



Human Resources 101

A Practical Guide to Fair & Legal Supervision

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Housekeeping

- Restroom locations
- Cell phones to vibrate
- Break about half way through



Getting to Know You

- Work with a partner—see page 2
 - What are your two most important job responsibilities?
 - What are your personal goals for this session?



What is HR Management?

- The function performed in organizations that facilitates the most effective use of people (employees) to achieve organizational and individual goals



Training Goals

- Identify the basic legal responsibilities of a supervisor
- Review UF policies
- List the progressive steps in the UF disciplinary process



EEO Laws

How EEO Laws Affect Employment Decisions



It's Illegal to Make Employment Decisions Based on:

- Age
- Race
- Color
- Religion
- Pregnancy
- Veteran status
- Sex
- Disability
- National origin
- Marital status
- UF policy adds sexual orientation



EEO Laws Affect All Employment Practices

- Hiring
- Promoting
- Training
- Disciplining
- Providing benefits
- Firing



The Goal of Hiring

- Select the person most qualified to . . .
 - Perform the job's essential functions
 - Contribute to the organization's success



Nondiscriminatory Hiring Practices

- Focus on the job's key tasks and responsibilities
- Avoid trying to “read between the lines” when reviewing applications or resumes



It's Illegal to . . .

- ❑ Refuse to hire based on sex, age, race, etc.
- ❑ Make employment decisions based on appearance, accent, religion or ethnic background
- ❑ Discriminate based on citizenship status



It's Illegal to . . .

- ❑ Make employment decisions based on a woman's current or potential future pregnancy
- ❑ Pay women less than men for the same job
- ❑ Reject a qualified disabled candidate for a job based solely on the person's disability



Focus Interview Questions on . . .

- The skills and abilities required by the job
- The applicant's qualifications for the job



Avoid Discriminatory Questions

- “How old are you?”
- “When were you born?”
- “Is English your native language?”
- “Are you planning to have children?”
- “Do you have any serious health problems or restrictions?”

Fair Labor Standards Act



What is the FLSA?

- Defines and controls:
 - Minimum wages
 - Training wages
 - Overtime hours and rates
- Regulates:
 - Child labor
 - Equal pay for both sexes



Two Types of Employees

Non-exempt vs. Exempt



USPS and TEAMS Employees

□ Non-Exempt

- Hourly rate of pay
- Weekly punch or time card

□ Exempt

- Annual rate of pay
- USPS employees complete weekly elapsed (to earn special/regular compensatory leave)



Non-Exempt Employees

- Work over 40 hours in the workweek
 - Overtime pay
 - Cash payment
 - 1½ times hourly wage
 - Compensatory leave
 - Earned at “time and a half”
 - 120-hour limit



Exempt USPS Employees

- Work over 40 hours in the workweek
 - Eligible for regular compensatory leave
 - Hour-for-hour basis
 - 120-hour limit
 - No cash value
 - Special comp also provided in the event of work on holidays, etc.

Americans with Disabilities Act



Gives Disabled People Equal Access to Job Opportunities

- Hiring
- Firing
- Promoting
- Benefits
- Training



Disabled Individuals Have Equal Job Opportunities When:

- They meet a job's legitimate requirements for skill, experience, etc.
- They can perform a job's essential functions with or without reasonable accommodations



Emphasize Ability

- Base all employment decisions on an employee's ability to perform essential job functions
- Don't make assumptions about what a person can or cannot do



Reasonable Accommodations

- Rearranging the office environment
- Acquiring or modifying equipment
- Providing qualified readers or interpreters

Family and Medical Leave Act



What is the FMLA?

- Federal law designed to protect employees when leave is required due to:
 - Serious medical situations/ serious health condition of employee, parent, spouse, or child
 - Birth or adoption of a child
 - Foster care
 - Military provision: “Qualifying exigency” arising out of employee, parent, spouse, or child’s active duty status



In order to qualify:

- Employee must be employed for one year AND worked a minimum of 1250 hours during that year
- Full-time employees:
 - 12 workweeks, or 480 hours, per fiscal year (not per incident), from when FMLA leave begins
- Part-time employees
 - Time off is prorated (ex. .50 FTE=240 hours)



FMLA Leave Options

- Complete absence-
 - Continuous/ongoing leave
- Sporadic/intermittent absence
 - Leave taken in separate periods (medical appointments, physical therapy, medical episodes)
- Reduced work schedule
 - Reduction in working hours per workweek for a specific period of time



Under the FMLA . . .

- Departments **must** approve leave for qualifying events unless the employee has already used the FMLA entitlement for the year
- Doctor determines if medical condition qualifies for FMLA and its parameters with Certification of Healthcare Provider form
- Accurate record keeping is essential to keep track of entitlement



Employee's Rights while on FMLA

- ❑ FMLA is an entitlement provided by law
- ❑ Right to return to same or equivalent position, with same pay, benefits, and responsibilities
- ❑ FMLA designated absences cannot be considered when making promotional or merit decisions, or writing evaluations
- ❑ Employees cannot be disciplined or rated down on attendance if out due to FMLA occurrence



Employee Rights (continued)

- An employee may have multiple FMLA qualifying events at the same time and/or in the same fiscal year (July 1-June 30)
- Employee must be allowed to use EITHER sick or vacation leave for qualifying condition absences (no comp time)



FMLA Entitlement Year

- Full-time employees:
 - 12 workweeks, or 480 hours, from when FMLA leave begins

- Part-time employees
 - FMLA entitlement
 - Time off is prorated



UF Extensions

□ Parental leave

- UF policy grants 6 months
- Supervisors must approve 6 months for parental leave even though the FMLA only requires 12 weeks



UF Extensions

- Medical
 - For self or immediate family
 - Possible extension of leave beyond 12 workweeks



UF Extensions

- FMLA-qualifying
 - Employee, parent, spouse, child
- Immediate family
 - Spouse, domestic partner, great-grandparents, grandparents, parents, brothers, sisters, children, and grandchildren of employee and spouse or domestic partner
 - “Step” relations are also included



University of Florida Policies

www.hr.ufl.edu/handbook



UF Zero Tolerance Policies

Drug-Free Workplace

Sexual Harassment

Workplace Violence



Drug-Free Workplace

The University of Florida is committed to providing a campus environment free of the abuse of alcohol and the illegal use of alcohol and other drugs



Violation of the Policy

- Grounds for disciplinary action up to and including termination
- May be reason for evaluation and treatment for substance abuse referral or prosecution



Signs and Symptoms of Drug and/or Alcohol Abuse

- Job changing
- Work quality
- Hygiene
- Absenteeism
- Accidents
- Mood changes
- Productivity
- Work area
- Theft



What You Can Do

- Use normal performance monitoring and corrective action procedures when dealing with these indicators
- Allow employees to explain and improve
- Document each conversation



What You Can Do

- Make it clear that the employee must decide whether he/she needs help
- Refer employees to the Employee Assistance Program (EAP)



How Can EAP Help?

- By offering professional and confidential counseling to UF employees who have concerns about:
 - Workplace conflict
 - Alcoholism or drug misuse
 - Health or financial difficulties
 - Relationships or family concerns
 - Other worries

Sexual Harassment



Sexual Harassment

- Unwelcome sexual conduct
 - *Quid pro quo*
 - Hostile work environment
- Illegal under the Civil Rights Act, Title VII
- Is defined by the actions result, not the intent



Supervisory Responsibilities

Include, but are not limited to

- Set an example for appropriate behavior in the workplace
- Support and enforce the UF sexual harassment policy
- Take immediate action in sexual harassment situations



Reporting Sexual Harassment

- UF supervisors are required to report allegations
 - Kim Baxley, Director for EEO and Administration, 392-1075
 - Employee Relations, 392-1072



Zero Tolerance

- Sexual harassment
- False complaints of sexual harassment
- Retaliation against anyone who makes a sexual harassment complaint



Workplace Violence

It is an essential goal of the University of Florida to maintain a safe and comfortable workplace and academic setting



Workplace Violence

- ❑ Violent acts
- ❑ Threats (direct or implied)
- ❑ Unlawful harassment
- ❑ Verbal or physical abuse
- ❑ Stalking
- ❑ Intimidation



Prevention

- Pre-employment screening
 - Verify education and work history
 - Criminal background checks
- Observe early warning signs
- Take all threats seriously



Reporting

- Immediate threats
 - On campus, call UPD at 392-1111
 - Off campus, call local law enforcement or 911
- Behavioral concerns
 - Faculty and Staff, call the IFAS HR office at (352) 392-4777
 - Students, call IFAS HR office who will consult with you and the college the student is associated with



Performance Appraisals

UF's performance appraisal system is designed to improve communication between supervisors and employees



Performance Appraisal

- Assessment of employee's:
 - Ability to fulfill responsibilities
 - Ability to meet behavioral and conduct standards
 - Importance of accurate appraisals: merit, layoff, etc

The pro-active response to
behavior discrepancies!



Appraisals (continued)

- Should be written in February
- Should be issued in March
 - Schedule in middle of the month
 - Employee must sign and date in March
 - Send to HR
- Assess all year long with mini-meetings in order to ensure evaluations are a complete assessment (monthly? quarterly?)



Practice Good Discipline

Fair, consistent, legal



Discipline Process at UF

UF encourages all staff members to contribute to a positive and productive work environment. With this in mind, the university has established performance standards



Why Discipline?

- Correct and improve, not punish
- Protect employees and employers
 - Safety rules
 - “Zero tolerance” policies
 - Work standards



Resources

- Contact Employee Relations office to discuss any issues you think are progressing to discipline
- No issue is too “dumb” or insignificant to call for. We are here to help you.
- Document, document, document.
- Understand that it will be a thorough and specific process



Categories for Discipline

- Attendance
- Misconduct
- Performance (TEAMS)
- Negligence/Incompetence
- Medical



Progressive Discipline

- Counseling Letter
- Oral reprimand
- Written reprimand
- Suspension
- Dismissal



Oral Reprimand

- Memo Format
- Documents Discussion
- Employee Relations Creates For You
- Employee Gets Copy, Send Copy to ER
- No Restrictions After Issuance



Written Reprimand

- Narrative, letter format
- Employee Relations Creates for You
- Employee not eligible to apply for, or accept, any positions for 6 months
- Lists more details and previous issues



Suspension

- Almost always 3 days with no pay
- Letter format
- Process:
 - Proposed Suspension
 - Predetermination Meeting (ER attends)
 - Notice of Suspension
 - TEAMS employees get a SVP Confirmation of Suspension



Dismissal

- Letter Format
- Process
 - Proposed Dismissal
 - Predetermination Meeting (ER attends)
 - Notice of Dismissal
 - TEAMS employees get a SVP Confirmation of Dismissal



Notes

- All actions are completed in conjunction with ER
- Suspensions and Dismissals are reviewed with the UF Office of Human Resource Services
- All items are signed by employee acknowledging receipt. If they refuse to sign....



Employee Options for Appeal

- Appeal for Oral and Written
 - Employee may add a response to be filed with disciplinary action
 - Employee may file a complaint or grievance involving the action



Employee Options for Appeal

- Appeal for Suspensions and Dismissal
 - Predetermination Meeting
 - TEAMS employee's case reviewed by SVP
 - Arbitration
 - General Counsel involved
 - Process of Arbitration
 - Cost of Arbitration

TEAMS Appointments (Contracts) at UF



New Hires and Appointments

- All new staff employees are hired as TEAMS employees unless faculty or OPS
- All new-hires serve an initial probation period of 6 months. No appointment is completed at hire. (TEAMS employees do not serve any further probation period as long as they are continually employed with no break in service)
- Remember, this probationary period is when they are supposed to impress you. Deficiencies now mean problems later. Don't let pass probation thinking they will get better.
- At the end of the probation, a TEAMS Appointment is completed beginning with the date after the last day of the probationary period and ending with the date one year from the last date of probationary period



New Hires Continued

- Probationary period may be extended for up to 6 additional months but must be for a good reason and approved through the Employee Relations office.
- The appointment must be for a 12 month period
 - Exception for Time Limited positions with a duration of less than 12 months and non-renewal process



Appointment non-renewal

- If department wants to initiate a non-renewal of an appointment they MUST call Employee Relations to discuss.
- Request from department is reviewed by Employee Relations, VP of HR and Sr. VP IFAS.
- Non-renewals are not used in place of good management practices or disciplinary process.



Non-renewal continued

- If after review of the case, non-renewal is processed, the employee will receive a 3-month notice
 - Employee may continue work in present capacity for the 3-month period
 - Employee may be transferred to a different position of same level and pay during the 3-month notice period
 - Employee may be “bought out” and paid salary, less taxes, for what they would have earned during the 3-month notice period



IFAS Employee Relations Satellite Office

- Leticia Forster, Manager, Employee Relations, Office of Human Resource Services
- (352) 392-4777
- lyforster@ufl.edu



Today We . . .

- Identified the basic legal responsibilities of a supervisor
- Reviewed UF policies
- Reviewed the progressive steps in the UF disciplinary process
- Reviewed the appraisal process
- Discussed many HR issues in the workplace



Thank You for Attending!

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