MINUTES
UW-Madison Classified Staff Congress
03.23.15

All Representatives recorded as ‘present,’ with the following exceptions:

Excused Absent: D. Vanblarcom (102), K. Bach (104), D. Morris (107), A. Schueller (134), S. Frey (139), J. Dederich (147), M. Fay (168), J. Kind (178), J. Haas (184), B. Koerber (188), B. Schenkel (190), C. DeMontigny (198), K. Breuer (202), D. Esquivel Vindas (206)

Absent: G. Hietpas (110), D. McNicol (114), C. Long (124), A. Yingling (128), C. Larson (130), M. Monroe (135), R. Childs (140), D. Dhondup (141), J. Moreno (143), P. Dowd (148), M. Diebold (149), J. Bergeman (150), C. Ripp (154), T. Callaci (167), E. Plato (171), T. O’Brien (172)

In addition, 10 Alternates were present.

At 2:30pm, Vice Chancellor Bazzell called the meeting to order.

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

Vice Chancellor Bazzell recognized Mr. Keith Kerl, Chair of the Personnel Policies and Procedures Committee, for the purpose of providing a briefing on the Probationary Policy draft.

Mr. Kerl provided a summary of the committee’s composition as well as the deliberations and action taken by the committee in regard to the policy.

Representative of CSEC Seat 1 made a motion to approve the Probationary Policy. Second was heard.

Representative of CSEC Seat 5 noted under a point of personal privilege that it was 104 years ago on March 25th that 149 workers died in the Triangle Factory fire. Representative of CSEC Seat 5 asked Mr. Kerl if the vote at the committee level to approve the policy was unanimous.

Mr. Kerl replied that the vote was not unanimous, as one member opposed and another abstained.

Representative of CSEC Seat 5 asked if Mr. Kerl could explain why the member of the committee voted in opposition.

Mr. Kerl said he could not state why specifically the member opposed the policy.

Representative of District 133 stated that he served on the committee and voted in opposition to the Probationary Policy draft based on the language contained in the ‘right to return’ section and that a 30 day limit in regard to right to return was “ridiculous”. Representative also noted that he had heard from his constituents who did not like the language in the policy.

Representative of CSEC Seat 4 stated her agreement with the concerns of the Representative of District 133. Representative expressed her concern that the policy leaves a person stuck in their current job.
unless they want to risk their career at the university. Representative moved to amend the draft to change the policy to read “same pay range” rather than “same title” under ‘Right to Return’ on page 3.

Mr. Mark Walters of the Office of Human Resources stated that if a position is filled in 30 days then another position that is the equivalent would be created but that typically a position is not filled within the 30 days from when the employee left.

Representative of CSEC Seat 4 stated that transfer should say equivalent and should be on both lines in the draft in order to clarify.

Vice Chancellor Bazzell replied that the current policy means a person can move back to their old position in 30 days, regardless of reason, if they were to leave a new job that is not working out.

Representative of CSEC Seat 4 expressed concern that current language reads as if you can only return if you have transferred to a job of the same title.

Mr. Mark Walters replied that if you move to another position that is the same title series and fail probation, you can go back to the same title you are in.

Representative of CSEC Seat 4 reiterated her concerns.

Vote was taken on motion to amend. Ayes were ruled to be in majority. Abstention was recorded. MOTION CARRIED.

Representative of District 197 moved to change ”should” to “will” under ‘probationary period’ on page 1 of the draft. Second was heard.

Representative of CSEC Seat 4 offered a friendly amendment to also change “should” to “will” on page 3 as well.

Vote was taken on the motion to amend. Ayes were ruled to be in the majority. Abstention was heard. MOTION CARRIED.

Representative of District 197 moved to change “30 days” to “60 days” in the section ‘Right to Return’. Second was heard.

Representative of District 111 offered a friendly amendment that the supervisory portion remain at “30 days” for purposes of evaluation.

Representative of District 197 stated agreement that supervisors should provide a written assessment at the 30 day mark.

Vice Chancellor inquired if the person who made the second agreed. Affirmative reply was heard.

Representative of CSEC Seat 5 asked that in terms of appointment, does it mean the day you start the job, or the day you are informed you have the job.
Vice Chancellor Bazzell confirmed that it is his understanding that it is the day your start the job.

Representative of CSEC Seat 7 clarified ‘right to return’ is an employee choice to go back to their old position should the new one not be a good fit, and that most people know within 30 days if a position is a good fit.

Vote was taken on the motion to amend. Ayes were ruled in the majority. Abstention recorded. MOTION CARRIED.

Representative of District 111 moved to change “operational area” under ‘Probationary Periods’ on page one to “employing unit”. A second was heard.

Vote was taken on the motion to amend. Ayes were ruled to be in majority. An abstention was recorded. MOTION CARRIED.

Representative of District 133 moved to amend the definition of ‘appointment date’ as the day employee begins work.

A second to the motion was heard.

Representative of CSEC Seat 7 offered a friendly amendment that it should be “effective date” of new appointment. Maker of motion and seconder of motion stated approval.

Vote was taken on the motion to amend. All voted in favor with an abstention being recorded. MOTION CARRIED.

Representative of District 137 asked for a clarification regarding the language “inability to fully evaluate performance”.

Mr. Patrick Sheehan of the Office of Human Resources stated that this refers to something unexpected interrupting the evaluation process, such as being hired to work with a software package that is dropped by the university during your probationary period.

Representative of District 137 stated that the way it reads it sound as if the supervisor simply didn’t have time to complete the evaluation and could extend probation.

Mr. Sheehan replied that was not the intent and would have to be approved by central human resources and would be quite unusual.

Representative of District 111 moved to change “Division” to “employing unit” under ‘probationary periods’ section of the draft. A second to the motion was heard.

Representative of CSEC Seat 7 stated that terms used in colleges, schools, or division doesn’t fit in this instance as all are employing units.

Vote was taken on the motion to amend. Nays were ruled to be in the majority after a hand count of credential cards. An abstention was recorded. MOTION FAILED.
Representative of District 176 asked why there are terms in the definition section which are not defined.

Mr. Patrick Sheehan replied that definitions are interdependent on other policy drafts that have yet to be confirmed.

Representative of District 176 inquired if when those policies are finalized the definitions will be completed and inserted into this policy draft.

Mr. Sheehan replied in the affirmative.

Representative of District 182 asked for a clarification in the document on page 4 of the term “serious in nature”.

Mr. Sheehan clarified that an employee is ‘at will’ during this period. Mr. Sheehan further replied that “serious in nature” means aberrant behavior, such as theft, violence or other violations which would be beyond workplace training opportunities to correct.

Representatives of District 182 moved to strike the first sentence on page 4.

A second to the motion was heard.

Representative of District 182 asked if it is correct that if a person on probation can’t improve their performance they can just be terminated.

Mr. Sheehan stated that that is incorrect and is explained on page 3 in detail.

Representative of District 182 withdrew his motion.

Representative of CSEC Seat 4 asked for clarification regarding permissive probation.

Mr. Sheehan replied that if an employee enters a new position and accepts another position within their same title, which can be shortened at the request of the employing unit, it would be an expectation that an employee would serve a probationary period.

Representative of District 111 stated that in her district positions have retitled and employees have to reapply and return to a position without ever having changed jobs. Representative asked if you have to reapply and compete with outside applicants due to reclassification.

Mr. Sheehan replied that there is no provision that requires an employee to reapply for their current position and serve a probationary period.

Representative of CSEC Seat 1 noted that under right to return, language was inserted allowing employee to contact a Dean or Director to ask if they could be taken back.

Representative of District 142 stated that it is important that within 90 days an employee feel comfortable and has necessary support from supervisors.
Representative of District 113 asked for clarification as to why on page 2 the language only applies to Blue Collar.

Mr. Sheehan replied that because of the large number of Blue Collar positions that move between shifts.

Representative of District 113 moved to delete “Blue Collar” from title and section of ‘multi-shift transfers’. A second to the motion was heard.

Representative of CSEC Seat 1 asked for an explanation regarding the motion.

Representative of District 113 replied that the motion is appropriate as the draft reads between same title and same division and administrative support also have second shift employees so the policy should not be limited to “Blue Collar”

Representative of CSEC Seat 4 spoke in favor of the motion and urged its passage.

Vote was taken on the motion to amend. Ayes were ruled to be in the majority. An abstention was recorded. MOTION CARRIED.

Representative of District 176 moved to change the 4th page, 2nd paragraph, ‘release during probationary period’ to read “60 days” rather than “30 days”. A second was heard.

Vote was taken on the motion to amend. All in favor with the notation of an abstention. MOTION CARRIED.

Representative of District 192 stated that employing unit versus division can be confusing as it means different things to different people and suggested using division throughout the draft as it has a consistent meaning.

Vice Chancellor Bazzell noted that a motion to change the language on page 1 would require a motion to reconsider.

Representative of CSEC Seat 4 moved to reconsider. A second was heard.

Representative of District 111 stated that employing unit was defined in the last document and spoke in opposition to the amendment.

Representative of District 197 spoke in opposition to use of the word ‘division’ as it is too broad.

Representative of CSEC Seat 4 noted that the use of the term ‘division’ is broader and thus allows for more opportunities if jobs are eliminated.

Representative of District 194 stated that she understood that a previous meeting approved the use of the current OSER definition which allows it to be broad.

Representative of District 164 suggested a definition in the document should read “employing unit = division”.
Representative of District 192 stated that she believes most people understand what is meant by division.

Representative of District 142 stated that when it comes to employing unit it doesn’t matter where it is located but division is not always the same in the administrative area so concepts must be well defined and understood.

Representative of District 151 stated it is often tricky to understand differences between division and unit.

Representative of District 170 clarified that there are 32 divisions on the Madison campus and they are very large categories.

Representative of CSEC Seat 4 stated that UDDS numbers should be used in defining divisions.

Vote was taken regarding the amendment. Ayes were ruled to be in the majority after a hand count of credential cards. Abstention was recorded. MOTION CARRIED.

Representative of CSEC Seat 1 made a motion to insert the word “division” in place of “operational area”. A second was heard.

Representative of District 174 spoke in favor of using the word division as it would provide greater opportunity rather than narrowing things for employees.

Representative of District 113 clarified that this applies to this document only.

Vice Chancellor Bazzell replied in the affirmative.

Representative of District 197 asked what division designation is for the Memorial Union.

Vice Chancellor Bazzell responded that by this definition the entire Union is one Division.

Representative of District 197 noted that he could be put any place in the Union and therefore the use of the word ‘division’ does not work for everyone, his case being an example.

Vice Chancellor Bazzell clarified that restoration includes keeping a person in the same job title.

Mr. Sheehan replied that it only applies to restoration and that in the case discussed, a person could be brought back any place in the Union where that title has been posted.

Representative of District 133 stated that if in the future if OSER is going to have a diminished role and if the campus would determine them on their own then time should be spent examining the definitions to avoid confusion.

Representative of District 142 stated that in the division concept there are different areas.

Representative of District 192 stated that employing unit and division are synonymous terms whereas operational area is much more specific.
Vote on the motion to amend was taken. All in favor with an abstention recorded. MOTION CARRIED.

Representative of CSEC Seat 5 asked for clarification on the last line of the section ‘release during probation period’ found on page 4 of the document.

Mr. Sheehan replied that a person could not be released without an intermediary step unless there was a serious violation such as assaulting a co-worker. Mr. Sheehan stated that if an employee felt that the policy was not being adhered to during probation it could be grieved.

Representative of CSEC Seat 5 asked if it is correct that you can’t grieve the conclusion of a supervisor in this regard.

Mr. Sheehan replied that he could conceive that there could be a scenario where that is possible.

Representative of CSEC Seat 1 gave an example of uniform policy that an employee refused to comply with then that could not be grieved if the employee had been properly notified.

Representative of CSEC Seat 5 moved to change “six months” to “three months” and stated that a three month probation was standard practice in the private sector. Representative cited his own experience of having a previous employer where the probation period was 30 days.

Representative of CSEC Seat 1 noted that the Personnel Policies and Procedures Committee had taken action to change the original draft from a one year probationary period to a six month probationary period. Representative further stated that some campus jobs are cyclical in nature and difficult to evaluate in a three month period.

Representative of District 185 stated agreement with the six month duration and noted that some English Language Learning Employees take longer to adapt to positions.

Representative of District 145 stated agreement with the proposal of a three month probationary period.

Representative of District 197 noted that for some positions three months is enough but others need the six month duration to correct behavior issues.

Representative of CSEC Seat 8 stated that a three month probation period would lead to more probation failures.

Representative of District 120 stated that he believed the discussion should be addressing the waiver of probation.

Representative of CSEC Seat 1 stated that probation is not punitive and that longer periods allow for success.

Representative of District 151 spoke in favor of a six month probationary period.
Representative of CSEC Seat 5 noted that the private sector is ahead of the university in this regard and expressed concern about what appeared to be the inability to change from policies of the past and stated this is a reason why the university experiences high turnover. Representative stated that he had previously inquired of OHR as to how many employees had ever requested a longer probation period and the answer was zero.

Representative of CSEC 4 spoke in favor of a six month probationary period noting the need for repetition of reports. Representative urged defeat of the amendment and suggested a change to the last sentence to give the option waive any portion other than the first three months of a probationary period.

Representative of District 152 spoke in favor of a three month probationary period and stated that if a person can’t decide if an employee is qualified in three months then the person may not be as good a supervisor as they think themselves to be.

Representative of CSEC Seat 9 stated that she took offense that it was implied that if supervisors can’t approve a person after three months then they are a bad supervisor. Representative stated that there are complex positions and in some cases a six month period is not enough.

Representative of District 109 spoke in favor of a six month probationary period saying that three months is detrimental to those who have a slower learning curve and concluded that six months is a reasonable compromise between periods that are either too short or too long.

Representative of District 142 stated that a three month period is appropriate for those who have jobs which consist of similar tasks and a six month period is appropriate for those who have jobs with a complex set of tasks that alter throughout the year.

Representative of District 152 apologized if any of her remarks caused anyone to be offended.

Representative of District 176 stated that as she understood it, there would be a minimum probationary period of three months but that divisions can decide a longer period is needed for certain positions.

Vice Chancellor stated that the way the amendment reads the question of how to extend is not clear. The assumption of the current policy draft is that the minimum is six months but a supervisor could work with OHR to establish a longer period.

Representative of District 176 offered a friendly amendment stating that the probationary period may be greater than three months be inserted in the second sentence of the portion of the draft up for amendment.

Vice Chancellor stated that a probationary period could be from three months to one year after a supervisor consults with OHR

Mr. Walters confirmed this as correct.

The maker of the motion and the second agreed to the amendment as friendly.
Representative of District 142 moved to amend the amendment to read that a person whose job consists of similar duties on a daily basis be subject to a three month probation period and a person with multiple duties in their job is subject to a six month probation period. Second was heard.

Vice Chancellor noted that the body was within the absence of one member of losing a quorum.

Secretary suggested a quorum was no longer in affect with the departure of additional Representatives.

At 4:10pm, Representative of District 170 moved to adjourn the meeting. All in Favor. MOTION CARRIED.

Minutes prepared and submitted by: J. Lease / Secretary