

## InTouch: UNC Employee Forum News

Volume 8, Number 6, June 2007

[Chair Ernie Patterson's Address to the Board of Trustees](#)  
[Staff Assembly Reluctant to Ask Bowles and BOG for Staff Pay Raises](#)  
[How to Put Some Money \(Back\) in Your Pocket](#)  
[Collective Bargaining Laws: What's In Them for Us?](#)  
[Surprise: Some Lineberger Employees Get New Boss](#)  
[Forum Passes Resolution Requesting New Smoking Restrictions](#)  
[Tuition Benefits](#)  
[New Associate Vice Chancellor for Human Resources Chosen](#)  
[It's Not Just for the Boy Scouts Any More: Be Prepared!](#)  
[Delegate Rosters](#)

### ***Address to the Board of Trustees***

#### ***Employee Forum, Ernie Patterson, Chair***

*May 23 2007*

Thank you for this opportunity to share with you some of the issues and concerns currently before the Employee Forum. Today I plan to present to you some success stories about how with relatively small amounts of money, UNC is helping its employees improve their skills and get better jobs. I am also going to talk about smoking and how harmful it is to both the people who smoke and also the people who breathe their second-hand smoke.

First, the Employee Forum wants to publicly thank Human Resources for their support of the Clerical Skills Program and their willingness to work with us to add an internship component to it, which gives graduates the opportunity to participate in subsidized on-the-job training. The Forum committed funds from its trust fund to pay for part of the graduates' salaries while they are working for a UNC department to better develop their skills. As a result of this joint effort, Clerical Skills Program Graduates who also participate in on-the-job training will have more than one year of qualifying experience and thus will be more likely to meet the requirements for a better state job.

I would like to tell you about one of your employees to who has completed both steps and found a better job at UNC: Lorraine Graham Dorsett. Lorraine graduated from Basic Clerical Skills in August 2006 and started her 6-month internship with the Family Support Network of North Carolina in October 2006. Her internship ended March 30, 2007, and effective April 3, 2007 she was employed as a Processing Assistant IV with the Network. Prior to this, Lorraine had worked for 15 years in Facilities Services at UNC as a housekeeper.

I ask that at a future meeting of the Board of Trustees you take time to recognize the employees who participate in the Clerical Skills Program. I also ask that you support the Administration as it continues to work with the Forum to find more ways to support your employees as they work to improve themselves.

I would also like to recognize Katherine Graves for her work with the Computer Loan Program. Many people have been helped by this program, which was an outgrowth of the Chancellor's Taskforce. In its first year of operation, Chancellor Moeser gave the program \$12,500.00 out of his personal bonus to buy computers. Then our former Provost, Robert Shelton, provided more funds that were used to purchase 20 more computers. I also want to thank the volunteers at House Library, who have assumed the responsibility for checking the computers out and in. Without their help, the program would be much more difficult to administer.

The Computer Loan Program has been particularly important for people taking the Basic Clerical Skills classes. It has enabled those who did not have ready access to a computer to have one to use for in-class work and for homework. The Computer Loan Program has also helped employees take classes on line from UNC and from other schools. It helped one UNC employee get his masters degree. This program is a success story, and it will continue to be a success because it enables employees to educate themselves and improve their job prospects—at relatively little cost.

Finally, earlier this month the UNC Chapel Hill Employee Forum passed "A Resolution Concerning a Smoke-Free Policy for UNC at Chapel Hill" (Resolution: 07-08). This resolution recognized the University's commitment to providing a healthy, comfortable, and productive environment for the students, faculty, staff, and visitors of this campus. The National Cancer Institute has determined that secondhand smoke is responsible for the early deaths of up to 65,000 Americans annually. Numerous studies have found that breathing secondhand smoke is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The 2000 Surgeon General's Report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, concluded that (1) secondhand smoke exposure causes disease and premature death to on-smokers of all ages; (2) there is no risk-free level of exposure to secondhand smoke; (3) establishing smoke-free workplaces is the only effective way to ensure that secondhand smoke exposure does not occur in the workplace, since ventilation and other air cleaning technologies cannot completely eliminate all sources of exposure; and (4) evidence shows that smoke-free policies and laws have not had an adverse economic impact on the hospitality industry. Furthermore, the Environmental Protection Agency has determined that secondhand smoke cannot be reduced to safe levels by high rates of ventilation since air cleaners are only capable of filtering particulate matter and odors in secondhand smoke. They do not eliminate the known toxins in cigarettes and other smoked forms of tobacco. In light of these facts, the Forum in its Resolution 07-08 asked that the chancellor and the Board of Trustees establish policies that declare The University of North Carolina at Chapel Hill to be entirely smoke-free effective January 1, 2008. To facilitate this, the Forum asked that appropriate smoking cessation counseling services be provided to employees who request them and that information be made available about cessation benefits

covered under the state employees' health plan.

In closing, I would like to ask for two very "do-able" responses (or actions) by the Board of Trustees. First, I ask that the Board of Trustees and the Administration form a committee to work with the UNC Chapel Employee Forum to find and fund new ways to help employees improve themselves and meet the requirements for better jobs.

Second, I ask that the Board of Trustees and the Administration work jointly with UNC Student government and the UNC-Chapel Employee Forum to write the policies necessary for a Smoke Free Campus and that the BOT commit to adopting the policies in time for the new year.

Both of these requests will require a significant commitment in time and energy, but the pay-offs will be a healthier environment where self-improvement through education is a part of the culture for all segments of our campus community—not just the students.

## ***Staff Assembly Reluctant to Ask Bowles and BOG for Staff Pay Raises***

The UNC System's system-wide Staff Assembly voted down a resolution submitted by UNC-Chapel Hill Employee Forum delegates calling for a 5% pay raise for all UNC System staff.

The thumbs-down vote occurred at General Administration on April 27, 2007, during the Assembly's biannual meeting. Only five of the thirty-five Assembly delegates voted in favor of the resolution, which originated at the UNC-Chapel Hill Employee Forum's April 4 meeting.

Ernie Patterson, Forum Chair, commented that Assembly delegates indicated they "did not want to place pressure on [UNC President] Bowles or the Board of Governors." One delegate was reported to have said that the resolution would represent "suicide" for the future prospects of the Staff Assembly.

General Administration legislative liaisons instead pushed for a 2% increase for System staff.

In other actions, the Staff Assembly developed its charge to President Bowles' Personnel Task Force. The Assembly established ground rules for appointing staff and faculty to the Task Force, specifying that there should be two SPA employees, two EPA Non-faculty employees and two EPA faculty members who will serve alongside the several business leaders and University administrative officials that Bowles will select. The Assembly defined the parameters of the Task Force's work with an eye toward the 2008 legislative session.

## ***How to Put Some Money (Back) in Your Pocket***

Everyone loves the phrase, "Cash Back." We all enjoy the notion that we can put some of our hard-earned money back in our pockets.

Did you know that most employees at UNC-Chapel Hill have a "Cash Back" option open to them? UNC and the Employee Forum want to give you back some of your money. Here's how to get it:

- Are you taking a class for credit, either online, at a community college or at any accredited university?
- Are you a permanent or time-limited employee who works at least 20 regularly scheduled hours or more per week?
- Did you receive at least a C, Satisfactory or Pass in your class?

If you answered "yes" to all of these questions, you can exercise that "Cash Back" option by getting reimbursed for some of your educational expenses. If your department has funds available, it can pay the cost of any work-related courses you may take. But if your department has a tight budget or you are taking courses that are not directly related to your current job, you can utilize the Educational Assistance Program to get reimbursed for at least some of your educational expenses.

The Educational Assistance Program and Employee Forum Staff Development Fund provide reimbursement of up to \$500 per fiscal year for tuition costs for classes taken for college credit. In addition, there is a Textbook Assistance Program, supported by the Staff Development Fund, that provides reimbursement of up to \$100 per fiscal year to cover the cost of books needed in these courses.

What do you have to do to take advantage of this benefit? Within 30 calendar days of successfully completing your course, submit an application for educational assistance along with proof of tuition payment—a receipt from the school, your cancelled check or other suitable evidence—and your grade report from the class. Textbook cost reimbursement requests are included on the same form.

These forms, and more information, can be accessed at the Human Resources website at <http://hr.unc.edu/employees/spa-employees/spa-benefits/tuitionprograms/educationalassistance>. You may also contact Ruth Holt in Benefit Program Administration at 962-3055 with questions.

The sad fact is that these programs have been woefully underused in past years. Even though information about these opportunities is a part of the packet given out at new employee orientation, its importance seems to be overshadowed by the need to absorb so much other basic knowledge about working at Carolina.

The good news is, this means there is still plenty of money just waiting to be claimed. We encourage *you* to take advantage of this "Cash Back"

opportunity at UNC.

For instance, classes should be taken on an employee's personal time if at all possible. If the class is only available during working hours, eligible employees must request Educational Leave or a flexible work schedule prior to the beginning of the course, being sure to allow sufficient time for the request to be reviewed. Supervisors are encouraged to work with employees to develop a plan that gets the work done and also allows class attendance.

---

## ***Collective Bargaining Laws -- What's in Them for Us?***

*Last month, InTouch ran the first in a series of articles on collective bargaining in order to fulfill the Employee Forum's mandate to provide the campus community with more information about this topic. This is the second article in the series.*

*There are currently four collective bargaining bills before the NC Legislature. It is important to understand what this kind of legislation does and does not do, because any bill that is passed by the General Assembly will ultimately have a material effect on the work life of tens of thousands of public employees. This article describes the various kinds of provisions that are typically found in legislation that opens up the possibility for collective bargaining.*

NC legislators have a chance to make history during this legislative session if they pass a bill that was introduced into the General Assembly by the NC chapter of the NAACP. Senate Bill 1543 would effectively reverse a law that for nearly 50 years has prevented public employees from formally working together to try to improve the terms and conditions of their employment. The bill provides for the possibility of contracts being negotiated between public employers and labor organizations representing public employees.

The introduction of this bill provides us with an opportunity to describe the standard elements of collective bargaining laws. Such bills are known as "enabling legislation" and are often referred to as a Public Employee Relations Act or PERA. Not all PERA legislation is alike, but most such bills have the following common elements that set out the rights and responsibilities of all parties and specify a general framework within which everyone can work together.

All of the following elements may be included in a PERA bill. Those that are included in Senate Bill 1543 (S1543) are indicated with an asterisk.

**1. Preface.** Iowa's PERA provides a good example of a preface in a right-to-work, no-strike state: "...It is the public policy of the state to promote harmonious and co-operative relationships between government and its employees by permitting public employees to organize and bargain collectively; to protect the citizens of this state by assuring effective and orderly operations of government in providing for their health, safety, and welfare; to prohibit and prevent all strikes by public employees; and to protect the rights of public employees to join or refuse to join, and to participate in or refuse to participate in, employee organizations." (1)

**2.\* Establishing a PERB or PERC.** Enabling legislation usually establishes a Public Employees Relations Board (or Commission) that usually has an odd number of members who are appointed to rotating terms by various elected officers. S1543 provides for a PERC composed of nine members, five appointed by the Governor and four by the General Assembly. It also describes their authority and duties, which have both administrative and judicial components.

**3. Rights of Management.** Some PERAs will delineate the rights of management, which are the usual rights. S1543 does not do this.

**4.\* Rights of Employees.** A typical PERA will delineate the rights of employees and labor organizations, including the right to self-organization free from interference, restraint, or coercion.

**5. Scope of Bargaining.** Such laws will usually specify topics that may or may not be the subject of collective bargaining. Topics may be defined as "mandatory," meaning they must be bargained, or as "permissible," meaning they may be bargained if both parties agree to their negotiation. Still other topics may be determined to lie outside the scope of bargaining. In general, all of these topics are divided into two broad categories: Salaries, benefits, and pay premiums are often termed "economic issues," while personnel rules and working conditions are termed "non-economic issues."

**6. Bargaining Units.** Laws vary considerably in their definitions of bargaining units. Some laws are quite specific in their requirements, and others leave it to the PERB or PERC to establish these guidelines. Most states establish bargaining units by government agency (for instance, the NC Department of Transportation) or large groupings of agencies that are composed of workers in a variety of jobs, but a few mandate bargaining by occupational groupings that cross government agency boundaries.

**7. Who Qualifies for a Bargaining Unit.** Even under collective bargaining, some state employees will still not be able to rely on that means of addressing their needs and concerns. Specifically, PERAs exclude political appointees and confidential employees from representation by bargaining units, as well as supervisors who are at a level of authority to adjust grievances. However, other supervisors are allowed to be members of bargaining units, though sometimes they are grouped into their own unit.

Some PERA laws prohibit professional and non-professional employees from belonging to the same unit. Definitions of "professional" vary, but often involve positions that require educational or licensing qualifications or special expertise.

**8.\* Selection of Bargaining Representative:** PERA laws also vary in providing for the selection of the labor organization to be the exclusive bargaining agent. Sometimes bargaining agents are established simply upon petition of a labor organization with the assent of management and no dissent from a competing labor organization. Some laws provide for card-check procedures (2), which require that a majority of all employees in a bargaining unit sign a card indicating they all prefer the same labor organization to act as their agent.

Other laws provide for elections, in which one or more labor organizations compete to be the bargaining agent. In an election, one of the ballot

alternatives must be "no bargaining agent." An election majority is determined by the number of employees voting, which is typically fewer than the total number of employees in the bargaining unit.

"Exclusive bargaining agent" means that all other labor organizations are precluded from representing employees of that bargaining unit. Several experts support the notion that collective bargaining is still possible even when a labor organization represents a minority of employees. Such "minority-union bargaining" has been practiced historically in advance of a union attaining majority status. (3)

**9.\* Duty to Bargain.** A PERA law will require parties to negotiate in good faith and may describe penalties for failure to bargain.

**10. Timetables.** Some enabling laws will define timetables for various phases of bargaining and may stipulate the length of any contract that is negotiated, often limiting it to two years in order to match the legislature's or local government's budget cycle.

**11. Public's role.** Many states require that negotiations be held behind closed doors. Some provide for the publication of the initial bargaining position of both parties. Some allow for a public comment period after agreement is reached but before a contract is finalized. Another option that some states have used—which, incidentally, would be more in line with North Carolina's open meetings laws—is to permit media coverage of negotiations and public attendance at negotiating sessions.

**12.\* Impasse Procedures.** (4) Mediation, fact-finding, and arbitration are sometimes provided for by law.

Mediation is non-binding and usually conducted for a short period by a single, impartial mediator agreed upon by both parties.

Fact-finding may be a separate procedure but is sometimes included in mediation or arbitration. A fact-finder may be the same person who mediated. A fact-finder will hear both sides of the disputed issues, collect relevant data, and make a recommendation for settlement.

If neither mediation nor fact-finding resolves an impasse between the parties, arbitration is often the last procedure. Arbitration may be binding or non-binding. Binding arbitration is necessary in states with no-strike laws. Arbitration is usually conducted by one or three persons—if three, one is selected by the employer, one by the employees, and one by mutual agreement. If the parties cannot agree on the third person, he or she may be selected by the PERB or PERC or by each party striking names from a list of approved arbiters until only one name remains.

There are three principal ways to conduct arbitration: conventionally, issue-by-issue, or by final offer. In conventional arbitration, the arbitrators are free to fashion a package they consider fair to both sides. With issue-by-issue arbitration, the arbitrators decide on each impasse issue separately. With final offer arbitration, arbitrators must select the entire package of either the employer's final offer on all issues or the employees' final offer.

In some cases, the arbitration process is a hybrid of these three main methods, such as when its approach is by "final offer" on economic matters but "issue-by-issue" on non-economic matters.

Recently, both labor organizations and employers have begun to prefer omitting mediation and including any fact-finding in the arbitration procedure. This reduces the negotiation period and costs and streamlines the process. S1543 provides for issue-by-issue, binding arbitration.

**13.\* Funding contracts.** Contracts are usually submitted for approval to the legislature or a similar local body, such as a town council. Sometimes the law will stipulate that if the legislative body fails to void the contracts within a two week period, the contracts become effective.

**14. Letters of Agreement.** Letters of agreement between the employer and employees are permitted on issues that might arise between periods of contract negotiations. Such letters or memoranda-of-understanding will usually have the force of a contract.

(1) Iowa Code: <http://coolice.legis.state.ia.us/Cool-ICE/default.asp?category=billinfo&service=IowaCode&ga=82&input=20>

(2) Employee Free Choice Act: Fact Sheet: Why Majority Sign-up is Needed <http://araw.org/takeaction/efca/cardssummary.cfm>

(3) Morris, Charles J., "Members Only Collective Bargaining, A Back-to-Basics Approach to Union Organizing," in *Justice on the Job: Perspectives on the Erosion of Collective Bargaining in the United States*. Block, Richard N., et al., eds. Kalamazoo, Michigan: W.E. Upjohn Institute for Employment Research, pp. 251-274.

(4) Kearney, Richard C. *Labor Relations in the Public Sector*, 3rd Edition. New York: Marcel Dekker, Inc., pp. 259-292.

---

## ***Surprise: Some Lineberger Employees Get New Boss***

Imagine going to renew your parking permit, only to find that your application is denied because—much to your surprise—you're told that in a few weeks you're not going to be working for the University any more!

It may sound like the plot of a silly TV sitcom episode, but for five employees at UNC's Lineberger Cancer Center it's no laughing matter. As the alarmed employees later learned from their supervisors, someone had neglected to tell them that their jobs are being transferred from the University to the UNC Health Care system effective July 1st.

To make matters worse, someone had forgotten to tell a lot of other people, too. UNC Parking Services appeared to have about as much information as anyone else—and more information than a lot of people who should have been in the information loop. The Forum has learned that more specific information was lacking, in part, because the administrator(s) responsible for making some of the necessary personnel

decisions are out of the office until mid-June.

The Lineberger employees who are affected by this move expressed concern that they were going to miss getting their pay increase this year because raises have already been given in the Health Care system but won't be given at the University until after their transfer goes into effect on July 1st.

In addition, they expressed concerns about policy differences between the two systems—for instance, in matters such as future leave time accrual and retirement benefits—and loss of the legally-mandated “property interest” in their jobs by two of the employees who are protected under the State Personnel Act. One employee lamented that between the lost raise and the changes in his benefits, becoming a UNC Health Care employee is going to cost him about 9% of his total compensation package.

In response to these concerns, the Human Resources office at UNC Health Care has been working diligently to find as many answers as possible and to keep everyone informed about the situation.

Norman Klase, Director of Human Resources at UNC Health Care, has said that the impact of the change should be relatively small and employees' terms and conditions of work should remain essentially the same or even be somewhat improved. He noted that in the past, other groups of employees have also been transferred from the University to the Health Care system payroll.

UNC Health Care has set up individual appointments for later this week with each of the transferring Lineberger employees in order to address their specific concerns.

Some University employees, however, are doubtful that only five employees will be affected by this move.

“I think it's a test balloon,” said one long-time University worker. “They are transferring five employees right now—five employees who just coincidentally happen to have the three main types of jobs in the University system. One is faculty, two are EPA Non-faculty, and two have jobs that are protected under the State Personnel Act.

“If this transfer goes well, are they going to try to transfer everyone in Lineberger next, and then everyone at the Dental School or the School of Medicine?”

“If you ask me, it looks like this is just the first step of a work-around designed to accomplish what [UNC System President] Bowles was not able to do directly—to get University employees out from under the State Personnel Act, strip them of their employment protections, and put them into an independent personnel system like the one started at UNC Health Care in 1998.”

At the time the *InTouch* went to press, no one had yet been able to contact Human Resources to find out how many other University employees may be targeted for transfer in the next few years.

---

## ***Forum Passes Resolution Requesting New Smoking Restrictions***

A bill before the North Carolina General Assembly (H760/S862) would allow UNC to prohibit smoking within its buildings and up to 100 feet from building entrances. At its May meeting, the Employee Forum passed a resolution that lays out the smoke-free policy the Forum would like the Chancellor and his administration to adopt if the bill becomes law. The resolution asks that smoking be prohibited in enclosed spaces and within 50 feet of buildings; the proposed policy would apply to students, faculty, staff, and campus visitors. The resolution also asks that on-site smoking cessation programs be provided for members of the campus community who wish to quit smoking. To explain why such a policy is necessary, the resolution details some of the dangers of secondhand smoke; it cites the 2000 Surgeon General's report, which states that any level of exposure to secondhand smoke increases the risk of disease and premature death and that air-cleaning technologies do not eliminate the danger.

Forum delegates discussed the resolution at length before voting to pass it. Initially, the proposed policy stated that no ash trays should be provided on campus, but this phrase was struck from the resolution after a number of delegates argued that removing ash trays would lead to littering. Another proposal that the University ban smoking throughout its grounds was rejected by most delegates in favor of the idea of restricting smoking to areas at a reasonable distance from building entrances (which would meet the legal definition of “smoke-free” without entirely banning smoking). One delegate who is a smoker spoke in favor of the resolution, stating that he supported non-smokers' rights to avoid secondhand smoke exposure. Other delegates, most of whom were non-smokers themselves, expressed concerns that placing more limits on smoking on campus would discriminate against smokers and that the proposed policy was unrealistic and unenforceable. Several delegates stated that while they personally supported the proposed policy, they knew that it would be unpopular with the employees they represented. In the end, 18 delegates voted in favor of the resolution, 4 voted against it, and 4 abstained.

For more information on the resolution, see <http://forum.unc.edu/>; to read about the bill pending in the General Assembly, visit <http://www.ncga.state.nc.us/Legislation/Legislation.html> and search for bill S862.

---

## ***Tuition Benefits***

In the near future, the Executive Committee of Employee Forum is planning to have a presentation on tuition benefits that are available to UNC employees.

For details about these benefits, please email Jane Majors at [majorsj@email.unc.edu](mailto:majorsj@email.unc.edu). Also see the article on tuition benefits in this edition of *InTouch*.

---

---

## ***New Associate Vice Chancellor for Human Resources Chosen***

The Search Advisory Committee in charge of finding UNC's next Associate Vice Chancellor for Human Resources has selected Brenda Malone, who is currently Vice Chancellor for Faculty and Staff Relations at the City University of New York. Malone succeeds Laurie Charest, who retired from UNC in January. Malone will take up her duties at Carolina on August 1st.

---

## ***It's Not Just for the Boy Scouts Any More... Be Prepared!***

What do you think needs to be changed about the University's personnel system?

A lot of what a human relations office does is defined by law—and their primary job responsibility is to make sure that those laws are followed. When the laws, rules and regulations they are guided by become outdated or cumbersome, it can make HR professionals want to demand a steady supply of headache medicine as one of their employment benefits! And it's just as frustrating for the departments and rank-and-file employees whose work situations are affected.

Because the rules and regulations of the State Personnel system have felt like a too-tight shoe for a number of years, now, UNC System President Erskine Bowles is asking the NC Legislature for permission to convene a task force that will make recommendations for ways that the system could be changed.

The Employee Forum would like to know what kinds of issues *you* think this task force should take up. So be prepared: Next month we'll give you a web address where you can go to share some of your ideas with us (anonymously, of course).

In the meantime, put your thinking caps on. Do you have "issues" regarding how pay or benefits matters have to be handled? Are there problems with employee relations and working conditions that need to be addressed? Have you run up against obstacles in the hiring and recruitment of new employees? What about career development? And—just as importantly—what do you want to remain the same because it's working well just as it is?

We'll look forward to hearing from you folks "on the ground"—and being able to share your ideas with General Administration, the new Task Force, and our own campus's trustees and Administration.

---

Return to the [Employee Forum Home Page](#)  
Contact a Forum Delegate via our on-line [roster](#)  
[Return to Top](#)