

InTouch: UNC Employee Forum News

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Address to the Board of Trustees

Employee Forum, Ernie Patterson, Chair
September, 26 2007

Thank you for this opportunity to share with you some of the issues and concerns currently before the Employee Forum. I want to thank the University and especially the Administration for its support of the Forum and the Forum's goal of representing all non-faculty employees at UNC-Chapel Hill. Today I am here to report on the recent success of the proposal for UNC to become smoke-free and to request your support for a new University initiative we are calling the Carolina Literacy Challenge.

First, I would like to thank the Administration and the Board of Trustees for taking seriously the Forum's and others' requests for a smoke-free campus. The expanded services that are being proposed to help people quit smoking go far beyond similar programs and will provide superior support for employees who want to quit. Putting these programs in place prior to the actual start date of the new policy will allow faculty, staff, and students time to prepare. I ask that the Administration work jointly with UNC Student government and the UNC-Chapel Employee Forum to insure that the implementation of the Smoke-Free Campus is regularly monitored for success and that the programs designed to help people quit smoking or manage their smoking are available as a part of their work-day to each person who wants to participate.

Second, UNC is currently in the process of revising a number of its day-to-day work practices in order to improve the collection of business data and to provide employees with quicker and better access to their benefits and compensation information. Some of these innovations are:

- direct deposit for ALL University paychecks – currently employees in all department can receive their paystub (summary of their pay check) in hard copy. Moving to an online system will require all employees to have access to a bank account that accepts direct deposits.
- an online Time Information Management (TIM) system,
- the use of online employment and/or advancement applications,
- online personnel benefits reports, and finally
- the new Enterprise Resource Plan.

These innovations rely on computer systems to make them work, and this means that the employees who are expected to use them need to be computer literate and have regular work-day access to computers. Because many UNC employees do not use computers as a part of their daily work, and have little if any access to them, they have not had the opportunity to develop the computer literacy skills necessary to use the new systems. For others, the problem runs much deeper. According to calculations from the Orange County Literacy Council and others approximately 500-600 of the University's employees lack basic reading, writing and math skills with significantly higher numbers needing help with technical literacy. For them, moving to a computerized system will be impossible without basic literacy training.

To begin to address the challenges that the online system will create, both computer and basic literacy skills training

will be necessary. We have asked Chancellor Moeser to support a Carolina Literacy Challenge to improve the literacy skills of this part of the Carolina workforce. We ask for your support of this endeavor, as well. With so many employees in need of additional support to achieve adequate basic technical literacy, implementation of this program is critical.

A number of years ago, I ran across an administrative assistant here on campus who could type more than 50 words a minute. She made very few mistakes. The ones she did make though, were very unusual. They didn't seem to follow a pattern of "wrong fingers on the wrong keys" that you might expect. Instead her mistakes were exactly the same mistakes that could be found on the original document. As it turns out, she couldn't read what she was typing. She was simply typing what she saw - letter for letter.

Members of the Forum met recently with the Orange County Literacy Council, staff from HR, and others to develop a plan to integrate basic reading and comprehension skills with technology skills training for all employees who wish to participate. Based on the results of numerous studies by employers (such as the Sheraton Hotels and the U.S. Chamber of Commerce) and literacy experts, as well as from our own experience with the Clerical Skills Program, we know that this type of workforce literacy training has proven very successful both for employees and employers.

We have begun to identify the resources needed to make this large undertaking work. We anticipate that much of the curriculum will use existing training materials, such as a financial literacy curriculum developed by the US Treasury Department and FDIC. To help keep the cost down, we propose redeploying existing UNC resources, such as computers, monitors and other equipment that would be surplus. By working with the CCI support staff and supplementing existing CCI resources this program can be successful and conserve our resources. For students who need, and want, more basic skills, we will contract with the Orange County Literacy Council to provide one-on-one and small group instruction. We will measure students' progress, and the program's effectiveness, on a regular basis.

We see the move toward online payroll and HR services as a very positive way to offer employees the encouragement they need to build their basic literacy and computer literacy skills. We look forward to working with you as you guide the entire University community toward 100% literacy.

Forum Resolutions

The Employee Forum approved resolution 07-10, concerning censorship at UNC-Chapel Hill, at its September 5, 2007, meeting. The Forum approved the resolution with one delegate voting against. The resolution decried the decision of University Relations to spike an article on collective bargaining rights authored by UNC Sociology grad student Raj Ghosal. The article was to be published in the Forum's annual *InTouch* newsletter insert that is printed and distributed via the *University Gazette*. Advocates of the resolution characterized the Forum's insert as being its own publication and thus not subject to control by University Relations.

Chancellor Moeser disagreed with the Forum's resolution on the issue in a September 20 letter. He said that University Relations' decision was not censorship but rather was "an editorial decision that the editor and publishers of the *Gazette* are well within their authority to make." Moeser encouraged the Forum to seek alternative means of publicizing the article.

Moeser also wrote that the decision not to publish the article stemmed from the absence of a legislative agenda on collective bargaining. Resolution proponent Brenda Denzler, chair of the Forum's Communications Committee, disagreed with this characterization, stating that the issue was a matter of censoring free speech, not editing submitted materials.

Employee Appreciation Day

Employee Appreciation Day will be on October 18th this year—a warm and glorious Thursday, we predict! There will be games, food, an expo and benefits fair with lots of prizes and give-aways, and a 25% employee discount at Student

Stores. (Be sure to bring your One Card!)

Volunteers are needed to help staff the canteen, games and the expo for two-hour shifts beginning at 7:00 a.m. (to help with set-up) and ending at 5:00 p.m. (to help with break-down). In addition to the sheer pleasure of participating in this epic once-a-year event, volunteers will receive a T-shirt and a free catered lunch after their shift has ended.

With supervisor approval, volunteering at and attending Employee Appreciation Day can be considered work time.

Contact Shelly Green at employee_services@unc.edu or at 962-1483 if you want to volunteer or have any other questions.

It's About TIM!

UNC Rolls Out New Time Management System

Kim Curtis, Sr. Project Manager, TIM

[Editor: Recently the Employee Forum learned that some employees were concerned and unhappy about the new time management system that is being implemented here at UNC-Chapel Hill. Changes in how time will be reported on our timecards have led some to believe that the new system reflects a mistrust of employees. When we forwarded these concerns to TIM Project Manager Kim Curtis, she pointed out that the exact opposite is true. Her comments were so useful that we wanted to share them with our readers.]

Employees at UNC-Chapel Hill will soon have a new way to report their work time as the University's paperless Time Information Management (TIM) system is rolled out across campus. The system, which uses Kronos, Inc.'s time management software, is scheduled to be implemented first among IT and Psychology employees in October 2007. It will be in use campus-wide by early next summer.

With TIM, the bi-weekly and monthly rushes to fill out and process paper time reports will be replaced by an electronic system that will automate the collection and reporting of all information about employees' work and leave time. Accessible by computer, special badge swipe terminals, or telephone, the new system will replicate some of the essential features of the old, paper-based time reporting system while changing others.

One of the most notable changes for many employees will be a difference in what they report. Faculty and EPA Non-faculty will continue to report their leave time each month, just as they always have. SPA Exempt employees will report their leave time Bi-Weekly to coincide with their pay schedule. And for SPA Non-exempt employees there will be one new feature: Instead of reporting the total hours worked each day, they will report their start and stop times each day by logging onto the TIM system. The Kronos software will automatically calculate the hours that were worked, with a precision down to tenths of an hour.

Some employees have expressed unhappiness with the new, more precise reporting requirement, saying that it demonstrates a lack of trust on the part of the University toward its workers. However, just the opposite is true.

The great majority of the campus has chosen to use a manual time entry method for their SPA staff, meaning that while employees are expected to clock in and out of work every day, they can manually report their start and stop times rather than being confined to accepting whatever the system automatically records for them.

In other words, the manual time entry method gives the employees full editing capabilities so that they can make any adjustments and corrections their time card may need in each reporting period. For instance, if an employee does a work-related errand before reporting to work, he or she can manually adjust the start time that would be recorded by the TIM system when they eventually clock in.

The Kronos software is very powerful and very flexible, so the standards of operation for the TIM system could have been set otherwise (and indeed, this has been done in a number of other places where it has been implemented). The fact that the system was set to give employees at UNC maximum personal control over their time report demonstrates

the University's trust in their workers—not their distrust.

The Administration at UNC-Chapel Hill has made it clear that there is not any particular issue or any sense of employee distrust that drives this project. The primary reasons cited for implementing the TIM system have been better time reporting and payroll management efficiency and, as a result, a projected reduction in costs.

The benefits of this system are many both to the university and to the employees. For the university:

- The accuracy of its payroll will increase because state and university policies will be applied more consistently and fairly to all employees
- There will be less risk of paper forms being lost or delayed.
- Reporting and analysis functions of the TIM system will enable departments to better manage budgets, expenses and departmental coverage.
- The amount of paper used, the cost of photocopying and the requirements for physical storage of the paper generated will decrease significantly.
- The hours of preparation it takes to process the annual Leave Liability will be completely gone. As you know, this is a state requirement and university-wide it takes somewhere in the area of 20,000 staff hours each year.
- The TIM data will be stored in a central repository so research for items related to Human Resources will become much easier and more accurate.
- The process of entering time into the payroll system manually is reduced to a few adjustments, which reduces human error and thereby payroll errors.
- Management will be able to review the work hours that it takes to support their departments, which will give them a solid justification when asking for additional staff, the ability to budget more accurately, and the ability to allocate salary expense to the actual project or work order when needed for billing accurately.

For the employees:

- They have access to information about their own time.
- The system stores the history of their working hours so that they can review their own previous time reports or so that the information can be quickly and easily transferred to another agency.
- They have immediate access to information about how much leave time they have available, both today and in the future.
- The system protects their time records so that they can't be lost.
- They can see a schedule, if that is needed.
- If they have the need to use Family Medical Leave or Community Service Leave, they can plan that out in the system to ensure steady income.
- The system automatically calculates additional pay situations, such as overtime, compensation time, shift differentials, and holidays worked, rather than having to rely on someone's memory to do that. This will produce a more accurate check on payday.

As we move forward with the TIM roll-outs over the next eight months, we will be conducting training and workshop sessions to help users become familiar with the system and its capabilities. Many of the training sessions will be hands on so that employees can actually see it at work. In addition, the project team has published a website that has a great deal of information at <http://www.unc.edu/finance/payroll/tim/>. This website will continue to offer status updates and project information as well as access to Training and User Guides. Department Managers who feel their department may have special processing needs or concerns can reach me directly via email at curtisk@email.unc.edu. There is also a functional help group available at TIMsupport@unc.edu for general questions.

The expenses faced by higher education institutions continue to increase, just as they do for individuals. In 1980, I would have laughed at someone who said I'd pay \$3.00 for a gallon of gas in 2007. But look at us today! Just as we clip coupons, use compact fluorescent light bulbs, and buy energy-efficient cars and appliances, the University of North Carolina has to find ways to save money to ensure its ability to continue providing the education, knowledge and

services that the state has come to depend upon.

That's really what is at stake here. Implementing a more modern and efficient time and payroll management system means better long-term job security for everyone who works here.

Did You Know...?

Who Are Staff Employees?

Staff employees make up 71.48% of the total UNC-Chapel Hill work force, according to figures for 2006 supplied by the Office of Institutional Research and Assessment.

Among staff employees, 79.5% are SPA employees (subject to and protected by the provisions of the State Personnel Act) and 20.5% are EPA Non-faculty ("at will" employees.)

Survey Says...

What UNC Employees Would Fix in our Current Personnel System

As University administrators' statements have indicated over the past few years, staffing needs in a University setting can differ in important ways from staffing needs in other State offices. The rules and regulations of the State Personnel system, they say, do not always meet our needs.

To address these issues, UNC System President Erskine Bowles is convening a task force that will meet during the Fall 2007 semester and make recommendations in early January 2008 for ways that the University personnel system should be changed.

This summer, the Employee Forum asked staff employees what kinds of issues they thought this task force should take up. The full results of this survey can be found at <http://forum.unc.edu/documents/personnelsurveyresults.pdf> 1 In brief, here is what you said:

About 200 staff employees answered questions about pay, benefits, employee-management relations, hiring and promotion, career development, and working conditions at UNC-Chapel Hill. Most (63.7%) had worked for the University more than five years, and most (71.1%) were women. Because the survey was conducted using Survey Monkey, an online survey site, most of the responses were from employee groups more likely to have computer-oriented jobs, who presumably found it easier to participate. Executive, administrative and managerial staff comprised 35.6% of respondents, professionals 24.8%, clerical and secretarial staff 20.3%, and technical and paraprofessionals 16.8%. SPA and EPA Non-faculty responded in rough proportion to their numbers in the University workforce. Respondents overwhelmingly indicated that they thought employees should be able to vote on the re-vamped system before it goes into effect (82.76%) rather than just having the Administration make all the decisions and implement them (17.24%).

Pay: Employees were asked to rank a set of 14 pay and compensation issues in their order of importance. The most important issue they identified was a desire to see cost-of-living based pay increases, followed by a desire for performance-based pay increases. The availability of in-range pay adjustments and the ability of all University employees to earn a living wage tied for 3rd place. Drawing a salary on parity with the private sector was the 4th most important issue.

The high value employees place on the living wage issue is interesting, since 60% of the respondents were from job categories that are *not* among the lower salary grades where making a living wage is a critical everyday concern. This could reflect considerable altruism on the part of more-privileged employees, or it could reflect a misunderstanding of what the term "living wage" is usually meant to indicate: a pay level that enables every full-time employee to fall above rather than below the federal poverty line for this region.

Several employees indicated, in separate comments, that they felt the official pay scales for University jobs failed to take into account the higher cost of living in the Triangle area. So support for a “living wage” could be taken to reflect an opinion shared by many employees that no matter what they earn, it’s not enough to live on around here given the cost of living. The next most important issue that respondents cited, parity with the private sector, might tend to reinforce that interpretation.

Interestingly, in light of the state-wide push to move to career banded pay scales as a way of addressing disparities between state pay and what is available in the private sector, banding was not a very high priority for most respondents, who ranked it 9th in importance. This may indicate that employees either have not heard or do not believe the message that career banding is one solution to our income ills. One employee remarked that “Career banding, in my opinion, is a farce....[It] cannot be used in the way it should to attract and keep employees.” As another employee observed, there needs to be more funding (and a better mechanism) to make salary increases possible—“otherwise, not much of the rest matters.”

It is also worth noting that among employees in general, it was not very important for people in grant-funded positions to be able to use that grant money for salary increases independent of other increase mechanisms. The issue ranked 12th out of 14. Among the 18.4% of respondents whose jobs are grant-funded, however, that issue ranked 8th in importance.

Among other general comments offered on pay issues, employees indicated that departments ought to have more power to make pay decisions without higher-level administrative units’ interference. At the same time, other employees suggested that there should be annual reviews of departmental pay equity conducted by Human Resources.

| What are the most important pay issues that would you like an improved personnel system to address? Please choose what you feel are the most important issues and rate them, with “1” being most important, “2” next most important, etc. | | | |
|--|-------------------------|-----------------------|-----------------------|
| Answer Options | Response Average | Response Total | Response Count |
| Cost-of-living pay increases | 3.06 | 429 | 140 |
| Performance-based pay increases | 3.89 | 568 | 146 |
| In-range pay adjustments | 4.09 | 474 | 116 |
| Living wage for all University employees | 4.09 | 507 | 124 |
| Parity with salaries in the private sector in this area | 4.17 | 555 | 133 |
| Merit-based bonuses | 4.85 | 626 | 129 |

Benefits: Employees were asked about their priorities with regard to health-related benefits, retirement, life and disability insurance, child care, paid leave, and education. Not surprisingly, by far the most important benefits issue was health insurance. A number of respondents indicated that it was important to have more affordable spouse and dependent health care coverage and to extend coverage to domestic partners, while others emphasized that the question of who is going to pay for these benefits is even more important than the kind of benefits we have. “Generally the benefit plans are decent,” wrote one employee, “but the State doesn’t pay enough of the cost, except for health insurance for employees.”

Retirement benefits came in a distant 2nd in the survey, and paid leave (vacation, sick days, etc.) came in 3rd. Education benefits for the children of all employees, a proposal recently made by an ad hoc faculty group but tabled for the time being due to lack of administration support, came in 6th place. By contrast, child care benefits came in last.

| What are the most important benefits issues that you would like an improved personnel system to address? Please choose what you think are the most important issues and rate them, with “1” being most important, “2” next most important, etc. | | | |
|--|-------------------------|-----------------------|-----------------------|
| Answer Options | Response Average | Response Total | Response Count |
| Health insurance | 1.51 | 240 | 159 |
| Retirement | 3.27 | 415 | 127 |
| Paid leave | 4.28 | 454 | 106 |
| Dental insurance | 4.82 | 588 | 122 |
| Educational and career development opportunities for employees | 5.14 | 555 | 108 |
| Education benefits for children of all employees | 5.81 | 674 | 116 |
| Vision insurance | 5.86 | 580 | 99 |

| | | | |
|--|------|-----|------------|
| Life insurance | 5.98 | 526 | 88 |
| Disability insurance | 6.59 | 619 | 94 |
| Benefits being made available to part-time employees | 7.9 | 719 | 91 |
| Education benefits for spouses and partners of employees | 7.96 | 748 | 94 |
| Child care | 8.88 | 817 | 92 |
| answered question | | | 170 |

Employees were asked how well the University's benefits met their personal and their families' needs. Almost 80% said that while the current benefits system met their personal needs adequately or very well, fewer than 36% said that their families' needs were being met at the same levels, and 34% said that they were not being met well at all.

| How well do the University's benefits meet your personal needs? | | |
|--|-------------------------|-----------------------|
| Answer Options | Response Percent | Response Count |
| Very well | 8.88% | 15 |
| Adequately | 71.01% | 120 |
| Not well at all | 18.93% | 32 |
| Not applicable | 1.18% | 2 |
| answered question | | 169 |

| How well do the University's benefits meet your family's needs? | | |
|--|-------------------------|-----------------------|
| Answer Options | Response Percent | Response Count |
| Very well | 5.29% | 9 |
| Adequately | 30.59% | 52 |
| Not well at all | 34.12% | 58 |
| Not applicable | 30.00% | 51 |
| answered question | | 170 |

Earlier human resources studies have recommended a cafeteria-style benefits system under which employees would be given a certain number of "benefits dollars" to spend to create a benefits package (health, retirement, disability, etc.)

customized to their individual needs. While 54% of respondents to this survey indicated that they would be interested in that opportunity, nearly 36% were more cautious about the prospect. One employee pointed out that “sometimes you don’t know exactly what you need...[until] the unexpected actually happens to you,”—and by then it’s too late. Most said they needed to know more about which benefits would be offered, what their dollar value would be, and whether that value would be adjusted periodically to reflect inflation.

One employee noted that “if the packages are not in sync with the dollar value awarded to the employee, it could result in fewer benefits.” Another expressed a fear that a cafeteria system would subtly shift the costs of benefits down to employees, when it should be the State picking up a larger share of these costs. “A cafeteria plan with high employee contributions or selectively poor coverage is no better than at present,” observed one employee. And another agreed that, depending on what is offered and how it is offered, employees could wind up worse off.

Respondents stated that whatever options might be offered, they should be the same between EPA and SPA employees, rather than treating SPA employees like “second-class citizens” by giving them poorer choices. They also emphasized that it would be important to offer an array of benefits that would work for employees in all phases of their lives and careers.

| Would you be interested in having cafeteria-style benefits in which you could create your own benefits package from an assortment of options, up to a certain dollar value? | | |
|--|-------------------------|-----------------------|
| Answer Options | Response Percent | Response Count |
| Yes | 54.12% | 92 |
| No | 10.00% | 17 |
| Maybe | 35.88% | 61 |
| <i>answered question</i> | | 170 |

Employee-management relations: For several years, the Employee Forum has been quietly suggesting that evaluations of supervisors by those under them as well as by their bosses would improve the workplace at Carolina. Employees apparently agree: Having the chance to evaluate one’s supervisor is the #1 suggestion for improving employee-management relations. “Managers are clearly not trained in management skills,” wrote one employee. “Favoritism and nepotism are running rampant.” There needs to be a process of in-depth training mandated for both supervisors and their subordinates, suggested another.

Another respondent singled out deans and, especially, faculty “who are thrown into the role of administrators [who] are—and there is no softer way to say this—failing miserably at creating a functioning office environment. They are simply not trained in business/business management, etc.” The solution, suggested this employee, would be to “insert a buffer system of administrative management between faculty and staff to streamline workloads” and centralize the management of issues and problems.

Managing overtime and comp time was the 2nd most important issue to respondents. “Too many employees in my area are working more than 40 hours a week to get their jobs done and are not claiming overtime out of fear of being reprimanded (There is never enough money!) or because they feel it is their duty.”

Another employee noted that when some employees consistently go the extra mile but wind up getting the same pay as those who are barely doing their jobs, it becomes disheartening. “Why not slack off, if it makes no difference?” they asked. Another employee complained about a department with a policy that no one can get an “outstanding” overall rating on their annual performance reviews. “How’s that for encouraging mediocrity?” this person asked.

On the other end of the spectrum, respondents felt that it is important to be able to effectively address performance problems (4th in importance). “We have a mentality that you can’t fire a state employee,” wrote one survey-taker, “and that gives poor employees empowerment over management.”

What are the most important employee-management relations issues that would you like an improved personnel system to address? Please choose what you feel are the most important issues and rate them, with “1” being most important, “2” next most important, etc.

| Answer Options | Response Average | Response Total | Response Count |
|---|-------------------------|-----------------------|-----------------------|
| Evaluations of a supervisor's performance | 2.88 | 308 | 107 |
| Comp time and overtime | 3.18 | 308 | 97 |
| Collective bargaining | 4.03 | 314 | 78 |
| Performance problems | 4.6 | 377 | 82 |
| Grievance process | 4.85 | 359 | 74 |
| Adverse weather/heat/cold policies | 5.56 | 439 | 79 |
| Career banding | 5.76 | 438 | 76 |
| Outsourcing | 5.97 | 436 | 73 |
| Computing work time in weeks with paid holidays | 6.18 | 383 | 62 |
| Arbitration | 6.41 | 410 | 64 |
| Dismissals | 6.69 | 395 | 59 |
| Warnings and disciplinary actions | 6.75 | 405 | 60 |
| Contract labor/service-level | 7.2 | 432 | 60 |

| | | | |
|--------------------------|--|--|------------|
| agreements | | | |
| answered question | | | 152 |

Another high priority for employees is improving the grievance process, which ranked 5th in employee interest. More than 46% felt that the final decision on all grievances and disciplinary appeals should be made by a panel of people outside the University, while more than 39% said that a panel composed of other University employees would be preferable. Only 8% said that it was desirable to have these decisions ultimately made by one person—the chancellor—and almost as many indicated that there are other configurations that they would like to see.

A particularly popular option was panels composed of people from within and from outside the University, with the idea that people from inside the University would bring knowledge of the University environment and system, while those from outside would bring a “broader and non-partisan outlook.” A non-partisan approach was cited several times as being a chief benefit of having an outside panel.

The preference for non-partisan decision-makers also held for questions about what arbitration should look like if it were to become available here. Nearly 75% of all respondents said that it should be conducted using an outside arbiter rather than a UNC-based arbiter. More than 42% thought that the results of arbitration should be binding,

| Final decisions on grievances and appeals of disciplinary actions should be determined by: | | |
|---|-------------------------|-----------------------|
| Answer Options | Response Percent | Response Count |
| A panel within the University | 39.13% | 63 |
| A panel from outside the University system | 46.58% | 75 |
| The Chancellor | 8.07% | 13 |
| Other | 6.21% | 10 |
| answered question | | 161 |

| If UNC has arbitration for workplace disputes, do you think it should (check all that apply): | | |
|--|-------------------------|-----------------------|
| Answer Options | Response Percent | Response Count |
| Use an outside arbiter | 73.58% | 117 |
| Use a UNC-based arbiter | 32.08% | 51 |
| Be binding | 42.77% | 68 |
| Be non-binding | 18.24% | 29 |
| answered question | | 159 |

Hiring and promotion: Employees were asked to rank nine issues relating to hiring and promotion at UNC-Chapel Hill in their order of importance. Eight of the nine issues received an average response of 5 or higher, indicating a good deal of employee interest in these kinds of matters.

Three of the issues revolved around the question of where the various departments at UNC should get their workers—from transferring employees already employed at UNC-Chapel Hill, from employees in the larger UNC system who would like to transfer in to Chapel Hill, or by drawing in other State employees who are not a part of the university system. Responses indicated that employees may have a perception of themselves as significantly different from other state employees, in that they preferred “in-house” hiring first, followed by hiring other UNC system employees (tied for 5th place in importance), while hiring other State employees into the UNC system ranked 9th.

Interestingly enough, these same employees do not value general education as a yardstick for making hiring and promotion decisions (8th place) as much as they value the education gained through work-related experience (2nd place). One respondent decried the fact that “long-time SPA staff and managers who love the University and enjoy working for the State of North Carolina (i.e., professional civil servants) are retiring and being replaced by outside folks with MBA degrees who are paid big salaries but who don’t really give a [expletive deleted] about the University. These folks take their big salaries and then leave the University...when they get a better offer from the private sector.”

The high value placed on work-related education and experience came through again in a question asking about criteria for promotions, with work-related education ranking 2nd in importance and work-related experience a close 3rd. However, the most important criterion for making promotions, according to employees, should be job performance. This is consistent with respondents’ preference, noted earlier, to have performance-related pay increases.

Still, employees say that there are limits to the value of solid on-the-job training and experience in advancing one’s career at UNC. “Unfortunately,” wrote one respondent, “the current system rewards people who ‘job hop’ and gives very little credit for experience and increased job skills to those who stay in one place. The end result being that those in technical positions...who become indispensable by virtue of the breadth of their knowledge and skills as applied to that position suffer salary stagnation while those who may move around frequently and who may never fully develop the necessary skills and knowledge base in a particular subject are rewarded for experience they may never truly have achieved.” Another respondent described this as a “loyalty tax’ for long-time employees who often have to leave a job that they do well and enjoy in order to increase their level of compensation.”

The 3rd most important hiring and promotion issue for UNC employees is the hiring and promotion process, itself. “The amount of time spent posting a position, interviewing and waiting for the awarding of a position is too long,” observed one person. “Often, by the time an offer is extended, many interviewees have accepted positions elsewhere....The process for interviewing/vetting/hiring needs to become more efficient.” Another employee noted that the promotion process is just as difficult to navigate. “When a job description changes and jumps a level or two, if [the new job tasks] are the tasks really being performed, HR should approve the job change. In theory, this is happening. In reality, it is NOT.”

What are the most important hiring and promotion issues that would you like an improved personnel system to address? Please rate the following, with “1” being most important, “2” next most important, etc.

| Answer Options | Response Average | Response Total | Response Count |
|---|-------------------------|-----------------------|-----------------------|
| Promoting UNC-Chapel Hill employees within the University | 2.36 | 279 | 118 |

| | | | |
|--|------|-----|------------|
| Valuing work-related experience | 2.81 | 357 | 127 |
| Making hiring and promotion decisions | 2.93 | 313 | 107 |
| Cross-training of employees | 3.87 | 368 | 95 |
| Dismissing employees "for cause" vs. dismissal "at will" | 4.2 | 361 | 86 |
| Hiring UNC system employees | 4.2 | 298 | 71 |
| Turning temporary employees into permanent employees | 4.51 | 397 | 88 |
| Valuing education | 5.02 | 477 | 95 |
| Hiring State employees not in the University system | 7.88 | 449 | 57 |
| <i>answered question</i> | | | 155 |

| How important should the following factors be in promotion decisions for staff employees? | | |
|--|-----------------------|-----------------------|
| answer options | Rating Average | Response Count |
| | | |

| | | |
|---|------|------------|
| | | |
| Performance | 1.14 | 163 |
| Work-related education and training competencies | 1.61 | 163 |
| Years of relevant experience | 1.71 | 162 |
| Employee's comparable worth in the private sector | 1.91 | 162 |
| Years of University service | 2.57 | 161 |
| <i>answered question</i> | | 163 |

Career development: Given the importance of work-related education and experience, it should come as no surprise to learn that career development issues are of significant concern to staff employees. Acquiring the skills needed to advance on the job (ranked 1st) and having professional development opportunities (ranked 2nd) were nearly equally valued. Slightly less important but also nearly equally valued were having information about career development opportunities (3rd) and having access to career counseling for employees wanting to move up within the University system (4th).

Respondents suggested that the University should provide employees with both the time and the financial resources to grow on the job. One person suggested “a cafeteria-style development pool” for all University employees, supported by funds from the University itself. It should be “at least \$2000 per employee per year above and beyond tuition waivers) that the employee can use. This [would] take the burden of providing funding off of poor or strapped (or unwilling) departments.”

| What are the most important career development issues that you would like an improved personnel system to address? Please rate the following, with “1” being most important, “2” next most important, etc. | | | |
|---|-------------------------|-----------------------|-----------------------|
| Answer Options | Response Average | Response Total | Response Count |
| Acquiring skills needed to advance on the job | 1.89 | 259 | 137 |

| | | | |
|--|------|-----|------------|
| Having professional development opportunities | 1.99 | 273 | 137 |
| Having information on career opportunities across the University | 2.8 | 333 | 119 |
| Providing career counseling for staff employees | 2.95 | 325 | 110 |
| Supporting employees serving on University committees | 3.86 | 347 | 90 |
| <i>answered question</i> | | | 153 |

Working conditions: Respondents were asked to rate fifteen issues having to do with working conditions at UNC-Chapel Hill according to their importance. The clear winner in this category was parking and commuter issues. One respondent complained about a remote UNC-owned facility with spotty bus service that has a nearby parking lot for employees. Unfortunately, according to this respondent, there are always about 100 empty spaces in that lot, because many of the employees at that facility are graduate research assistants who cannot afford the parking fee. “The illogic of not using a virtually empty lot to make peoples’ lives easier and to make their use of time more efficient is astounding,” wrote this person. Another employee wrote, “As a show of good faith, I wish someone like the Chancellor would park and ride or bus in. I believe this would show people that transit can be a convenient option.”

Given the emphasis in President Erskine Bowles’ PACE Report on the cost inefficiencies caused by the duplication of processes and paperwork, it is interesting to note that this issue was of only moderate concern to employees, among whom it ranked 7th in importance. Yet a number of the comments from employees betrayed frustrations with the amount of paperwork and the long time frames involved in hiring and promotion decisions. One respondent revealed that their position reclassification and promotion had already been in the works for more than seven months, but there was still no idea when it would become effective. The delay, they said, was making them consider alternative employment: “Needless to say, working for Duke is starting to look a lot more tempting.” Others complained that there is too much paperwork. “Everything takes WAY too long to accomplish....Trying to hire someone here is a 3-6 month or longer process.” A related concern raised by the PACE Report, the duplication of offices and their functions on campus, rated 10th in employee concern.

As in earlier sections of this survey, employees responding to questions in this section indicated a strong interest in the roles and responsibilities of supervisors and managers. Many people expressed an interest in having the opportunity to anonymously evaluate their supervisors and suggested that this would help to hold bosses more accountable for the demands they make of employees. “Do you really want state employees picking up their boss’ dry cleaning on the clock? Things like that happen all the time.” One person characterized their supervisor as a “military-based manager

with directive leadership not able to manage their people,” leading to a loss of morale.

Other respondents, however, said that supervisors and managers need to be given more latitude in doing their jobs. “Managers need much more hiring and termination flexibility,” said one respondent, while another advised getting rid of the red tape and “allow[ing] managers to manage (hire/fire).”

| What are the most important issues surrounding working conditions that would you like an improved personnel system to address? Please choose what you feel are the most important issues and rate them, with “1” being most important, “2” next most important, etc. | | | |
|---|-------------------------|-----------------------|-----------------------|
| Answer Options | Response Average | Response Total | Response Count |
| Parking and commuting issues | 3.54 | 414 | 117 |
| Availability of training for assigned duties | 4.28 | 377 | 88 |
| Supervisors and managers | 4.33 | 368 | 85 |
| Equitable distribution of workload | 4.79 | 388 | 81 |
| Availability of necessary tools/equipment | 4.86 | 360 | 74 |
| Yearly performance evaluations | 5.01 | 421 | 84 |
| Duplication of processes and paperwork | 5.46 | 437 | 80 |
| Departmental autonomy | 5.56 | 417 | 75 |
| Safety | 5.73 | 407 | 71 |

| | | | |
|---|------|-----|------------|
| Duplication of offices and functions | 5.8 | 400 | 69 |
| Security | 6.35 | 432 | 68 |
| “Class” separation of staff | 6.46 | 420 | 65 |
| Physical facilities | 6.87 | 522 | 76 |
| Employee advocacy groups and activities | 6.95 | 403 | 58 |
| Having paper rather than electronic pay stubs | 10.7 | 535 | 50 |
| <i>answered question</i> | | | 152 |

Employees were asked about several other issues having to do with working conditions, namely transportation, scheduling, and on-the-job fitness. Of the three topic areas, having more work time options was clearly the leading concern, with various kinds of flexible scheduling and working from home options chosen as the top three priorities, all with a rating between 1.61 and 1.95. “Having worked in my current position for over two years,” wrote one employee, “I KNOW that it is not necessary for my hours to be 8 to 5. I have been denied flexing my time from 7:30 – 4:30 because my supervisor says ‘Your hours are 8-5.’ Everyone I work with has been told the same thing—except one person who leaves every day at 3 p.m.” Another respondent noted that flexible work schedules are particularly important for research personnel, who need to be able to structure their work days according to the demands of their projects rather than the demands of a time clock.

Surprisingly, on-the-job fitness scored 4th in importance to employees. “UNC should set a benchmark,” said one respondent. “All sedentary workers should be allotted a mandatory amount of time for exercise per day, or be allowed/helped to equip offices for a healthy life. We can do better. We can turn office work into healthy work. I hope we get away from ‘looking like a normal office’ to moving toward ‘BEING a HEALTHY office.’”

Another employee suggested “some kind of in-building fitness equipment, even just a small room with a treadmill and exercise bike.” The reasons this respondent gave were revealing: “It’s uncomfortable for me, as a middle-aged woman, to use the SRC or Rams Head gyms. The desk personnel are great, but the students clearly don’t like an ‘old woman’ exercising next to them. Older women are even an anomaly walking around campus or using the libraries and cafes—it’s pretty off-putting.... Manual treadmills in every office or cube, with laptop stands, would be fantastic.” A third respondent suggested that employees be offered assistance to pay for fitness-related activities at a gym.

The least critical of the three areas of concern targeted by the questions in this section addressed how employees get to work. Nevertheless, the rating scores even for this group of questions ranged toward the top of the scale—from 2.24 to 2.71. One employee made an explicit linkage between the interest in having flexible work schedules and the need to address transportation problems: “The only way that effective encouragement of bicycling, vanpooling, carpooling and

bussing to work will work is if flexible schedules and working from home is also encouraged. When you use the bus you are at the mercy of the bus schedule so a flexible schedule that might include also working from home would be better. If you want everyone on campus, then don't charge for parking and provide enough spaces for everyone to park close to the building they work in. [As it is,] most lots on campus still require a bus ride to get where you are going, which makes the commute longer."

| How important is it to encourage the following? | | |
|---|-----------------------|-----------------------|
| Answer Options | Rating Average | Response Count |
| Flexible schedules: other time configurations | 1.61 | 155 |
| Working from home | 1.9 | 153 |
| Flexible schedules: working four 10-hour days | 1.95 | 153 |
| Increasing fitness by allowing limited work-time exercise | 2.15 | 149 |
| Use of bus to get to work | 2.24 | 145 |
| Carpooling to work | 2.48 | 139 |
| Vanpooling to work | 2.57 | 145 |
| Working 30-39 hours/week | 2.69 | 145 |
| Bicycling to work | 2.71 | 144 |
| Shared positions | 2.99 | 146 |
| answered question | | 156 |

"If it ain't broke..." – Things that are working well: This survey was designed to elicit critical feedback about areas

of the University associated with personnel issues that might be improved. As a result, most of the comments we received reflected this negative bias.

However, employees were also encouraged to talk about things at UNC that are working pretty well just as they are and should therefore be left more or less alone. Sixty-seven employees offered their thoughts on what is right about UNC, and there were some surprisingly common themes among them.

One of the most frequently mentioned positives about working at UNC, according to almost 15% of those who answered a free-response question, is the fact that President Bowles was responsive to employee wishes and did not move forward with his plans to pull them out from the State Personnel System. As one employee said, knowing that he can only be terminated for cause rather than because he has become inconvenient is one of the things that has helped to keep him here.

While Human Resources received several generally positive comments, one HR area that received a number of positive comments had to do with career training and educational opportunities. "I like being able to take classes at the University," wrote one respondent. "This is a very good benefit."

For all the problems employees have with parking and transportation, that area came in for several praises, too. "The single best decision the University ever made was to fund public transit and make it free," wrote one employee. Another cited the "commuter availabilities and the responsiveness by the University...regarding transportation" as notable positives.

The same observation can be made about the health benefits. Several employees commented that the no-premium health insurance offered to employees is "great" and that while family coverage may still be problematic, the new PPOs have at least been a step in the right direction.

Several employees reported valuing the departmental and personal flexibility that can be found in some campus locations, while others noted that the structures that prevent "capriciousness from supervisors" are equally important. Overall, said respondents, many things are working pretty well at UNC. In many cases, said one employee, the problem is more with processes "that could be streamlined rather than conceptual issues regarding the treatment of employees." "Things work," agreed another employee, "They are just insanely inefficient and outdated!!"

"Most of the University is functioning well," wrote another. "It only needs fairness. If you put in a benefit for management, put one in that works for the working people, too."

And, last but not least, the University's willingness to listen to its employees received high marks. "By reaching out to employees through surveys like this one, the University encourages us to alert the Chancellor to what we believe to be major issues, and allows us to be part of finding a solution."

Readers should note that this is not a scientific survey, which would have taken much more time and many more resources than are available to the Forum. It is, however, a reasonable poll of staff employee ideas about how the personnel system might be adjusted.

Thoughts for the Month

Several of us on the Forum have recently had the pleasure of working with Chuck Stone, a UNC-Chapel Hill Professor Emeritus of Journalism. One of Prof. Stone's favorite quotes is from Frederick Douglass. We appreciated it so much that we thought our readers might like it, too (as well as one other we found apropos to recent events).

If there is no struggle there is no progress. Those who profess to favor freedom and yet depreciate agitation, are men who want crops without plowing up the ground, they want rain without thunder and lightning. They want the ocean without the awful roar of its many waters.... Power concedes nothing without a demand. It never did and it never will.

-----*Frederick Douglass, 1857*

To suppress free speech is a double wrong. It violates the rights of the hearer as well as those of the speaker.

-----Frederick Douglass, 1860

29 Reasons I'm Opposed to the PACE Compensation Proposal

by Steve Hutton

(Preface: The PACE Report recommends a pay plan based on market conditions and merit pay. This is similar to UNC Healthcare after it was granted autonomy in October 1998. UNC Healthcare has also used bonuses for recruitment, signing, retention, and attendance. Performance bonuses for executives and clinicians have been the subject of recent news reports.¹ The PACE Report also recommends ending longevity pay. That would probably apply to employees hired after new legislation becomes effective.)

Common sense notions about merit pay are wrong. Research has shown that pay-for-performance can actually be detrimental.

1. Merit pay is not compatible with the mission of the UNC system. We are not a corporation turning out well-defined commodities. We deliver a social good that is 'owned' by society, rather than by an individual consumer.²

2. "'Pay for performance' makes the supervisor the customer." Employees become inward focused, striving to please the supervisor rather than meeting the true needs of the organization.³

3. Merit pay silences employee criticism of supervisors. It also encourages employees not to report problems.⁴

4. Merit pay increases internal competitiveness and undermines teamwork. In the California University System, a survey found that 75% of faculty felt that the merit system had lowered the quality of their relationship with administrators; 71% said it lowered the quality of their relationship with their peers. Additionally, there seemed to be little relationship between the quality of teaching and rewards.⁵

5. Our raises are public information because the public has a right to know. This lack of privacy can lead to squabbles, friction, and accusations of favoritism. These can reduce productivity.

6. Employees are not always in control of all factors that contribute to performance. There are variations in rules, procedures, equipment, raw materials, and so on. Most variation is not due to employee performance but to other factors.⁶

7. Some estimates indicate that supervisors will correctly reward performance less than one-third of the time.⁷

8. Merit pay reduces intrinsic motivations. "It is too much to say that pay for work does not support work, but it is psychologically tenable to assert that contingent pay for better work may decrease the joy one feels in that work. W. Edwards Deming called this phenomenon 'overjustification' and believed that paying people to achieve what they would want to achieve anyway tends to reduce their satisfaction in the achievement."⁸

9. Merit pay works against achievement and innovation. Employees do not argue for higher goals but for lower ones. The conversation is about what is possible, not about innovating to expand what is possible.⁹

10. Linking pay to performance requires considerable organizational overhead. Much of that in the form of annual evaluations will be incurred anyway. Yet, the delay in the distribution of raises for EPA employees is often several months.

11. Some HR experts believe performance reviews should be separated from pay reviews. Performance reviews should include goal-setting and be forward-looking. Pay reviews should only evaluate past performance. In other words, doing evaluations the right way will require even more overhead.

12. It is unclear how merit pay relates to career-banding. Many employees are still uncertain about the relationship between skill-levels, performance, and salary increases under this new system. Career-banding has not worked where there has been a lack of funds.
13. Schools and departments will probably have latitude to implement pay plans. This will inevitably lead to inequities within each university and across universities. That's what happened with career-banding and the in-range salary adjustment policy. (Note: The in-range policy corrected inequities. Career-banding eliminates that policy.)
14. The classification system is not uniform across universities. There have been frequent complaints that higher qualifications are required at Chapel Hill than elsewhere for similar positions. In other words, the "contributing" level at Chapel Hill might be considered a "journey" level elsewhere. Thus, market pay may benefit employees at other universities more than here.
15. Market pay should have geographic component. Employees in areas with higher cost-of-living should receive larger increases, but will they?
16. It is likely merit pay will not be distributed equitably. The California State University system is a good example. A few years after implementing a merit system for faculty, it was discovered that women had received 8% less in merit awards than men. The salary differential between full-time men and full-time women had grown to 15%.¹⁰ What can we expect to happen among our staff? Many of us are in occupations segregated by race or gender or both.¹¹
17. The legislature has often made separate appropriations for faculty and non-faculty salary increases. A portion of tuition increases usually goes to faculty salaries. Staff do not benefit from tuition. Weekly, the administration makes pronouncements about the need to increase faculty salaries. If the legislature appropriates a lump sum each year, will staff lose out to faculty?
18. There won't be enough funding to make merit pay work. Over the last seven years, state employees have lost about 5% of their purchasing power compared to increases in the cost-of-living. A standard pay plan regularly requires about 2% to 3% to keep up with inflation. Merit pay would need to be at least another 1%.¹² Without COLAs, good employees are punished by increases in cost-of-living. If the university is a separate system, will the General Assembly be more generous to us at the expense of state employees in other agencies?
19. Merit pay will work only where funding is consistent. Otherwise, employees may work hard for the prospect of merit pay only to learn there won't be any raise at all. That has happened in recent years. UNC Healthcare's budget relies on only 6% to 7% state funding. Their funding is more consistent. Between one-quarter and one-third of UNC-Chapel Hill's budget is state-funded. Many of the other system universities are state-funded at even higher rates. Historically, our funding has been very inconsistent. That is unlikely to change.
20. Merit systems create unrealistic expectations among employees. A 2002 survey found that 65% of employees prefer merit-based pay over cost-of-living increases. Probably only one-third to one-half of employees would ever receive merit pay.
21. The university's first obligation should be to "protect employees from the impacts of the rising cost of living."¹³ Most employees can't afford to live in Chapel Hill. Household budgets have been hit hard by the skyrocketing cost of fuel.
22. We need to take care of the basic needs of all employees as our first priority. There has to be a living-wage minimum. One HR expert has written: "Merit pay only works when people are already making enough to meet their basic needs. If employees are just barely making ends meet, they won't be motivated to higher performance by merit pay. They'll only be dissatisfied not to get the maximum possible raise."¹⁴
23. Merit pay creates a needless zero-sum game. There will never be enough funds to reward everyone whose performance is good or above. For each person who receives an above-average increase, one or more will receive a

below-average increase.

24. Performance reviews will not be objective. They will be biased toward merit increase expectations.

25. Monetary incentives foster lazy management. “Treating workers well—providing useful feedback, social support, and the room for self-determination—is the essence of good management. On the other hand, dangling a bonus in front of employees and waiting for results requires much less effort.”¹⁵

26. An analysis of 98 separate studies found no relationship between incentives and performance or absenteeism or turnover. Training and goal-setting programs had a far more positive impact on productivity.¹⁶

27. Supervisors will have an advantage over non-supervisors in receiving merit and market increases.

28. A market-merit system overlooks other organizational needs. “If your [organization] has experienced high turnover, you may feel that longevity is worth paying for. You may wish to reward the people who come to work every day, even if their performance leaves a lot to be desired.”¹⁷ We need to maintain longevity pay in order to reduce turnover. That’s especially true among those with ten to fifteen years of service, as the baby boomers retire. (According to the *PACE Report*, every time a position is vacated and must be filled again, it costs the University \$2,000.)

29. “*‘Pay for performance’ is disrespectful of human relations...* Fundamentally, as a human being, the CEO is not different in worth, character, or dignity from the lowest-level employee. In the final analysis we either believe that or we do not and our actions reveal our beliefs far better than our words. Contingent pay down the line of hierarchy enforces the erosive fiction that we are *not* all of the same stuff.”¹⁸

1 Hammond, John. “UNC, Inc.,” *Independent Weekly*, January 17, 2007.

<http://www.indyweek.com/gyrobase/Content?oid=oid%3A42810>

2 Tanguay, Denise Marie. “Inefficient Efficiency: A Critique of Merit Pay,” in *Steal This University: The Rise of the Corporate University and the Academic Labor Movement*, Routledge: New York & London, p. 50.

3 Berwick, p. 29.

4 Berwick, p. 29.

5 Tanguay, p. 56.

6 Berwick, p. 30.

7 Berwick, p. 31.

8 Berwick, p. 31.

9 Berwick, p. 32.

10 Tanguay, p. 56.

11 Kranz, Garry. “Performance Leads to Promotions? Not Necessarily, Minorities Say,” *Quick Takes*, February 20, 2007.

http://www.workforce.com/section/quick_takes/47587_2.html

12 The merit component will likely be distributed so that 33% of employees will receive an additional 1% and 17% will receive an additional 2%. 50% of employees will not receive the merit component.

13 Colter.

14 Colter, Carolee. “Does Merit Pay Really Work?” *Cooperative Grocer*, 107, July-August 2003.

<http://www.cooperativegrocer.coop/articles/index.php?id=453>

15 Kohn, Alfie. "Why Incentive Plans Cannot Work," Harvard Business Review, Sep-Oct. 1993, pp. 54-63.

16 Kohn, p.56.

17 Colter.

18 Berwick, p. 32.

Where Are They Now?

Dental Tech Update

InTouch readers may recall that last Fall, more than a dozen long-time employees at the UNC School of Dentistry were informed that their jobs as dental technicians would be terminated within a month and that the services they had formerly provided would be outsourced in order to save money.

An outcry from many of the faculty and other staff employees in the Dental School as well as from the Employee Forum—buttressed by the practical needs of dental students whose clinical work would have been hurt by the speedy dismissals—caused Dean John Williams to extend the termination date until after classes had effectively ended.

Two of the dismissed employees, Jacqueline Maynard and Sharon House, have appealed their dismissal, alleging that the action had a disproportionate effect on older employees and that the projected savings were non-existent. The case is now before the Office of Administrative Hearings, and the two former employees have retained an attorney to help them present their case effectively, since the State's legal office is representing the University's side in this suit. Friends and supporters are attempting to provide Maynard and House with moral and material assistance in their fight.

For more information, contact Steve Hutton, who has been working as a grievance support person for these women. His number is (919) 929-4064. He can be reached by email at tbomadil@yahoo.com.

The Situation of Temp Workers for the State:

The Hazards of Being Permanently Temporary---All Work and Lower Pay (and No Benefits!)

Introduction

University temporary employees should be aware of a current lawsuit dealing with employees who have worked more than twelve continuous months in temporary positions. A state agency practice that has recently come to light is that the payrolls of some temporary employees are shifted to a private employment agency for one month and then shifted back again to the state agency payroll. This maneuver makes it appear on paper as if the job-holder was a transient employee, while allowing the agency to continue enjoying the services of that same employee in the same position for indefinite periods of time. Some temp employees, however, do not have their payroll shifted; they simply remain in the same position for more than twelve months.

The plaintiffs in the legal case arising from this practice are Lula Sanders and Cynthia Eure on behalf of themselves and others similarly situated. They are represented by attorneys from the law firm of Kilpatrick Stockton and co-counsel Jack Holtzman of the NC JusticeCenter. If you are or have been a temporary employee in this situation and are interested in speaking with an attorney, please contact Mr. Holtzman at jack@ncjustice.org or 919-856-2165.

The following article about this case first appeared in SEANC's July 2007 issue of *The Reporter*. It is republished in *InTouch* by permission of the author and of SEANC.

Counselor's Comments
"Temporary" Solution Needed
by Tom Harris,
SEANC Chief of Staff/General Counsel

Recently, the North Carolina Court of Appeals reinstated the lawsuit in which a group of temporary employees claim that they should have received full employment benefits as permanent employees because they worked for the state longer than one year. The trial court had dismissed the claim on the grounds of sovereign immunity, but the court of appeals held that the state had waived that immunity by entering into an employment contract with each of the employees.

The issues that remain to be decided in this case are: (1) whether those contracts included as a term a State Personnel Commission rule stating that temporary employees shall be employed no longer than 12 months and, if so, (2) whether the employees became permanent employees entitled to benefits after they had been employed longer than the rule allowed. Some of these employees had been employed by the state for as many as four years without any benefits, so there are a lot of benefits at stake for them, including health insurance, retirement benefits and vacation and sick leave.

Even if these temporary employees win their lawsuit, it may not help future temporary state employees obtain employment benefits. The State Personnel Commission has recently amended its administrative rule in an attempt to prevent the success of future lawsuits based on the rule. First, the amended rule allows state agencies to employ a temporary employee longer than 12 months if the agency head declares in writing that the need to continue the temporary employment is "critical to the health, safety or welfare of citizens or . . . to maintaining the level or quality of services provided by the agency." Second, the amended rule states clearly that temporary employees, regardless of their length of service, are not entitled to the benefits or rights of permanent state employees.

It is safe to assume that the amended rule effectively eliminates the restriction on the length of time for employing a temporary. What agency head will have any problem finding that any given temporary employee is critical to maintaining the level or quality of services provided by the agency? For this reason, SEANC has utilized a procedure in the Administrative Procedures Act to stop the amended rule from becoming effective until the General Assembly has had the opportunity to review the rule and adopt alternative legislation to address temporary employees.

There are several reasons why the General Assembly should either make temporary employees permanent, or at least grant them benefits, after 12 months (or even less) employment:

- (1) It is good for the temporary employees and their families.
- (2) It is fair to the temporary employees.
- (3) It is beneficial to the state and its citizens.

The first reason is obvious. As to the second, how can it be fair for temporary employees to work long-term side by side permanent employees, often doing the same job, and not get the same employment benefits? The third reason, while less obvious, is perhaps the most compelling because it involves the state's own interest. As found by a panel appointed by the U.S. Secretary of Labor, the state and its taxpayers are often left to shoulder the burden of providing for employees with no health insurance or retirement plan. Not only should the state not exacerbate this problem by employing temporary employees on a long-term basis without benefits, but it should set the example for private businesses to follow—for their benefit-less long term temporary employees will also become burdens to the state and taxpayers.

Note: As of press time, SEANC learned that the state has asked the NC Supreme Court to review the Court of Appeals'

decision. Thus, the trial of the issues discussed in this article depends on whether the request for review is granted and, if so, the outcome of the review.

Editorial Opinion

Therefore Be It Resolved...or, How Many Resolutions are Too Many?

By Mike McQuown

Forum Delegate, Division 7, Technical and Paraprofessional

Several months ago, Mr. David Perry, then Acting Associate Vice Chancellor for Human Resources, spoke to the UNC Employee Forum. He suggested in his comments that the Forum would be more successful if it wrote fewer resolutions.

As reported in the *University Gazette*, “Perry advised the [F]orum to resist the temptation to address concerns with a long list of resolutions. The resolutions may produce warm feelings, he said, but they are only words—and the more resolutions that are passed, the less attention is paid to any of them. The key to getting things done in the best interest of employees is to find strategic opportunities to form partnerships with people in a position to help.

“Resist the temptation to speak out on a topic because the long-term objective is to get things done,” [Perry] said.” 1

I was surprised to hear Mr. Perry give us that advice. He seemed to be saying that the more we communicated real, existing employee problems to administrators—via the Forum’s resolutions—the more administrators would ignore us...*as well as* the issues! According to this reasoning, if you break your leg, saying nothing about it will make it get better faster—while talking about it will prolong the agony.

As I reflected on Mr. Perry’s advice, I concluded that his premise was as substantial as the Emperor’s new clothes. From my observations—both prior to and presently *on* the Forum—less [resolutions] most definitely does *not* equal more [solutions]!

It sounds to me as if Mr. Perry is claiming that UNC employees should put their efforts—and faith—toward quietly resolving staff problems. Perhaps Mr. Perry considers that back door, person-to-person persuasion works best in dealings with administrators—and is preferable to using the open parliamentary procedures the Forum follows. In short, if I understand Mr. Perry’s reasoning, UNC employees should rely only on an “Old Boys’ Network.”

But “networking” with administrators, whether it’s “Old Boys” *or* “Old Girls,” has clearly and historically *not* been the best way for staff to communicate its concerns to administrators, to have those concerns fully addressed, or for the redress of grievances. Unfortunately, Mr. Perry’s statements raise images of bowing and scraping, of going “hat in hand” to “the Master” for “favors,” and of other images of generally undemocratic or undignified forms of behavior.

The Forum *has* worked directly with and through UNC’s administrators to informally address issues on numerous occasions. To the best of our ability, we continue to do so. But our opportunities may change quickly and drastically at any time. While Provost Robert Shelton and Vice Chancellor for Finance Nancy Suttentfield were here, the Forum met with them and Associate Vice Chancellor for Human Resources Laurie Charest for an hour every month, and it appeared to be a successful collaboration. After Shelton and Suttentfield left, the Forum was cut back to meeting with administrators only every *other* month. On Thursday, September 20, 2007, it was announced by Ernie Patterson, chair of the Forum, that these meetings had been returned to their monthly schedule.

I find myself wondering what strategy Mr. Perry would follow if he were an SPA employee here at UNC. I wonder how he might establish the “strategic opportunities” about which he so strongly encouraged us.

But I believe there is a problem inherent in Mr. Perry’s premise, a problem greater than whether the Forum may informally have the ears of our administrators. This is unfortunate, despite the fact that holding informal discussions might make formal requests unnecessary.

The fundamental problem I see with Mr. Perry’s premise is that it questions why we should write resolutions at all—Mr.

Perry telling us that writing resolutions is not a good idea. The answer is: Because resolutions are publicly open, democratically determined documents.

Long before this University was founded, English colonists traveling to America brought with them legal precedents and practices that we still use today. One practice, coming from the British House of Commons, was the writing of bills, also called resolutions. Resolutions were a form of direct communication, in writing, from the delegates in the House of Commons to their king. They were formal documents, voted on and passed by a majority of the House.²

Please note: These resolutions were not the result of seeking out “strategic opportunities to form partnerships” with the king. Resolutions, as formal, written communications, were between the king and his subjects’ representatives. Not quiet, personal agreements; not private bargains; not deals made in secret; not one-off settlements negotiated while working privately, behind closed doors!

On the Forum’s Website, at <http://forum.unc.edu/resolutions.htm>, you will find all of the Forum’s resolutions. Our first was written in 1994. As of this writing, we have written, discussed, amended, voted on, passed, and submitted to the Chancellor almost 90 resolutions in 13 years. That averages to about seven per year, or slightly more than one every other month.

Hmm...one every two months...not really an avalanche of resolutions. But is one resolution every other month “too many”?

One might infer from Mr. Perry’s comments that he considers the resolutions passed by the Forum to be largely frivolous. (By extension, then, might one infer, too, that Mr. Perry *also* considers resolutions passed by UNC’s Faculty Council to be frivolous?)

When one reads the Forum’s resolutions, however, one finds that the issues presented are rarely, if ever, frivolous. A majority of our resolutions deal with issues that have been, and are, of continuing concern to UNC staff—improving our health care benefits; increasing staff salaries; preventing staff firings through questionable “outsourcing”; diversity training; educational and career development; adverse weather policies; and a host of other issues that directly or indirectly affect UNC’s employees.

Many employees at UNC are here for the long haul—ten, twenty, thirty years. Most administrators don’t seem to stay nearly as long. This means that “personal” verbal agreements, decisions, or policies that might be made with an administrator can become worthless, null, and void when he or she leaves and a successor takes over—possibly after only a few years.

Personal favors and personal agreements made in private to address staff concerns do not and cannot take the place of documented, publicly acknowledged resolutions. I agree with Mr. Perry in that it can be beneficial to work directly and informally with our administrators. I believe we should and will continue to do so.

More importantly, though, and with all due respect to Mr. Perry and appreciation for his “networking” suggestion, I believe that we should continue to address important staff employee issues in open, honest, public settings, using a time-tested, democratic method—passing resolutions.

¹ *University Gazette*, “Forum members pose questions about layoffs,” April 11, 2007, archived at <http://gazette.unc.edu/archives/07apr11/morestories.html#5>.

² Conversation with Matt Banks, Forum Assistant, June 27, 2007.

Editorial Opinion

The Great Educator...or, What I've Learned from Chancellor Moeser

By Brenda Denzler

Chair, Communications Committee, Employee Forum

On September 20th Chancellor James Moeser, who has said that we know how to have difficult conversations at UNC

and who has repeatedly touted and upheld the virtues of freedom of speech on this campus, rejected yet another of the Employee Forum's resolutions. The resolution asked him to facilitate one of those "difficult conversations" by righting the wrong committed by the *University Gazette* when it assumed control over the content of the Forum's print insert newsletter last July and refused to publish one of our scheduled articles.

Echoing almost word-for-word the earlier arguments of his ranking administrators, Moeser's letter indicated that the *Gazette's* purpose is to support the mission of the University, and thus University Relations, which publishes the *Gazette*, has every right to assume final control over anything printed and distributed with it. The article that was censored, he said, failed to conform to the University's mission because it addressed a legislative issue that is not supported by the University—collective bargaining rights for staff employees.

What Moeser and his Administration apologists have failed to acknowledge is that the mission of the University is set by the Chancellor. If all editorial decisions are made in alignment with the mission of the University, and if the mission for our campus is set by the Chancellor's office, then ultimate editorial control resides in his office. In the final analysis, it was not the editor of the *Gazette* who refused to publish the article on collective bargaining. It was not University Relations. It was the Chancellor's office.

If freedom of speech were truly one of the values of this University, as Chancellor Moeser has so often said—if it were really true that one of the roles of the University is to be a place where it is possible to have civilized discussions about difficult topics, as Moeser has proclaimed before—then none of this would have happened. These free speech values would have been enshrined in the "operating instructions" filtering down from South Building, and University Relations would have known that meddling with the content of the Forum's newsletter would not be supported by the Chancellor. They never would have done it.

The fact that it happened at all is not because of some "editorial decision" made by the *University Gazette* or by University Relations. It happened because the people working in University Relations and at the *Gazette* know who signs their paychecks and what the "on the ground" values of this University really are.

Lofty words and noble sentiments about free speech are fine. The Chancellor has good speech-writers. But to be convincing, it has to be more than just talk. You have to walk the walk, too. This time the Chancellor and his administration have stumbled badly.

To make their actions appear less egregious, the Chancellor and his administration have pointed out that the Forum can always publish the censored article in its regular electronic venue. True enough.

However, one of the major reasons for doing a paper edition once a year is because more than 1,500 UNC-Chapel Hill employees have little or no access to anything that is published on line. They are victims of our "digital divide."

Many of these people are in some of the lowest-paid jobs—coincidentally, the kind of jobs that tend to benefit particularly from having collective bargaining rights. Thus, what the Chancellor and his administration did by forbidding them an opportunity to read about collective bargaining in the employee newsletter was particularly telling.

What it "tells" is this: *When the conversation being proposed is difficult enough, this University does not know how to do it. In fact, it will run away from doing it.* In such situations the University takes steps to make sure a conversation *doesn't* happen for many employees and that it *certainly* does not occur in a venue that can be expected to reach outside the University walls....

Six days after rejecting the Forum's appeal for redress of July's censorship, Chancellor Moeser announced that he will retire next year. This came as quite a surprise, since he just signed a new five-year contract last year.

In the wake of Moeser's announcement, the accolades began to pour in, reflecting on all the great things he has done for this University—not least of which has been his role in making the Carolina Campaign a resounding success by helping to present a carefully crafted image of the University to major outside donors.

The praise is understandable and no doubt quite sincere. (Then again, times like these are sort of like when someone dies—no one is willing to speak ill of the dead and only the good things get a public airing.)

In that same spirit, I have reflected on what Chancellor Moeser has meant to me as a staff employee at UNC. I have not particularly benefited from his fundraising acumen, since virtually none of the billions of dollars that he raised have been earmarked for staff-related needs. But his leadership lacuna in that regard has been more than offset by his talents as a teacher.

I have learned things from Chancellor Moeser that I don't think anyone else could have taught me. You see, like a number of people who are delegates on the Employee Forum, I was not a big supporter of collective bargaining until Chancellor Moeser forbade us to talk about it in print in our newsletter.

Like a number of Forum members, I believe that it's immoral and unethical for state workers to be denied by law the right to bargain collectively in support of our workplace needs and interests. That's why I supported the Forum's resolution a year ago calling for the repeal of NCGS 95-98. But also like a number of Forum members, I believe—or used to believe—that if 95-98 were repealed and we suddenly had collective bargaining rights, it doesn't mean we should actually use them to form a union.

The censorship visited upon the Forum newsletter by Chancellor Moeser and his administration has helped me see in a first-hand way why I may have been wrong. Collective bargaining rights are important to have not just as a potential, but in practice, because without them, we are reduced to nattering away in an obscure corner of the electronic world about things that matter to us, instead of being able to address those things together in an open and public manner in the full light of day.

Without collective bargaining rights, employees have no real voice. ¹ None of my pro-union Forum friends could have easily persuaded me of this, but Chancellor Moeser has succeeded admirably where they were failing.

In fact, the Chancellor has been so effective in helping me learn these things that I have begun to wonder whether he is not a closet collective bargaining supporter. How else to explain a “free speech/difficult conversations” chancellor endorsing actions that violate those standards—but that also thereby keep the topic in the public eye?

The censorship from Chancellor Moeser and his administration has helped to graphically illustrate the need for collective bargaining and at the same time keep the issue close to the front burner of public discourse. On the surface, he has given a deep bow to the moneyed interests whose dollars he has courted so successfully, some of whom are adamantly opposed to the repeal of 95-98. At a deeper level, he has leant his support to State workers everywhere by helping to highlight the importance of repealing 95-98. It was a subtle and brilliant move.

To me, this is one of the most important legacies of Chancellor James Moeser, soon to be Professor Moeser. I'm guessing he'll do well in his new role. He's already proven himself to be quite the educator.

¹ It has yet to be determined whether the system-wide UNC Staff Assembly will be a voice for University employees or a tool of General Administration. Their refusal this year to ask for a raise for State employees on the grounds that it might “stress” President Erskine Bowles does not inspire confidence.

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