

CIVIL SERVICE CONSULTATIVE COMMITTEE (CSCC)

October 22, 2015

Minutes of the Meeting

[These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate; none of the comments, conclusions or actions reported in these notes reflect the views of, nor are they binding on, the Senate, the Administration, or the Board of Regents.]

[In these minutes: Chair's report; Civil Service Senate nominations; Job Family Study; vacation donation; subcommittee updates]

PRESENT: Chair Gordon Fisher, Terri Wallace, Duane Orlovski, Raymond Muno, Patti Dion, Leann Olson, Jean Wang, Bill O'Neill, John Paton

REGRETS: Lynn Hegrenes, Samantha Duke, Kim Schultz

ABSENT: None

GUESTS: Kevin Kelley, Terry Beseman

1. Welcome: Chair Fisher welcomed the committee. He announced that because of his reclassification into P&A he would be handing over the chairmanship to chair-elect Orlovski. Fisher thanked the members and encouraged them to continue their hard work.

2. Civil Service Senate Nominations: Chair-elect Orlovski asked for questions, comments, or concerns that members had in regards to any particular candidate for the Civil Service Senate. After a brief discussion, Jean Wang moved to appoint all applicants to the Civil Service Senate, John Paton seconded the motion, and all members voted in favor.

Fisher wanted the committee to be aware that a vote was taken to appoint members versus holding elections because there were not enough applicants to fill all the open Civil Service Senate seats. Crookston had three open seats and one application, Duluth had one open seat and no applications, Morris had two open seats and no applications, and Rochester had one open seat and no applications. Also, academic affairs had 11 open seats and five applications, which was a large increase from their previous representation. The Academic Health Center had 10 open seats and six applicants, and the at-large positions had seven open seats and four applicants. Chair Fisher said that there were still 19 open seats in total, five of which were system campus seats. Fisher recommended that the committee work on developing recruitment strategies, and suggested the formation of a brainstorming task force to develop such strategies. Fisher was encouraged by the rise in numbers and Bill O'Neill said that the numbers were, indeed, moving in the right direction.

Paton said that Don Cavalier, a newly appointed Civil Service Senate member, was from the Crookston campus and he may have the ability to assist in recruiting new members. Fisher said that Cavalier would be a great resource for engaging system campuses, as he previously served on CSCC.

3. Job family study recap: Fisher thanked the members for attending the meeting with Kathy Brown and Patti Dion the previous week to discuss the job family study and its implementation processes. He didn't feel that the group was able to effectively address all the questions pre-submitted to Brown because time ran out. He was also interested in hearing how the members felt the discussion went and he solicited information the committee felt needed to be specifically targeted. He wanted the members to focus on finding answers that were actually needed. The members shared their feedback and goals for the next joint consultative committee meeting with Brown and Dion.

4. Vacation donation policies: A letter from Library governance was shared with the members regarding the Library governance's opposition to the change in vacation donation policies being made by the Office of Human Resources (OHR). Fisher received the letter a few hours after he had met with Dion to discuss the issue. He asked Dion to expand on the conversation they had and she handed out information regarding OHR's vacation donation policies and procedures.

Dion explained that the first handout was the Civil Service rules language. In section 11.6 of the civil service rules, vacation donation program language said that employees may have the option to donate vacation and information about the program was available and policy was referenced. There was no language regarding vacation donation procedures in the rules, only that the program information could be found in the official policy.

Dion explained that when the vacation donation policy was initially set up around 1992, there were criteria in the policy that discussed the details of the limits that vacation donation, existed within. OHR was the policyholder and it was a very labor-intensive program to administer.

Employees could donate as much time as they wanted, up to 40 hours per week, and recipients could receive as many as 65 days per year. Responsibility for vacation payouts, including for both donation and at the end of employment, fell to each department. When donating hours, the hours were assessed as dollars. The dollars then transferred based on pay rates. The dollars would come out of the donor department budget. Most departments budgeted for vacation liabilities for their employees. Departments were increasingly concerned that when someone used donated vacation time, money that the department never budgeted for needed to be paid out to the employee. This skewed department budgets. Because of this, there was a discussion about moving the vacation to the fringe pool so that the department's budgets weren't responsible for the extra dollars due to vacation time being donated. At this point, employee-to-employee transfers continued but department-to-department transfers did not, according to Dion.

As a part of the upgrade to the vacation donation process, it became no longer a financial transaction. The process of making the transaction as a day donated equaling a whole day received, or, an hour donated equaling a dollar received, regardless of the pay scales involved, developed. Previously, someone who made \$20 an hour could donate one hour to someone who made \$10 an hour. Then, because of the difference in pay rates, the recipient of the \$20 hour would actually receive two hours rather than one because \$20 equaled two hours of work for them. This, Dion said, created a simpler process in terms of administering the donated time.

Dion said that in the summer of 2015, the employee benefits staff within OHR started to review the change in the process to an hour-to-hour donation. OHR was able to review how many applications were submitted, approved, and declined in 2014 and 2015. She presented the data for civil service employees to the committee. She said that the data did not tell the entire story because donors could donate to anyone covered by the program, not just within their job classification. The data regarding which employee groups donated and which groups received vacation time was not available. The Teamsters, AFCSME clerical, AFSCME technical, AFSCME healthcare, and civil service were the groups covered by the program.

Paton asked for clarification regarding whether or not a donor gave to a bank or an individual. Dion said that the donation occurred person-to-person. Citing the data, Dion explained that if an employee donated more than what was needed, it was returned to the donor. Dion said that there was no data as to why people did not receive the total number of days that they requested. It may have been that the requesting employee did not need the expected number of days, or not enough days were donated to them.

Orlovski said that the previous changes had been done under the umbrella of being a procedure change rather than a policy change. Procedure changes were not eligible for public review or comment. Orlovski said the changes on the handout the members had received were to the policy. He wanted to know if that meant that the proposed change would be up for public review and comment. Dion said that the changes would go through the public review process. This meant that the potential changes would go to the Policy Advisory Committee and then they would be up for public comment. Orlovski asked when the policy was expected to be posted for comment and review and Dion responded that the Policy Advisory Committee met monthly and they had not yet reviewed the change. OHR was also in discussions with the labor unions regarding the change. While the changes were in the review process, the original hour-to-hour policy was still in effect.

Dion and the members discussed policy versus procedure and what information was found in one versus the other. Policies defined how a program operated, while procedures defined the steps to implement and carry out a program.

Raymond Munoz asked where the language that stated what the accounting for time versus dollars was. Dion said that information wasn't in the policy, it was in the procedure. Munoz asked for clarification that the changes that would be up for public review and comment were simply a language change to the policy, not the procedure of ensuring donated time was converted as dollars to dollars, which was what the committee was concerned with. Fisher asked why the procedure wasn't written into the policy. The policy identified days and hours for donation, Fisher said. Dion said that the policy did have new language that stated, "Donated vacation hours are an even exchange of hours without regard to donor or recipient salary." The original policy did not contain this language; the language was in the procedure. Dion said the policy office would have to explain why the procedure wasn't in the policy; they decided what was policy versus what was procedure.

Fisher said whether the change was positive or negative was dependent on the conversion of dollars and whether those at a higher rate of experienced a penalty pay donating to those with a

lower rate of pay. Fisher said that those who typically take advantage of the program were lower paid employees. Fisher said data was needed regarding how many people received a greater benefit as well as a lesser benefit from the donation process.

Jean Wang questioned the change from dollars to hours because the University would owe the vacation dollars an employee accrued at the time of termination and that who University paid those owed dollars out to, and when they were paid out, shouldn't matter. Those dollars should have been budgeted for. Dion said that finance would be the best department to answer the question. Dion said the fringe pool wasn't built to look at individual people. When departments paid into the fringe pool, the number of people taking advantage of certain programs within the fringe pool wasn't accounted for.

Wang asked what the procedure was for disagreeing with the policy. Dion said that the policy would go out for public review and comment. Orlovski said that there was an email list people could sign up for to be notified when an item was up for public review and comment. There was also a webpage that people could visit to review all policies that were currently up for public comment. Orlovski stressed that there was no comment period for procedure changes, and that was where the committee's concern was. While the language was in the policy and up for public comment, the language was also in the procedure, which didn't take public comment.

Fisher said that with the absence of data, it would be difficult to support such a policy change. He said the Policy Advisory Committee would not be well served to make a ruling on this issue because it wasn't clear what was changing. The impact was not measurable. Fisher suggested that the CSCC discuss their concerns with the Policy Advisory Committee. He would hate the committee to get in the way of this policy progressing if it was a positive change, but there was no data to support it one way or another. Fisher asked Dion about obtaining the desired data. Dion said that the data was all very difficult and labor intensive to gather. Fisher said the statement of the committee was that the committee did not have enough data to make a decision and that the committee push to get the data.

Orlovski said the policy owner was the Director of Employee Relations, which was Dion. He wanted to know how the decision to change the policy was reached without enough information to support the change. Dion said the discussion centered on the incredible amount of time it took to complete the transfers. The perspective of the people who did the work was that it was a wash because some people received more and some people received less. Paton said that it may have been a wash to the pot, but it wasn't to the individuals affected. Wang pointed out that it was important to remember the intent of the person who was donating. The intent of what they were doing with their funds was important because if they were terminated, they could have had those funds in their pocket.

Responding to the committee's question, Dion said that she couldn't reveal what occurred in union negotiations but the intention was that there would be one vacation donation program, not multiple programs for multiple groups of employees.

Fisher thanked Dion for attending and discussing vacation donation policy changes with the committee.

4. Subcommittee/task force reports: Terri Wallace reported on the Compensation and Benefits Subcommittee. She shared the September minutes and wanted to inform members about the new tax form coming out for employee benefits.

Wallace also shared her compiled data related to the movement of employees in and out of each job classification due to job family study results. Per the committee's question, Wallace said that the numbers she compiled from the various job family study reports were not consistent on her spreadsheet because the numbers in the reports released were not consistent.

Wang had no updates on the Employment Rules Subcommittee. Fisher said that a meeting with OHR and the Office of General Counsel was needed to determine the role of Civil Service Rules in relation to University policy. The question was which set of rules was subordinate to the other when conflicts between the two sets of rules arose. Wallace mentioned that even though policy may have been the same, the civil service website and the OHR website articulate the same rules differently, and that could pose a problem.

Orlovski updated work done on the Communications Subcommittee.

The committee thanked chair Fisher for his work as chair and his work for the committee.

Hearing no further business, the committee adjourned.

Avonna Starck
University Senate