Welcome to Employee and Labor Relations New Employee Orientation!
Employee & Labor Relations’ (ELR) mission is to promote a cohesive, effective and high-performing workplace.

ELR provides guidance and assistance to non-faculty employees and managers in administering FSU’s policies and procedures, to support the University's mission, vision and strategic goals.
• ELR consults with employees and management to foster a positive and productive work environment.
• We provide guidance to managers on performance management and the University's progressive disciplinary process.
• We also provide confidential assistance to employees with questions or concerns about work-related issues.
• ELR supports administrative processes such as performance evaluations, disputes, grievances, and appeals.
• We investigate and resolve employee related complaints by providing conflict resolution options.
• Our office also manages the Commercial Driver’s License Drug & Alcohol Testing Program.
• and negotiates, administers and ensures compliance with the University's collective bargaining agreements.
During this presentation, we will discuss Pay Plans, Performance Evaluations, Guidelines for Disciplinary Action, Collective Bargaining and Complaint Resolution Options.
Overview – 4 Pay Plans

1. Administrative and Professional (A&P)
2. University Support Personnel System (USPS)
3. Faculty
4. Other Personal Services (OPS)

There are 4 specific pay plans. They are Administrative and Professional (A&P), University Support Personnel System (USPS), Faculty, and Other Personal Services (OPS) pay plans. Each Pay Plan has different terms and conditions of employment.
The first pay plan is the Administrative and Professional pay plan. An A&P employee is one whose duties and functions are primarily professional or administrative in nature. A&P Exempt employees are considered “exempt” from the Fair Labor Standards Act, which means that for any hours worked over 40 hours in a workweek, they do not receive overtime wages.

A&P non-exempt employees are covered by the Fair Labor Standards Act, meaning they must receive overtime compensation (usually 1.5 times their regular rate of pay or 1.5 hours of compensatory leave time) for every hour worked over 40 hours in a single workweek.
A&P employees do not serve a probationary period, but instead work on a contract. Should a contract end for any reason, E&G or “hard money” funded, A&P employees with more than 5 years of service in the A&P pay plan have the right to 20 weeks’ notice. 1-5 years of service, an A&P employee has the right to 12 weeks’ notice. With less than 1 year of service an A&P employee has the right to 4 weeks’ notice. The University has the option to buy-out the notice period and issue the employee a lump sum payment. University policy requires supervisors to contact ELR prior to terminating any non-faculty employee.
The second pay plan is the University Support Personnel System pay plan. USPS non-exempt employees are covered by the Fair Labor Standards Act and for any hours worked over 40 hours in a workweek, must receive overtime wages or compensatory time. USPS Exempt employees are not covered by the Fair Labor Standards Act, but receive straight time wages or compensatory time for any hours worked over 40 in a workweek.

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<th><strong>USPS NON-EXEMPT</strong></th>
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<td>Covered by Fair Labor Standards Act</td>
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The Office of Faculty Development and Advancement serves faculty members in providing information about academic policies, which include but are not limited to, faculty development and sabbaticals, faculty appointments and procedures, outside employment, dual compensation, promotion, tenure, faculty assignments, and faculty evaluations. Faculty members are considered “exempt” from the Fair Labor Standards Act, which means that for any hours worked over 40 hours in a workweek, they do not receive overtime wages.
Other Personal Services (OPS)

- OPS is at-will, temporary employment. May be separated from employment at any time, notice or reason is not required. Layoff rights do not apply.
- Subject to the non-discrimination and sexual harassment policies and procedures.
- Eligible OPS employees are covered under Federal Family and Medical Leave Act, Americans with Disabilities Act and the Workers Compensation Law.

Other Personal Services, or OPS, is the fourth pay plan for temporary, hourly, at-will employees. An OPS employee may be separated from employment at any time. Notice or reason for termination is not required and layoff rights do not apply. OPS employees are subject to the non-discrimination and sexual harassment policies and procedures. Eligible OPS employees are covered under the Federal Family and Medical Leave Act, Americans with Disabilities Act and the Workers Compensation Law.
Florida Statute and FSU policy state, that each salaried public employee must have, at minimum, one annual performance evaluation. The employee must receive an oral and written assessment of their performance. The performance evaluation contains:

- FSU Behavioral Expectations
- Position Responsibilities
- Position Competencies
- Goals
- Overall Summary

Section 1 covers “FSU’s Behavioral Expectations”. These are 7 defined, work-related behaviors every employee is expected to exhibit

Section 2 relates to “Responsibilities”, as described in each employee’s specific position description

Section 3 details “Competencies”: The knowledge, skills, and abilities required for the position

Section 4, “Goals” is optional

Section 5 is an “Overall Summary”
A&P Annual Performance Evaluations

- Evaluated annually in August by immediate supervisor
- Evaluations completed in OMNI using online ePerformance module
- Ratings:
  - Exemplary
  - Above Satisfactory
  - Satisfactory
  - Below Satisfactory

A&P employee evaluations are conducted each year in August. These must be completed online using the ePerformance module in OMNI. The rater is generally the employee’s immediate supervisor. The overall rating factors for A&P evaluations include: Exemplary, Above Satisfactory, Satisfactory, and Below Satisfactory.
USPS employees serve a 6-month probationary period, with the exception of police officers, who serve a 1 year probationary period. The probation period is considered an extension of the hiring process, which means that during the probationary period, the employee is considered “at-will” and can be terminated at any time without the right to appeal the termination. Probationary evaluations should be completed within 30 days prior to the end of the probationary period. Two things happen when a USPS employee completes their probation period: the employee receives regular USPS status in the system and also in the classification to which they are appointed.

A probationary period may be extended for up to 6 additional months, in 60 day intervals for additional training, below performance, or for an approved leave of absence.

Each time a USPS employee changes classifications, another probationary period for that new classification must be completed.
Following the probationary period, USPS employees are evaluated annually in January. Evaluations must be completed using the online performance evaluation module, ePerformance, available in FSU’s HR/Payroll System called OMNI. The rater is generally the employee’s immediate supervisor, with review and approval from the higher level supervisor. The overall rating factors for USPS evaluations include: Exemplary, Above Satisfactory, Satisfactory, and Below Satisfactory.
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Guidelines for Disciplinary Action

The disciplining of an employee is considered to be a very serious action that is undertaken with care, objectivity and full consideration for the rights and interests of both the employee and the University.

The purpose of discipline is to correct employee behavior/conduct or performance that have a negative impact on the individual, co-workers, department, or the University.

Employee & Labor Relations must be consulted before any disciplinary action or termination action is taken.

• Since disciplining an employee is considered a very serious action, great care and objectivity are exercised. Full consideration is given to both the employee’s and the University’s rights and interests.

• Discipline is intended to correct an employee’s behavior or performance which is negatively impacting the individual, their co-workers, department, or the University.

Managers must work with the Office of Employee & Labor Relations PRIOR to administering any disciplinary action or taking steps towards terminating an employee.
Florida State University practices the concept of Progressive and Cumulative discipline

- **Progressive**: Incremental steps in severity of disciplinary action determined by severity of the offense

- **Cumulative**: Multiple offenses can have the effect of escalating the severity of the disciplinary action even when the offenses are not identical

The type of disciplinary action taken will depend upon the gravity of the employee's offense and the type of disciplinary action that has been taken in the past for similar offenses.
seriousness of the employee's offense and the type of disciplinary action taken in the past for similar offenses.
Guidelines for Disciplinary Action – Cont’d

The probationary period is a trial period of time to determine whether the employee should earn regular status in the class.

USPS employees who have not achieved regular status in any class may be terminated at any time during their probationary period.

OPS employees do not attain regular status and may be terminated at any time without the right to appeal or grieve such action.

The probationary period permits time to assess whether or not the employee should graduate to regular status in their class.

USPS employees without regular status in any class may be terminated at any time during their probationary period.

OPS employees do not attain regular status and may be terminated at any time without the right to appeal or grieve such action.
Employee & Labor Relations negotiates, administers, and ensures compliance with the provisions of the University's collective bargaining agreements.

FSU’s goal is to promote an environment where our employees believe it is unnecessary to have union representation regarding wages, hours, terms and conditions of employment. However, if employees elect to have a union represent them, we bargain in good faith with the union and promote harmonious labor-management relations simultaneously recognizing FSU must operate efficiently and productively.
The staff bargaining units include:

**PBA** which represents our sworn law enforcement officers

**AFSCME** represents
- Administrative and Clerical staff whose work primarily involves production, filing, distribution and/or examination of documents or records and who work in an office environment. Generally, these employees do not perform heavy physical labor. They primarily use office equipment.
- The Operational Services group consists of laborers, technicians, mechanics, operators, and service workers whose work involves fabrication, maintenance, and repair activities and/or the provision of personal and domestic services. Work is often performed outdoors and frequently involves heavy physical labor.
- Other Professional employees who occupy positions in classifications which meet the requirements of a "professional employee" as set forth in Section 447.203(13) of 1985. Work is predominantly intellectual and varied, rather than routine and manual, and involves the constant exercise of discretion and judgment. The training and experience requirements for professional employees typically require that they must have pursued a course of study in a particular field and have acquired advanced knowledge in that field, and their job duties typically require that they be capable of applying this...
professional expertise

FNA members are employees whose work consists of the delivery of professional health care services to patients or clients
Before filing an official complaint, an employee with a grievance is encouraged to first discuss, with their supervisor the option of using the University’s Mediation Program with their supervisor.

This program is administered by the Employee Assistance Program (EAP). Additional information on the EAP Mediation Program may be obtained from the University's EAP Office.

Any request to hold the time limits for the filing of a compliant or grievance in abeyance must first be approved in writing by the Director of Employee and Labor Relations.
The Ombuds Program is yet another resource at employees’ disposal to help them resolve any concerns they may have about their work at the university.

The Ombudsperson is an impartial individual appointed to aide in dispute resolution. This person’s goal is to arrive at fair and equitable solutions for all parties concerned in accordance with FSU’s policies.
Due to this confidentiality, the ombudsperson will not identify an employee or their confidences without that individual’s permission, except where legally obligated. Also, conversations with the ombudsperson may not be used in grievance or other formal proceedings. The ombudsperson acts as a counselor, go-between, informal fact-finder or upward feedback provider. S/he interacts with all persons in the University community essential to resolve issues and concerns.

For more information, contact Amber Wagner by phone or email in HR’s Office of Equal Opportunity and Compliance,
FSU provides both (USPS) and (A&P) employees with an internal Complaint Procedure to provide a formal mechanism to bring complaints to the attention of management and to address those complaints.

There shall be no reprisals against participants for participation in this Complaint Procedure. Employees considering filing a complaint are encouraged to speak with an ELR staff member prior to filing the complaint.

An employee considering filing a formal complaint is encouraged to first speak with an Employee/Labor Relations staff member prior to filing the complaint.
For more information regarding these specific areas, contact the Employee and Labor Relations office.

Additional resources are available on the Human Resources website, including the FSU & You Employee Handbook and the Guidelines for Disciplinary Action.