

Conditions for Cooperation Between Employee Organizations and the Administration of IU

HR-12-20

About This Policy

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Responsible University Administrator:

Board of Trustees, Indiana University

Policy Contact:

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Scope

This policy applies to all Staff employees.

Policy Statement

WHEREAS, it is the policy of the Trustees of Indiana University to receive and consider suggestions and advice from the university Staff employees in the formulation of policies and in the solution of problems affecting the general welfare of, the working conditions of, and the services rendered by the Staff of the university; and

WHEREAS, the rights of employees, independently, to associate themselves together, whether that association is known as a union or by some other name, is recognized in Indiana, and there is no legal bar to the collective presentation of their employment interests to the public officials charged with the duty of fixing the terms of employment (Indiana Attorney General Opinion #55); and

WHEREAS, subject to law and the paramount requirements of public service, the interests of Indiana University are served by provisions for orderly methods and procedures for the collective presentation of employee-employment interests, if employees so desire; and

WHEREAS, effective employee organization and management cooperation in the university requires a clear understanding of the respective rights and obligations of employee organizations, university administration, and University Trustees;

NOW, THEREFORE, the Trustees of Indiana University adopt the following procedures for the recognition of employee organizations and the consideration of collective presentations of their views, suggestions and employment interests. These provisions will not be construed as the relinquishment by the Trustees of their obligations, responsibilities and authorities, conferred upon them by the people of the state through legislative statutes to act in final judgment on the management of institutional affairs in the public interests, nor as a recognition by the Trustees of a right to strike by employees of the university, or of a right to take any other concerted action to impede, or to threaten to impede, the Trustees or administrative officials in the operation of the university.

Procedure

Section 1

(a) Staff employees of the university will have the right, freely and without fear of penalty or reprisal, to form, join and assist any lawful employee organization, or to refrain from any such activity.

(b) The rights described in this section do not extend to participation in the management of an employee organization, or acting as a representative of any such organization, where such participation or activity would result in a conflict of interest or otherwise be incompatible with law or with the official duties of an employee.

Section 2

(a) The term employee organization will mean any lawful association, labor organization, federation, employee council, or brotherhood having as a primary purpose the improvement of working conditions among university Staff employees, but such term will not include any organization (1) which asserts the right to strike against the State of Indiana or any agency thereof, or to assist or participate in any such strike, or which imposes a duty or obligation to conduct, assist or participate in any such strike, or (2) which advocates the overthrow of the constitutional form of government in the United States, or (3) which discriminates with regard to the terms of conditions of membership because of race, color, age, religion, national origin, disability, ethnicity, gender, marital status, sexual orientation, or veteran status.

(b) The term appropriate staff unit means any unit agreed to by the university and an employee organization entitled to and seeking exclusive recognition in accordance with the terms of this document and the guidelines established by university officials delineating appropriate staff units. In the event of a disagreement between officials representing the administration of the university and the employee organization concerning the composition of an appropriate staff unit, the President will designate an appropriate staff unit.

Section 3

(a) University officials will accord exclusive recognition to employee organizations which request such recognition in conformity with the requirements specified in Sections 2 and 4 hereof except that no recognition will be accorded to any employee organization which the Trustees consider to be subject to corrupt influences or influences opposed to basic democratic principles.

(b) Exclusive recognition of an employee organization will continue so long as such organization satisfies the criteria of this directive applicable to such recognition unless the majority of the appropriate staff unit employees determine that the exclusive representation designation should be discontinued, in accordance with the requirements specified within Section 4 and the related Administrative policy and procedures. Nothing in this directive will require the university to determine whether an organization should become or continue to be recognized as exclusive representative of the employees in any unit with 12 months after a prior determination of exclusive status with respect to such unit had been made pursuant to the provisions of this directive.

(c) Exclusive recognition will not preclude any employee or group of employees regardless of employee organization membership, from bringing matters of personal concern to the attention of appropriate officials in accordance with applicable rule, regulation, or established policy, or from choosing his own representative in a grievance or arbitration proceeding, so long as that representative is not another employee organization or a person directly or indirectly related to another employee organization. The term another employee organization will mean with respect to an employee of an appropriate staff unit, any employee organization other than the employee organization recognized as the exclusive representative for employees in such appropriate staff unit.

Section 4

(a) Administrative officials will recognize an employee organization as the exclusive representative of the Staff employees of an appropriate staff unit when such organization is eligible for exclusive recognition and has been designated or selected by a majority of the Staff employees in the appropriate staff unit as the representative of such employees, except that for purposes of exclusive representation, administrative officials, assistants, supervisors who officially evaluate the performance of employees, and employees who provide confidential support services to administrative officials who formulate or effectuate administrative policies in the field of labor relations will not be included within the definition of Staff employees. Administrative procedures and requirements for determining whether a majority of the Staff employees in the appropriate staff unit desire to designate an exclusive representative, or for determining whether the majority of the Staff employees in the appropriate staff unit no longer wish to continue to be represented by the exclusive representative will contain provisions authorizing that an election will only be conducted when a petition has been received indicating that at least 30

percent of the employees within the appropriate staff unit favor an election and that a prior election concerning exclusive representation has not been held during the 12-month period preceding receipt of the petition.

(b) When an employee organization has been recognized as the exclusive representative of employees of an appropriate staff unit it will be entitled:

(1) to speak on behalf of all Staff employees within the appropriate staff unit and will be responsible for representing the interests of all such employees without discrimination and without regard to employee organization membership;

(2) to have organizational membership dues collected by paycheck withholding upon signed written request of employee conforming to law;

(3) to be given the opportunity upon request of the employee to be represented at discussions between administrative officials or their representatives and employees or employee representatives concerning grievances, Staff policies and practices, or other matters affecting general working conditions of employees; and

(4) to call for discussions, with administrative official representatives for the purpose of negotiating joint written recommendations to the Trustees of the university every three years on matters of personnel policy and working conditions and annually over how the designated wage and salaries budget funds for Staff employees' wages and salaries should be allocated among the Staff employees in the appropriate staff unit. Such discussions are to commence on or after February 1st and conclude by May 31st, or ten calendar days after the conclusion of a coinciding session of the state legislature, whichever is later. This time period includes the employee organization's internal procedures for obtaining acceptance of the recommendations.

(5) In addition to the discussions provided under paragraph (4) above, the exclusive representative is entitled to call for a special conference with administrative officials whenever there are substantial new developments or changes that may have a meaningful impact on either the job security or working conditions of the Staff employees in the appropriate staff unit.

(6) This privilege will not be construed to extend to such areas of discretion and policy as the mission of the university, its budget as approved by the Board of Trustees including the wage and salaries portion designated for Staff employees in the appropriate staff unit, its organization and assignment of its Staff, or the technology of performing its work.

(7) The administrative officials and representatives of the exclusive representatives designated to participate in these discussions will meet as frequently as necessary and make an earnest effort to come to agreement concerning joint written recommendations. In the event that there are unavoidable circumstances which delay the designated administrative officials and the representatives of the exclusive representative from reaching jointly agreed upon recommendations by the end of the discussion period, the discussion period may be extended by mutual agreement.

(8) Other formal rules and conditions for discussions between administrative officials and exclusive representatives of appropriate staff units may be established from time to time as necessary by the Trustees of the university.

Section 5

Management officials retain the right and responsibility, (a) to direct employees of the university; (b) to hire, promote, transfer, assign, and retain employees in positions, and to suspend, demote, discharge, or take other disciplinary action against an employee; (c) to relieve employees from duties because of lack of work or for other legitimate reasons; (d) to maintain the efficiency of the operations entrusted to them (e) to determine the methods, means and Staff by which such operations are to be conducted; and (f) to take whatever actions may be necessary to carry out the mission of the university.

Section 6

Administrative procedures for the handling of employee grievances will contain the following provisions and conditions: (1) any grievance and arbitration procedure will extend only to the interpretation or application of university policy and not to changes in or proposed changes in university policy; (2) the aggrieved employee or

employees will have the right to have a Staff employee representative of his/her own choosing speak for his/her interests at any step of the grievance resolution process and either a Staff employee or any other representative of the aggrieved employee or employees' choosing at an arbitration hearing provided such representative of the employees' own choosing is not either directly or indirectly a representative of another employee organization or a person directly or indirectly related to another employee organization as provided in Section 3(c) hereof; (3) procedures established may include provisions for the arbitration of grievances, which (a) will be advisory in nature with any decisions or recommendations subject to the approval of the president of the university or president's designee; and (b) will be invoked only with the approval of the individual employee or employees concerned. Nothing in this section will preclude the recognized exclusive representative and the administrative officials from permitting, by mutual agreement, the participation of a staff representative of the recognized exclusive representative at any step of the grievance resolution process.

Section 7

Solicitation of membership, dues, or other internal employee organization business will be conducted on non-duty hours of the employees concerned.

Officially requested or approved consultations and meetings between management officials and representatives of recognized employee organizations will, whenever practical, be conducted on official time, but the president of the university or president's designee may require that such meetings be conducted during the non-duty hours of the employee organization representatives involved.

Sanctions

The university will not continue to employ any person who participates in, threatens, or encourages any strike, slowdown, work stoppage, or other interruption or interference with the activities of the university.

A person separated from employment for knowingly violating the above conditions may, subsequent to such violation, be appointed or reappointed, employed or re-employed but only upon the following conditions: (1) such person will be on probation for a period of two years following such appointment or reappointment, employment or re-employment, during which period he/she will serve at the pleasure of the appointing officer or body without recourse to grievance procedures; (2) such person will be considered a completely new employee for purposes of vacation, allowance, sick leave accrual, and other benefits related to length of service, except retirement benefits as established from time to time by law.

History

The Conditions for Cooperation were originally first implemented in 1966 and have been amended from time to time since then.