



## Watching the Garden Grow

by Sarah Poteete

Several members of the Employee Forum have been meeting with Claire Lorch, coordinator of the Carolina Campus Community Garden (CCCG) to lend their ideas as she manages the production and distribution of the CCCG. The CCCG has been a project of interest to the Employee Forum since its inception, and they are pleased to see the garden coming to fruition.

The CCCG is a year-round garden on the corner of Wilson Street and Cameron Avenue. Volunteers are needed to help maintain and harvest the garden, and workdays are Wednesdays from 4-6pm and Sundays from 3-5pm. Employees may use their community service leave to work in the garden with their supervisor's approval.

Several crops, including squash and cucumbers, are ready for harvesting. The Carolina Campus Community Garden's Claire Lorch is currently bringing the harvest to Housekeeping and Grounds staff headquarters during different shifts to ensure the produce is available for everybody.

Donations designated for the CCCG are being made, but Lorch states that much more is needed in order to make the garden a sustainable enterprise. Funding is needed for Lorch's position as Carolina Campus Community Garden Coordinator – as her funding runs out at the end of December. Funds are also needed for garden supplies, plants, seeds, and material used for raised beds and pathways that will be wheelchair accessible.

To make a donation to the Carolina Campus Community Garden, go to: <http://sites.google.com/site/uncgarden/make-donations> or look for the donation box at the garden workdays. If you would like to receive more information, and notices regarding workdays, please contact Claire Lorch at [clorch@email.unc.edu](mailto:clorch@email.unc.edu).

## State Settles Suit with Dental Techs

Reprinted from SEANC District 25's newsletter *TouchPoint*, June 2010

After more than three years of struggling for justice around the University's ill-advised end to their careers as Dental Technicians in UNC's School of Dentistry, Sharon House and Jackie Maynard finally get a rest: the parties reached a settlement at the end of April, 2010.

Sharon and Jackie were part of the group of dental lab technicians who were RIF'd by then- Dental School Dean John Williams on January 5, 2007. In order to outsource the work to private laboratories, Williams closed the School's dental laboratory, in which Jackie, Sharon and thirteen other technicians made dentures, crowns and other prostheses for the School's clinic, faculty and students. Williams believed that outsourcing the work would save the University money. Williams did not consider and did not follow UNC's RIF policy, which required, among other things, that a RIF should take place only after exploring all other alternatives, and that every effort must be made to place the employees selected for layoff in other positions prior to the date of layoff.

Sharon and Jackie had worked for the School for twenty-seven (27) years, eleven (11) months and twenty-six (26) years, three (3) months, respectively, when they were terminated. Williams had been at the Dental School since the spring of 2005.

Sharon and Jackie appealed their dismissals all the way to the Office of Administrative Hearings (OAH), where their case was heard by Administrative Law Judge Joe Webster in early December, 2007. Attorney Elizabeth Haddix represented them at the OAH. At the hearing, they presented substantial evidence that outsourcing their work would actually cost more than maintaining the in-house labs.

Because of the Court of Appeals' decision in *Univ. of N.C. at Chapel Hill v. Feinstein*, 161 N.C. App. 700; 590 S.E.2d 401 (2003), *disc. rev. denied*, 358 N.C. 380, 598 S.E.2d 380 (2004) in which the court found that an SPA employee has no remedy in the OAH for the state's failure to properly follow its RIF policy, Sharon and Jackie grounded their appeal on their age discrimination claims (the layoff disproportionately affected older workers at the School), and maintained that the failure to follow the RIF policy was what caused the disparate impact on older workers. Judge Webster found that there was no age discrimination, but found that Williams had completely disregarded the RIF policy requirements. Judge Webster ruled that, because of *Feinstein*, Sharon and Jackie had no remedy at the OAH for UNC's failure to follow its RIF policy.

Armed with Judge Webster's decision, Haddix and Travis Payne, of the Raleigh law firm of Edelstein & Payne, assisted Sharon and Jackie in bringing claims under the North Carolina Constitution in state court against UNC and Williams. The complaint was filed in Orange County Superior Court in May, 2009, and alleged that UNC and Williams' failure to follow the RIF policy constituted a violation of Jackie and Sharon's rights to procedural and substantive due process guaranteed by Article I, Section 19, which are fundamental rights that must be given broad protection under Article I, Section 35, of the Constitution of North Carolina. At the center of this claim was case law that established that regulations promulgated under the NC Administrative Procedures Act which required that layoffs be conducted fairly pursuant to the agency's layoff policy have the force of law.

The state Attorney General's office filed a Motion to Dismiss the claims, which was denied by Judge Paul Ridgeway earlier this year. The parties settled the claims last month.

"Sharon and Jackie continued this fight not for themselves, but for all SPA employees across the state," says Haddix. "I'm honored to have been able to represent such strong, dignified women."

*The process is time-consuming and stacked against employees. We sat in a courtroom full of people sharing our case, represented by one attorney and looked over and the state had five. It was ironic to hear the state's attorney describe the dean's decision as "idiotic," a decision that will forever impact the SOD financially and the quality of service to students and patients. There were no retirement parties or any recognition of the years of dedicated service we gave—just the sentiment that we must have done something terribly wrong to lose our jobs after so long. Try to get another job with that on your record, even with an otherwise stellar job performance for over twenty-six years. Hopefully our ruling will help others.*

*The unlimited, unaccountable funding for UNC throughout this process discourages the common man to fight back for their rights. Fortunately judges did see the folly of not following an existing policy and that, along with support from many, kept us in the fight. Conscientious, long term workers deserve better treatment than we were afforded.*

— Sharon House

*The Dental Tech victory demonstrates the possibility of achieving justice by working together. It would not have been possible without the support of Employee Forum members like Vice-Chair David Brannigan, who led the public relations effort, or Lucy Lewis, who provided grievance support, or Tommy Griffin, both Forum and District 25 chair at the time, who led the fund-raising effort, or the many monetary contributions from SEANC members and districts, or the legal expertise of Elizabeth Haddix and Travis Payne.*

*Nor would this victory have happened without the perseverance of two courageous ladies and their supportive families. They've done a great service for us all.*

— Steve Hutton

Past Employee Relations Chair

See also: **Two dental technicians settle lawsuit**

<http://www.chapelhillnews.com/2010/06/30/57960/two-dental-technicians-settle.html>

## Accrue Your Leave, Check it Twice

By Carrie Goldsmith

**P**aid sick and vacation time are some of the most treasured benefits any employee can receive, and employees of UNC are no different. We enter our hours and track our vacation time in the Time Information Management (TIM) program on our computers, or swipe in at any of the 70 badge terminals across campus, and hope that everything goes according to plan. It is also very important for all employees, regardless of SPA or EPA classification, to monitor their leave, and to take caution to code everything properly when they are entering anything into TIM. Printing out and saving a copy of their submitted timesheet for each pay period, is a very useful habit to get into.

While supervisors sign off on employees' time, and HR policy states that leave records must be balanced at the end of each year, employees cannot rely solely on a system that allows for both human and computer error. Each individual employee is responsible for regularly checking his/her leave records for errors. Mistakes can, and do, happen, and when detected, must be corrected. Each employee has to be aware of what his/her leave balances are and how he/she accrues time, in order to ensure that this doesn't happen again.

If you see any discrepancies in your records against what you see in TIM or if you are not sure what your vacation accrual rates are, please promptly contact your HR Facilitator. Also, staff from the Office of Human Resources are available to speak to departments about leave accruals, leave tracking, and leave payouts.

## Compensatory Time and On-Call Pay Policies for SPA Exempt (salaried) Employees Changing

### **Policies for SPA Non-Exempt (Hourly) Staff Not Changing**

By Chris Meinecke

**T**he University will be changing its policies regarding compensatory "comp" time and on-call pay for SPA exempt employees effective December 31, 2010. This change will affect only those SPA employees who are exempt from the Fair Labor Standards Act (FLSA), commonly known as salaried SPA workers. It should be stressed that these policies are not changing for SPA non-exempt workers, otherwise known as hourly workers and that OHR has asked supervisors to notify all affected employees.

Starting January 1<sup>st</sup>, SPA exempt (salaried) workers will no longer be eligible to earn either comp time or on-call pay. The Office of Human Resources (OHR) explains that unlike hourly-paid SPA employees, salaried SPA employees are accountable and compensated for their performance outcomes rather than for time worked on an hourly basis, therefore both SPA and EPA salaried employees should not earn compensatory time when they work more than 40 hours in any given work week. OHR further states that comp time for salaried workers is not to be accumulated, tracked, used or paid-out for salaried employees, except if specifically mandated by a State and/or UNC System policy such as during a pandemic or communicable disease emergency.

OHR acknowledges that most salaried employees typically put in some time and effort beyond the University's standard business hours in order to fulfill the generally-expected professional responsibilities of their positions and that situations may arise in which a work unit experiences an extraordinary and non-routine circumstance where a salaried employee must commit exceptional time and effort beyond their normal work schedule. In those situations they will allow the managers of those employees to offer scheduling flexibility but OHR is not mandating that option.

The University is similarly eliminating on-call pay for SPA salaried employees but the on-call policy for SPA non-exempt (hourly) workers will not change.

OHR states that existing comp-time and on-call pay balances that exist as of December 31<sup>st</sup> may be taken as provided for under current policy but that no additional comp-time or on-call time may be newly recorded for SPA exempt employees after then.

For more information about these policies please contact your department's Human Resource Facilitator or your department's assigned Classification & Compensation Consultant in OHR (see <http://hrconnect.unc.edu> to find your department's consultant).

## Employee Forum at a Glance

*By Carrie Goldsmith*

Working with the Employee Forum, and having the opportunity to meet with, and advocate for, staff members here at Carolina, is one of the best things I could have ever done. If you're interested in being part of the Employee Forum, or you know a colleague who would, take a look below and see if we need someone from your division. Division 1, EPA Non Faculty, has the most open positions, followed by Division 8. If you're not sure which division you fall under, contact Matt Banks at the Forum Office [mbanks@email.unc.edu](mailto:mbanks@email.unc.edu). You won't regret it, I promise.

### FORUM DIVISIONS:

The Employee Forum is divided into the following nine divisions according to employee categories:

Division 1 – EPA Non Faculty employees (15 delegates, 6 open positions)

Division 2 – Service/Maintenance employees (4 delegates, no open positions)

Division 3 – Skilled Craft employees (3 delegates, no open positions)

Division 4 – Clerical/Secretarial Academic Affairs employees (3 delegates, no open positions)

Division 5 – Clerical/Secretarial Health Affairs employees (4 delegates, no open positions)

Division 6 – Clerical/Secretarial Other employees (4 delegates, no open positions)

Division 7 – Technical employees (6 delegates, 2 open positions)

Division 8 – Professional employees (19 delegates, 4 open positions)

Division 9 – Executive/Administration/Managerial employees (2 delegates, 1 open position)

## Employee Forum: Who We Are and What We Do

### 2010-2011 FORUM OFFICERS:

Chair – Jackie Overton, Public Safety. 962-5029. [jackie@psafety.unc.edu](mailto:jackie@psafety.unc.edu)

Vice Chair – Marc ter Horst, Chemistry Department. 843-5802. [terhorst@unc.edu](mailto:terhorst@unc.edu)

Secretary – Myra Quick, Department of Religious Studies. 962-5667. [quick@unc.edu](mailto:quick@unc.edu)

Treasurer – Carleta Long, Transplant Surgery. 966-8008. [carleta\\_long@med.unc.edu](mailto:carleta_long@med.unc.edu)

Forum Assistant (ex officio) – Matt Banks. 962-3779. [forum\\_office@unc.edu](mailto:forum_office@unc.edu)

## FORUM COMMITTEES:

As a delegate of the Employee Forum, delegates are expected to serve on one of the Forum's standing committees. From staff recognition awards to training and development, your delegates are hard at work to ensure that UNC continues to be a great place to work.

To find out more about their work please feel free to contact their respective Chairs or Matt Banks [mbanks@email.unc.edu](mailto:mbanks@email.unc.edu) in the Forum Office:

The Executive Committee – is comprised of one representative from each Forum Division along with the chair of each standing committee and the Forum officers. They meet monthly to prepare the agenda for the regular monthly Employee Forum meetings. Jackie Overton, Chair. 962-5029. [jackie@psafety.unc.edu](mailto:jackie@psafety.unc.edu)

The Communication and Public Relations Committee – publishes “InTouch,” the Forum’s newsletter and maintains the Forum’s website (<http://forum.unc.edu>). Carrie Goldsmith, Chair. 843-8118. [carrieg@email.unc.edu](mailto:carrieg@email.unc.edu)

The Awards and Recognition Committee – reviews existing recognition and awards programs and coordinates activities for the annual Forum peer recognition awards and University Day staff processional. Chris Meinecke, Chair. 962-6830. [meinecke@email.unc.edu](mailto:meinecke@email.unc.edu)

The Compensation and Wages Committee – conducts research and frames policy alternatives related to compensation and benefits. Chuck Brink, Chair. 962-7477. [Charles.Brink@facilities.unc.edu](mailto:Charles.Brink@facilities.unc.edu)

The Education and Career Development Committee – develops policy for the Educational Assistance Program and recommendations about use of the Forum’s Staff Training and Development Fund. Cate Cunningham, Chair. 843-6518. [cunningham@sog.unc.edu](mailto:cunningham@sog.unc.edu)

The Legislative Action Committee – works to monitor current legislation and maintains contacts with legislative and other governmental representatives. They also coordinate voter registration drives. Danny Nguyen, Chair. 445-9422. [danguyen@email.unc.edu](mailto:danguyen@email.unc.edu)

The Membership and Assignments Committee – handles the solicitation of employees to run for office as Forum delegates, coordinates the election process and orientation of new delegates. The committee also solicits employees to serve on various University committees. Myra Quick, Chair. 962-5667. [quick@unc.edu](mailto:quick@unc.edu)

The Staff Relations, Policies and Practices Committee – handles issues related to University and departmental policies and practices as they relate to individual employees. James Holman, Chair. 843-1973. [jbholman@email.unc.edu](mailto:jbholman@email.unc.edu)

The Community Affairs and Outreach Committee – is the Forum’s newest committee and is currently coordinating the work being done at the Carolina Community Campus Garden, which is located on Wilson Street near the Carolina Inn. The committee may also promote other University programs which may be of benefit to employees. Nadera Salaam, Chair. 966-4050. [nadera@med.unc.edu](mailto:nadera@med.unc.edu)

# AWARDS AND RECOGNITION COMMITTEE REPORT

*By Chris Meinecke*

The Employee Forum Peer Recognition Award Ceremony was held on Tuesday, July 20<sup>th</sup> in the Conference Room of the Health Sciences Library. Over 170 employees were nominated by their peers or supervisors for awards in 8 different categories and 40 employees representing 35 different schools or departments were selected as winners.

Award Categories included the Back Office Activity Award - recognizing employees who work behind the scenes; the Big Buddy Award – recognizing those who have taken the time to mentor a fellow employee; the Call of Duty Award – recognizing employees who has gone well above and beyond their job expectations; the Congeniality Award – recognizing those who improve office morale; The Customer Service Award – recognizing employees who serve on the front lines; the Milestone Award – recognizing employees who have worked on campus for more than 20 years; the Rookie Award – recognizing those who have worked on campus for more than 3 months but less than a year; and the Self-Improvement Award – recognizing employees who have overcome a personal, academic and/or professional challenge.

The ceremony was coordinated by outgoing committee chair Teena Burton with assistance from Pam Roberts, Zanetta Bailey, Liza Cahoon, Debbie Dehart, Angela Lyght and Renee Sherman. Over 70 people were in attendance including many award recipients and the person or persons who nominated them.

The following is list of award winners by category:

Back Office Award winners: Brian Edwards, Office of Scholarships and Financial Aid; Vanessa Gunn, Pam Miles and Rita Williams, Office of Animal Care and Use; and Ricky Pitts from Disbursement Services.

Big Buddy Award winners: Cheryl Jennings, Chemistry Accounting; Carrie Nielsen, Surgery; Nicole White, Comprehensive Cancer Center/School of Pharmacy; and Kyle York from the School of Journalism and Mass Communications.

Call of Duty Award winners: Randy Alan, DLAM; Michele Bailey, Infectious Diseases; Amanda Chang, Biochemistry/Biophysics; Phillip Clapp, Cystic Fibrosis Center; Emily Greggs, TraCS Institute; Stephanie Griffin, Health Science Library; Elizabeth Guthrie, LCCC; Doris Martin, Office of the Dean of Students; Matthew Mauzy, ITS; Richard McColman and Steve Nichol, Morehead Planetarium; Mark Nielsen, Study Abroad Office; Daryl Odom, Kenan Center Housekeeping; Jill Scercy, Div TEACCH-Greenville Center; Will Smith, Center for GI Biology and Disease; Ryan Terrell, Heart and Vascular/Cardiology; Rebecca Walters, Speech and Hearing; and Nancy Wines from the Graduate School.

Congeniality Award winners: Vicky Burriss, UNC Eshelman School of Pharmacy; Jeanie Gilliam, TEACCH-Carolina Living and Learning Center; Lateefah Gregory, Dentistry-Patient Accounts; and Chris Meinecke from the Institute for the Arts and Humanities.

Customer Service Award winners: Jason Coleman and Joe Waddell, ITS; and Jennifer Stallings from Design and Construction Services.

Milestone Award winners: Cindy Atkins, Exercise and Sports Science; Martha Barbour, Dental Ecology; and Debbie Price from Orthodontics/School of Dentistry.

Rookie Award winners were Joan Martinho from Urology (Surgery) and Andrea Turinia from Housing and Residential Education.

Finally, the Self-Improvement Award winner was Jenny Chen from Facilities Services.

Congratulations to all our winners for their part making the University of North Carolina at Chapel Hill the great place that it is.