



STAFF SENATE

Thursday, August 31, 2017
Meeting Minutes

CALL TO ORDER

President Fraser called the Tech Staff Senate to order on Thursday, August 31, 2017, at 9:00 a.m. in Baz Tech 204.

ROLL CALL

Senators Present:

Rachel Alexander
Sandra Anderson
Brandi Collins
Pam Cooper
Andrea Eubanks
Brittany Flippo
Lindelle Fraser
Tammy Guarino

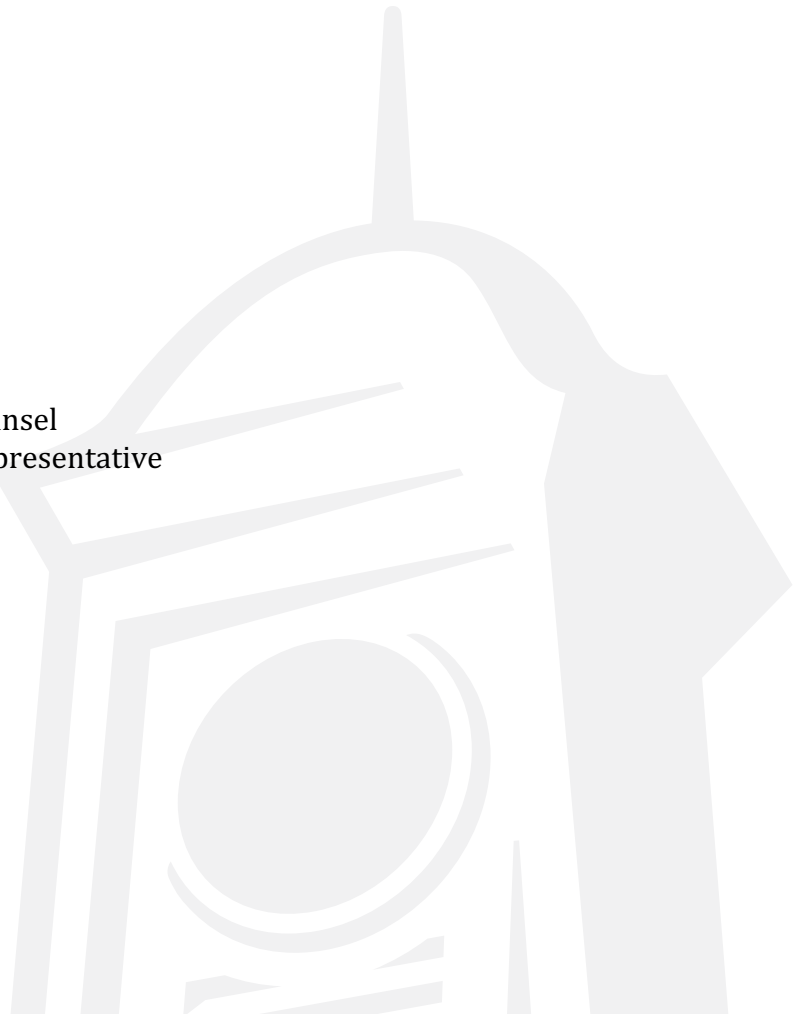
Margie Link
Clay Moore
Jeff Mumert
Jeff Nichols
Julia Pope
Hope Vilavanh
Bettye Williamson

Senators Absent:

Shawna Davis
Tiffany Henry
James Higgs
Brittany Martin
Rhonda Rodgers

Visitor(s):

Thomas Pennington, University Counsel
Jennifer Thomas, Ozark Campus Representative





OLD BUSINESS

Grievance Procedure

Thomas Pennington, University Counsel, started the meeting with his comments regarding proposed changes to the current grievance procedure. Mr. Pennington discussed the current grievance procedure as having three to four cases per year with most cases being filed at the end of the semester or during the spring semester. Mr. Pennington indicated that part-time and extra labor will be included as part of the grievance procedure. President Fraser asked that the statement regarding “1,000 hours per year” be removed.

Informal

Mr. Pennington stated that “three (3) business days” as listed in the grievance procedure is not a University mandated time frame and can be changed. Senators unanimously agreed that the time frame should be changed to ten (10) business days.

Mr. Pennington agreed that adding a human resources mediator as part of the informal grievance procedure is important to ensure that a mutually agreeable outcome is reached and also protects all parties involved.

Mr. Pennington indicated that the “immediate supervisor” in step two of the informal grievance procedure should include the appropriate associate dean, director and/or vice president. Mr. Pennington agreed that the statement regarding “alleged sexual harassment or alleged sexual misconduct” should be changed to include all types of harassment.

Formal

Step two (2) and three (3) will be stricken from the formal grievance procedure. Mr. Pennington suggested that the grievance committee consist of six (6) members. Two (2) members from the Staff Senate Grievance Committee pool. Mr. Pennington will serve as an advisor for the Staff Senate Grievance Committee pool in regards to appropriate conduct and line of questioning, but will not be acting as legal counsel.

A conflict of interest statement will be added to ensure the decision making process is objective. Any Staff Senate member with a conflict of interest, such as a spouse or employee working in the same department, should report the conflict of interest to the Staff Senate President so another member can be selected. Mr. Pennington suggested that terms be considered once a year for members serving on the grievance committee. President Fraser indicated that term limits for grievance committee members will be put on the agenda to discuss at a future meeting.



The third member of the grievance committee will be selected by the Chief of Staff. The Director of Human Resources will serve as secretary and have no vote. The Affirmative Action Officer will serve as an advisor and have no vote.

Mr. Pennington agreed that court reporter costs associated with a formal grievance hearing should be paid for by the appropriate vice president. Mr. Pennington was very supportive of the changes to remove cross examination between supervisor and grievant and agreed that the grievant/employee should be allowed to present closing statements at the end of the hearing.

Mr. Pennington will make the following revisions:

Section 4.A.c., the word “grievant” will be added to be included with “respondent.”

Section 4.A.g., Mr. Pennington added the University’s statement regarding zero tolerance for retaliation. Mr. Pennington will also add language that any documented retaliation will be investigated and subject to disciplinary action.

Section 4.A.i., the word “respondent” will replace “supervisor.”

Section 4.D, any cross examination by the grievant or respondent will be stricken.

Section 4.F, any cross examination by the grievant or respondent will be stricken.

Section 4.G, any cross examination by the grievant or respondent will be stricken.

Section 4.I, the word “respondent” will replace “supervisor.”

Section 4.J, any cross examination by the grievant or respondent will be stricken.

Section 4.L, the word “respondent” will replace “supervisor” and any cross examination by the grievant or respondent will be stricken.

Section 4.M, any cross examination by the grievant or respondent will be stricken.

Section 4.P and 4.Q, will be changed so that the supervisor is first in presenting closing statements and the grievant is last to present closing statements with the

option to allow the chair discretion in extending permission to the alleged to respond to any additional, relevant allegations.

Section 5 and 6, the time limit of “three (3) business days” will be changed to 30 days for a final decision in order to give the grievance committee time to meet with all parties involved and gather relevant information. Mr. Pennington indicated that discrimination law allows for up to 180 days for review and a final decision.

Section 7, Senators unanimously agreed that in the case of a grievance against the University President, the Board of Trustees will act as the supervisor for the final decision. Mr. Pennington indicated that some colleges end with the President and others end with the Board of Trustees. Mr. Pennington agreed that in the case of a grievance against the University President, the Board of Trustees is the most impartial option. The Board of Trustees will make a final decision and/or consider any appeals in executive session, with the option for the grievant and supervisor to be present.

Mr. Pennington thanked Staff Senate for contributing and in doing so ensuring that the grievance procedure is equitable for all employees. Mr. Pennington will make final revisions to the grievance procedure and send to Staff Senate at a later date.

NEW BUSINESS

Salary/Payroll Policy

Page 4, 40.02, Monthly, Biweekly, and Hourly Salaries policy prevents lump sum payments, so employee cannot receive more than one-half of their salary.

Page 5, 40.03, Obtaining a Set Off From State Income Tax policy does not address employees who are paid early, but do not work thirty (30) days.

Page 6, 40.04, Overtime Pay policy. Mr. Pennington stated that while overtime pay is mandated by an Arkansas Statute, the statute does not indicate that overtime pay is prohibited. Federal law allows for compensation of time and a half for every hour worked over 40 hours and does not indicate that overtime pay is prohibited. Federal law does not include holiday pay, sick or vacation leave.

Mr. Pennington asked Senator Flippo, Payroll and Special Services, for her feedback on comp time being submitted. Senator Flippo said that overall the understanding and utilization of comp time has improved.



Senator Nichols, Building Maintenance, indicated that based on his work schedule and overtime required for his job, he cannot even use all of his vacation pay, so comp time ends up not used under the current thirty (30) day requirement. Senator Nichols used the highway department as an example of a state entity that no longer uses comp time and pays employees for overtime.

Senator Link indicated that according to the Federal Fair Labor Standards Act on page two (2), "If an employee in either category exceeds the maximum established, they must be compensated in cash payment for any hours in excess of the 240/480 limit."

Mr. Pennington agreed that there are benefits for overtime pay versus the use of comp time that would allow for employees to be compensated for hours that may be lost and would increase the supervisor's oversight of comp time being used. Mr. Pennington cautioned that there are also disadvantages for overtime pay in regards to the amount of money needed to compensate employees who work a lot of overtime hours and the financial burden that may be placed on departmental budgets.

The issue of time management and who is eligible for overtime pay needs to be evaluated. Maintaining a work balance with salaried employees who are not eligible for comp time is important. Defining who is eligible for comp time will be challenging and the following scenarios would need to be considered: supervisors of at least two or more employees, student workers, and non-classified employees.

Outside of critical personnel, the question was raised in regards to use of cell phones after work hours. There is currently no policy in place; it is enforced at the discretion of each department/supervisor.

Mr. Pennington asked Senator Flippo if there is a way to look at comp time submitted/used in the last 24 months, taking out all employee information. Senator Flippo indicated that Human Resources is required to calculate the total hours of comp time per month and should have a report. Senator Flippo will work with Mr. Pennington to access reports and basic information about comp time submitted/used as a starting point.

Page 7, 40.15, Pay Out of Annual, Sick and Holiday policy will be revised to include all classified and non-classified employees. Staff Senate previously approved compensation for unused sick leave at retirement. Senator Cooper asked for clarification if an employee is terminated. Mr. Pennington agreed that the wording is vague and needs to be clear that a terminated employee is not eligible for pay out benefits.



Page 11, 40.07, Retroactive Pay Prohibited policy as determined by state law. Mr. Pennington provided an example of raises and bonuses being exempt from retroactive pay as mandated by state law.

ANNOUNCEMENTS

Mr. Pennington will access non-classified salary statistics and reports regarding comp time used/submitted for the next Staff Senate meeting to review. Mr. Pennington will also provide the next section of the Staff Handbook for review at the next Staff Senate meeting.

GOOD AND WELFARE

Our next regular meeting will be Wednesday, September 6, 2017, at 10:00 a.m. in Baz Tech 204.

ADJOURNMENT

President Fraser adjourned the meeting at 10:01 a.m.

Respectfully submitted,

Julia Pope, Secretary

