system separate from the State and therefore those proposals for Civil Service reform at the State level do not change that. Mr. Lavigna clarified that in regard to reinstatement, the current proposal eliminates the eligibility of employees to move to State positions without competition. Mr. Lavigna stated that as of now, employees on the roles can choose between the existing State process and the campus process when it comes to grievances. This could affect the campus employees who choose the State process if it is affected by the proposed changes. Mr. Lavigna concluded that OHR and the Office of Legal Affairs will continue to monitor the proposed changes and progress of the legislation.
Representative of District 124 stated that historically the State of Wisconsin has a record of strengthening rather than weakening workplace protections. Representative noted that management was part of the process to limit work weeks to 40 hours and guarantee compensation. Representative also mentioned that it was a legal process which was a part of union representation. Representative concluded that this history is an example of what a unified workplace that includes administration, staff and supervisors can accomplish.

Representative of USEC Seat 4 inquired if the proposals affect the layoff process.

Reply came that the changes proposed to due process and layoff will not affect campus employees.

Representative of USEC Seat 5 noted that there are Operational Areas with only 1 or 2 employees in them and wanted to know if employees can still transfer to other universities.

Reply came that the transfer option is gone.

Representative of District 111 inquired about proposed changes to retirement.

Reply came that if changes were made to the retirement requirements it would affect UW employees as they are still in the system. It was noted that it has been reported that changes are proposed to raise the retirement from 55 to 57 and that such a change would go into effect after 5 years.

Vice Chancellor Bazzell introduced Sherry Boeger, for the purpose of providing a report on the services of the Employee Assistance Office.

Ms. Boeger described the EAO as an internal resource that provides counseling to both employees and their family members. Ms. Boeger noted that the employees of EAO are licensed counselors and that the office is experiencing an increase in request for services. Ms. Boeger introduced EAO employee Charles LaTorre who offered brief remarks regarding his training and background. The role of the OMBUDS office for employees was also mentioned and Mr. Dale Burke provided some brief remarks to detail how the office operates and noted that brochures that provided more detailed information were available in the Office of the Secretary. Ms. Boeger urged Congressional Representatives to reach out to their constituents regarding the availability of the services of these offices.

Representative of District 124 noted that she had used the services of both the EAO and the OMBUDS and spoke positively of their value.

Representative of District 101 inquired as to the definition of staff and if it includes students.

Reply came that anyone who receives a paycheck is eligible and that students are usually referred to Campus Health Services.

Representative of District 203 asked for clarity regarding confidentiality. It was noted that employees had expressed concern in the past over this issue.
Reply came that conversations in the office are confidential and supervisors know only about the office appointment, not the details of the conversation and information does not go into personnel files.

Representative of District 124 asked for a clarification of the office hours of EAP.

Reply came that normal office hours are 8:00AM to 5:00PM, but that 2nd and 3rd shift employees can make appointments earlier by request and evening hours can also be occasionally accommodated.

Mr. Dale Burke of the OMBUDS office noted that as the office conducts its initial contact via phone, there are no regular set office hours and that people who call and leave a message at 265.9992 will have their calls returned within 24 hours and a meeting time and place will be determined.

At the conclusion of the appearance by Ms. Boeger, Mr. LaTorre and Mr. Burke, applause was heard in the hall.

Representative of USEC Seat 5 stated that all employees of the university should be treated equally.

Vice Chancellor Bazzell introduced Mr. Bruce Goldade, Chair of the Congressional Bylaws Committee, for the purpose of providing a report from that committee.

Mr. Goldade informed the Congress that the first meeting of the committee took place on 16 October at which a working draft was approved and a schedule of weekly meetings set. Mr. Goldade introduced the members of the committee to the Congress.

Representative of District 124 inquired about the availability of the minutes of the previous committee.

Secretary responded that the Minutes are posted online but if any Representative could not find the information they wanted they could contact the Office of the Secretary directly and that all documents are a matter of public record.

Representative of District 112 inquired as to how the overlap of Congressional bylaws in drafting and existing bylaws of the Executive Committee will be reconciled.

Reply came that this issue has not be specifically addressed yet, but it was determined that the Executive Committee Bylaws will be a section of the Congressional Bylaws document.

Vice Chancellor Bazzell opened discussion on the action items portion of the agenda.

Motion was heard from the floor to approve the Hostile and Intimidating Behaviors Policy and a second was also heard.

Representative of District 124 regarding definitions, Hostile and Intimidating shared governance without representation may be suffering from intimidating behaviors.

Representative of USEC Seat 4 noted that the questions in regard to the policy that were raised by the HR Design Policy Advisory Committee were answered by the Office of Legal Affairs in writing and the document containing those answers was provided to members of Congress. Representative also noted
that the draft of the Participation and Leave Policy was currently in the vetting stage among campus stakeholders.

Vice Chancellor Bazzell replied that under the Hostile and Intimidating Behavior Policy, the University Staff should have acknowledgment of their rights to participate but the Hostile and Intimidating Behaviors Policy may not apply in all circumstances.

Representative of District 124 acknowledged and appreciated the support of Shared Governance by the Vice Chancellor.

Representative of USEC Seat 4 stated that she was prepared to vote ‘no’ on the motion to approve the policy because while she is confident that the current members of the Administration can be trusted to carry out the policy properly, future administrations may not interpret the policy in the same way.

Representative of USEC Seat 5 moved to amend the policy to read: “Supervisors who have had a verified hostile/intimidating complaint filed against them by an employee who reports directly to them, are ineligible to complete an employee evaluation regarding that employee as part of performance management.”

A second was heard. Representative of USEC Seat 5 stated that people will be afraid to file complaint as it may have a negative impact on future compensation based on performance reviews conducted by supervisors who violated the policy.

Representative of District 124 questioned the necessity of the amendment, stating that issues could be resolved on an informal basis. Representative also noted that if the supervisor is unable to conduct reviews, the employee may get an inaccurate review from someone unfamiliar with the employee.

Representative of USEC Seat 5 stated that if a filed complaint has not been resolved between a supervisor and employee, someone else would have to evaluate the employee to be fair.

Representative of District 201 raised the question of the definition of “verified complaint” and expressed concern that the phrase was too vague.

Representative of District 203 expressed agreement with the remarks of the Representative of District 201 and stated their belief that the amendment would make annual reporting difficult.

Representative of USEC Seat 4 noted the difficulty that arises from supervisors who bully who have the responsibility of preparing performance evaluations.

Representative of USEC Seat 7 stated amendment could have unintended consequences and may prevent a report from being filed at all which would in turn put allow for no increased compensation at all.

Representative of District 166 expressed concern that in regard to the word “supervisor” the terms at DOIT have been changed to a host of new titles.
Representative of District 203 stated that as a supervisor that in terms of writing reviews it is about ability to do the job as spelled out in the job description and it is not personal. Representative expressed concern that the amendment will hamper supervisors from performing their duties.

Representative of District 110 stated that both sides in the debate over the amendment have expressed valid points and suggested an amendment could be offered that would satisfy both sides.

Representative of District 197 inquired as to what methods of disputing an unfair review exist and also warned against creating a situation in which employees who are no longer accountable as all employees should be.

Representative of District 101 inquired if employee performance reviews can be challenged.

Vice Chancellor Bazzell noted that reviews are not grievable.

Representative of District 101 stated that that would appear to be an area that needs to be adjusted.

Representative of USEC Seat 1 stated that employees can submit a written statement of challenges to a review.

Representative of USEC Seat 4 suggested that the whole policy needs greater review to ensure the proper checks and balances are included.

Representative of District 133 stated that he believed the policy now is lacking and needs to be rewritten.

Representative of USEC Seat 1 stated that you can file grievances and have a second party be present.

Representative of District 102 stated their support for the policy and feels that the policy does have a purpose.

Representative of District 124 described a situation they had experienced which she believed illustrated the advantage of having the availability of an informal process.

Representative of USEC Seat 4 stated that if there is no intimidation existing between supervisors and employees then there is no use in having the policy. Representative suggested that it may be appropriate to table the draft or send it back to committee.

Representative of USEC Seat 5 noted that in the previous Congress the Representative of District 127 attempted to make performance evaluations grievable but it was rejected.

Representative of District 103 policy indicates immediate supervisor can be skipped over if they are the person exhibiting the behavior in question.

Representative of District 111 stated that the current balance of power is uneven in the favor of the supervisors and anything that helps even that balance for employees is favorable.
Representative of District 114 cautioned against tabling the vote on the policy stating that there needs to be a policy on the books and it can always be amended at a later date if deemed necessary.

Representative of District 159 expressed concern about supervisors being eliminated from the process.

Representative of District 112 expressed agreement with the previous speaker stating that the person most familiar with the work of the employee should be the person conducting the evaluations.

Representative of District 152 described a situation in which an aggressive supervisor was moved to a different department and repeated their behavior there. Representative expressed concern over the type of performance reviews that will be generated by this individual.

Representative of District 162 stated that the policy needs more work and agrees with the idea of tabling. Representative of District 191 stated their concern regarding the possibility that disgruntled employees will get together to plan the filing of complaints. Representative raised concern over the definition of the word “verified” in the amendment and questioned what “verified” means and who attests to this “verification”. Representative also inquired as to what the appeals process might be and for how long a ban would last regarding supervisor’s inability to conduct performance reviews.

Representative concluded that while he supports the spirit of the amendment, he viewed it as incomplete and with too many unanswered questions.

Representative of USEC Seat 5 moved to postpone action on the Hostile and Intimidating Behaviors Policy until next month. A second was heard. Ayes were ruled to be in the majority. MOTION CARRIED.

Vice Chancellor Bazzell recognized Congressional Liaison Jake Rebholz for the purpose of accepting District Reports and soliciting suggestions for future agenda items.

Mr. Rebholz stated he was prepared to recognize anyone who wished to summarize a district meeting report.None sought recognition. Mr. Rebholz then offered to take suggestions for future agenda items.

Representative of District 124 stated she was interested in reviewing and discussing the ‘to-do’ list of the Executive Committee.

Reply came that the ‘to-do’ list was considered an internal document of the Executive Committee to assist them with their work and was not necessarily intended to be forwarded to the Congress for discussion on the floor. Mr. Rebholz suggested the Representative reach out directly to the Chair of the Executive Committee if she wished to discuss the content of the list in greater detail.

Representative of District 112 requested a briefing on the Association of American Universities Sexual Assault Climate Survey Task Force Report.

Representative of District 133 suggested that Representatives share information with their constituents regarding open enrollment.

Representative of District 101 suggested Congressional action to oppose proposed legislation allowing the carrying of a concealed weapon into campus buildings.
Reply came that it would be appropriate to monitor the situation to see if the proposed legislation appears to be advancing before action is taken.

At 4:03PM, Vice Chancellor Bazzell entertained a motion to adjourn. Motion to adjourn, and a second, was heard. All in Favor. MOTION CARRIED.

Minutes prepared and submitted by: J. Lease / Secretary