


# Employee Relations at Penn State

**Employee Relations Division**  
Office of Human Resources

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The Supervision Series, Level 1  
Survival Skills for New Supervisors



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## Table of Contents

Table of Contents .....	iii
Recent Policy Changes .....	1
FLSA: Fair Labor Standards Act .....	1
Resources.....	3
HR59 Employment of Relatives (entire policy) .....	4
HRG11 Guideline 11 Family and Medical Leave Act (summary of guideline).....	5
HR34 Employment Conditions for Staff Employees (summary of policy) .....	6
HR78 Staff Employee Failure to Meet Acceptable Standards of Performance (full policy) .....	7
Sample HR78 Format.....	9
HR 79 Staff Grievance Procedure (entire policy) .....	10
HR99 Background Checks .....	13



## Recent Policy Changes

Our policies are always subject to change as our needs change as an organization. This keeps us up to date and current with industry best practices and is important to our growth as an institution. You will likely receive notifications of policy changes from your area HR Representatives. The newswire and Progress websites are also available to follow changes. (These resources are listed in the “Resources” page at the end of this packet). **Employees may also subscribe to GURU news at [guru.psu.edu](http://guru.psu.edu). This will automatically alert you to changes as they are announced.**

### FLSA: Fair Labor Standards Act

FLSA establishes minimum wage, overtime pay, recordkeeping, and youth employment standards.

The topics we will discuss include minimum wage, exempt vs. non-exempt, overtime pay, break time, and compensatory time.

#### Minimum Wage

- Federal v. State minimum wage
- PA follows federal minimum wage
- Federal minimum wage is \$7.25 per hour effective on July 24, 2009.

#### Exempt vs. Non-exempt:

- Jobs are classified as either exempt or non-exempt by OHR Recruitment and Compensation Division using FLSA guidelines. Different levels may have different exemption statuses within the same job title.
- Statute enacted in Industrial Age and intended that all jobs be subject to overtime laws.
- As the workforce evolved and the transition from the Industrial Age to the Information Age has progressed, FLSA has been modified to allow for the **EXEMPTION** of certain jobs from the overtime requirements.
- Giving rise to the NON-EXEMPT and EXEMPT classifications.
- Exempt jobs may include jobs in the management of the general business operations, depending on the discretion and independent judgment on matters of significance.
- Job exemption status may change based on changes to law and guidance under FLSA.

## Overtime pay

- At Penn State the work week is defined as Sunday through Saturday.
- Employees in jobs that are exempt from the FLSA regulations are expected to work a *minimum* of 40 hours and are not paid overtime for working beyond 40 hours per week.
- Employees in jobs that are non-exempt from the FLSA regulations are required to be paid overtime at the rate of one and one-half their hourly rate for any time worked over 40 hours in the one work week period.

**NOTE: ALL** overtime must be given advanced approval. While a non-exempt employee who works over 40 hours in a week will receive overtime pay, they are also subject to disciplinary action for working unauthorized overtime.

## Meal Breaks vs. Rest Breaks

- FLSA does not outline specific break requirements; it only requires that you are able to take nourishment while working if you are not given a break.
- Break time - time spent completely relieved of one's duties.
  - Not required to be paid for breaks but the rule of thumb is:
    - <20 minutes paid
    - >20 minutes unpaid

## Compensatory time under FLSA

- The comp time myth: You cannot accrue comp time in one week to be used in a different week
- The idea that a non-exempt employee who works over 40 hours in a week can simply use that time to work less in the future is not proper under the FLSA.
- Common Comp Time Myth Statements
  - If I work 60 hours this week I will only have to work 20 hours next week.
  - Since I stayed 2 hours extra on Friday, I will come in 2 hours late Monday to even everything out.

## Resources

### GURU

- <http://guru.psu.edu>

### Your Area Human Resources Representative

- <http://ohr.psu.edu/hr-representatives>

### Office of Human Resources (OHR)

<http://ohr.psu.edu/>

James M. Elliott Building, University Park, PA 16802

814-863-3186

- OHR Staff Directory: <http://ohr.psu.edu/staff-directory>
- Benefits Division
  - <http://ohr.psu.edu/benefits/>
  - 814-865-1473
- Employee Relations
  - <http://ohr.psu.edu/employee-relations/>
  - 814-865-1412
- Recruitment & Compensation
  - <http://ohr.psu.edu/recruitment-and-compensation/>
  - 814-865-1387
- Center for Workplace Learning and Performance
  - <http://ohr.psu.edu/learning/>
  - 814-865-8216

### SAC- Staff Advisory Council

- <http://ohr.psu.edu/university-staff-advisory-council/>

### Affirmative Action Office

- <http://www.psu.edu/dept/aaoffice/>
- 328 Boucke, University Park, PA 16802  
(814) 863-0471

### Health Advocate

- Employee Assistance Program
- <http://ohr.psu.edu/health-matters/employee-assistance-program/>
- <https://members.healthadvocate.com/Secure/Default.aspx>

### Penn State Live

- <http://live.psu.edu/>

### Progress website

- <http://progress.psu.edu/progress>

### Ethics and Compliance Hotline

- <https://www.mycomplianceport.com/default.asp>

## **HR59 Employment of Relatives (entire policy)** <http://guru.psu.edu/policies/OHR/hr59.html>

### **PURPOSE:**

To outline the circumstances under which relatives may be employed.

### **FAMILY RELATIONSHIP AS A MATTER OF CONCERN IN REGARD TO EMPLOYMENT:**

The University seeks to provide equitable employment opportunities for all individuals, including those related to one another by blood or marriage. Such relationship affects the handling of certain personnel actions, including the placement of employees.

### **PRACTICE TO BE FOLLOWED IN PLACING EMPLOYEES THAT ARE RELATED:**

Normally, placements shall not be made where one employee is in a position to supervise or to influence the related employee's rate of pay, or promotion of the employee, or the granting of tenure, or where the handling of confidential information could create awkward work situations. However, the University recognizes that there are, in some instances, circumstances such as specialized educational background and experience where employment by two members of the same family in a single work area is desirable even though a supervisory relationship results.

In such special situations, placement of relatives may be made in the same area even though one of the related employees is in a supervising capacity. This is provided, however, that satisfactory arrangements are outlined and approved in advance, either by the Executive Vice President and Provost of the University or by the Senior Vice President for Health Affairs and Dean, the College of Medicine at The Milton S. Hershey Medical Center (as appropriate), which restrict (1) any supervising family member from making decisions such as those described in the forgoing paragraph that will directly affect a relative, and (2) access to confidential information as necessary to avoid awkward work situations. Disqualification arrangements shall be made when such occasions arise.

### **EMPLOYEES WHO BECOME RELATED THROUGH MARRIAGE:**

The conditions outlined herein shall apply, also, if two faculty or staff members become related through marriage after they are employed.



## HRG11 Guideline 11 Family and Medical Leave Act (summary of guideline)

<https://guru.psu.edu/policies/OHR/hrg11.html>

### **Purpose**

To outline an employee's rights for time off (paid and unpaid) necessitated by illness or family care in accordance with the federal Family and Medical Leave Act of 1993 and additional provisions granted by the University.

### **Topics included in the policy:**

- Purpose
- Eligibility
- Child Care
  - General
  - Leave Following Birth or Adoption
  - Leave Other Than for Birth or Adoption
- Family Illness (Partner or Parent)
- Employee's Own Serious Health Condition
- Intermittent Leave or Reduced Leave Schedule
- Notice
- Medical Certification
- Membership in University Insurance While on Leave
- Federal Family and Medical Leave Act Requirements
- Cross References

## HR34 Employment Conditions for Staff Employees (summary of policy)

<http://guru.psu.edu/policies/OHR/hr34.html>

### **Purpose**

This policy outlines the working conditions for employees classified as Staff holding either a standing or fixed-term I appointment.

### **Topics included in the policy:**

- Position Responsibility
- Probationary Period
- Work Schedules and Work Schedule Preference
  - Nonexempt Staff
  - Exempt Staff
  - Work Schedule Preference
- Vacation
- Sick Leave
- Sickness and Accident Supplement
- Absence for On-The-Job Injury
- Holidays
- Other Paid Time Off
- Overtime - Nonexempt Staff
- Shift Premium - Nonexempt Staff
- Definition of Work Unit
- Unauthorized Absence
- Termination of Employment
- Re-Employment with the University
- Cross References

## HR78 Staff Employee Failure to Meet Acceptable Standards of Performance (full policy)

<https://guru.psu.edu/policies/OHR/hr78.html>

### **PURPOSE:**

To outline the steps to be taken by a supervisor when a staff employee is failing to meet acceptable standards of performance as determined by the University and, in the judgment of the supervisor, formal action is warranted. A policy such as this is written for the very few cases in which a staff employee does not meet normal standards of performance. Reason and good judgment will be used in the application of this policy. This procedure does not grant substantive contractual rights to an employee.

### **PERFORMANCE IMPROVEMENT MEETINGS:**

A performance improvement meeting between the employee and the supervisor shall be held in which the supervisor shall discuss wherein the employee is failing to meet acceptable standards of performance, what is expected to meet the standards, and, if the facts warrant, indicate that dismissal will result if such standards are not met. A future date shall be established by which the employee shall meet the acceptable standards. The supervisor shall give the employee a signed written summary indicating the date of the meeting and the points covered in the discussion.

In addition, if the supervisor deems the circumstances serious enough that dismissal will result if acceptable standards are not met, the documentation shall so indicate. In such instance, copies also shall be given to the dean or administrative officer, the designated Human Resources Representative, and the University's Manager of Employee Relations. Additional meetings between the supervisor and employee may be held to review the employee's progress and, at the discretion of the supervisor, to extend the period within which the employee is to meet acceptable standards of performance.

### **DISMISSAL OF EMPLOYEE:**

If the employee fails to meet acceptable standards of performance within the period designated by the supervisor or any extensions thereof, and the supervisor desires to proceed toward dismissal, a final meeting shall be held with the employee. However, prior to this final meeting, appropriate approval must be obtained as outlined in the following section entitled "Responsibility for Dismissal." At the final meeting, the supervisor shall review the manner in which the employee has failed to meet acceptable standards of performance, and inform the employee that approval for termination has been received and specify a future date of termination (normally not less than thirty [30] days from the date of the final meeting, except as provided below).

A written summary of the final meeting shall be given to the employee by the supervisor, with copies to the dean or administrative officer, the designated Human Resources Representative, and the Manager of Employee Relations. The written summary constitutes the employee's formal confirmation of termination.



**IMMEDIATE DISMISSAL:**

If an employee is guilty of theft or other major act of misconduct, the supervisor shall recommend immediate dismissal.

**RESPONSIBILITY FOR DISMISSAL:**

Dismissal shall be only on recommendation to and approval by the dean or administrative officer. However, the dean or administrative officer shall review the dismissal with the University's Manager of Employee Relations before approving action.

## Sample HR78 Format

Initiation and review of HR-78 letter must be reviewed by Employee Relations prior to meeting with employee

**Date:**

**From:**

**To:**

**Subject:** Confirmation of \_\_\_\_\_, 20\_\_, meeting held in accordance with HR-78 Staff Employee Failure to Meet Acceptable Standards of Performance

This letter will confirm our meeting of \_\_\_\_\_, 20\_\_, held to discuss \_\_\_\_\_. This meeting was held in accordance with HR-78 Staff Employee Failure to Meet Acceptable Standards of Performance (copy of policy attached.) Also present at this meeting was \_\_\_\_\_.

Specifically we discussed...

- Detail incidents, dates, places, examples, etc.
- Include suggestions to help correct the deficiencies.

In response to these issues, you stated...

- Include incidents of non-response (i.e., "When I specifically asked you about xxx, you had no response.").
- State any rationale or response that the employee has given.
- Counter any rationale, as appropriate. For example: "You stated that this occurred because of Jane Doe's mishandling of the project. As I mentioned to you in the meeting, you are the Project Leader, and should have come to me at the moment you suspected that the deadline would not be met."

It is expected that you will...

- State expectations you will need to see.
- Do not use "improvement" as an expectation -- it should be "correction."
- Include schedule for any interim progress meetings.
- Clearly indicate the date by which corrections must be made.

If there is anything that you are unsure of or if you need further clarification, please let me know immediately.

It is my hope that by issuing you this HR-78 letter, you will realize the importance of \_\_\_\_\_. We will meet again on \_\_\_\_\_, 20\_\_. If corrections to the aforementioned area(s) have not occurred, further disciplinary action will occur, which could include a recommendation for your dismissal from the University.

cc: Dean or Administrative Officer  
HR Rep  
Employee Relations Manager

## **HR 79 Staff Grievance Procedure (entire policy)**

<https://guru.psu.edu/policies/OHR/hr79.html>

### **PURPOSE:**

To define the procedure for regular staff employees to appeal the alleged or perceived violations of their rights under the University's published rules and regulations. Nothing contained herein shall negate the right of the University to augment or change its policies applicable to staff employees.

### **GENERAL GRIEVANCE:**

A grievance not alleging discrimination shall be handled in accordance with the sections that follow. Procedures for a general grievance do not apply to:

1. a new employee during the probationary period, or
2. an employee's job evaluation or salary.

### **DISCRIMINATION GRIEVANCE:**

A grievance alleging discrimination because of age as defined by law, ancestry, color, disability or handicap, genetic information, national origin, race, religious creed, sex (including sexual harassment), sexual orientation, gender identity, or veteran status as provided by law, shall be referred to the Affirmative Action Office for investigation and possible disposition in accordance with procedures established by that office. If the grievance is not settled to the employee's satisfaction after completion of the Affirmative Action Office investigation, the employee may appeal it to the Final Step Review outlined below.

### **INFORMAL RESOLUTION OF GRIEVANCE:**

Most grievances and on-the-job conflicts can be settled in discussions between the employee and the employee's supervisor. In some situations, the employee may wish to seek the counsel of his or her Human Resources Representative and/or the Employee Relations Division in the central Office of Human Resources. In the event of alleged discrimination, counsel may be sought from the Affirmative Action Office.

Within one (1) calendar week of the time that the employee has knowledge of the act which is the basis for the grievance, an employee who wishes to pursue a grievance shall discuss the matter with his or her supervisor, unless there are substantial extenuating factors that prevent meeting this time limit. The supervisor shall respond orally to the grievance within two (2) workdays of the discussion.

### **STEP ONE:**

If the employee is not satisfied with the supervisor's response, the employee may put the grievance in writing within three (3) workdays of the date of the response. The employee must make four copies, three copies for the supervisor and one to be retained by the employee. A meeting shall be held within ten (10) workdays of the date of the request. The employee must attend as well as his or her immediate supervisor, the next level supervisor, the Human Resources Representative, and other appropriate University representatives.

At this step, the employee may be accompanied by a University employee of the employee's choosing, unless it is a group grievance. In the event of a group grievance, up to three (3) employees within an aggrieved group can attend and represent the group. A written response shall be provided to the employee(s) within ten (10) workdays of the date of the hearing.

**NOTE: A grievance concerning dismissal shall be heard directly at Step Two.**


### **STEP TWO:**

If the employee is not satisfied with the Step One response, or with a matter involving dismissal, the employee may request a Step Two hearing, in writing, within seven (7) workdays of the Step One response or dismissal action. A meeting is then held within ten (10) workdays of the date of the request and is attended by the employee, the dean or administrative officer or a designee, the Manager of Employee Relations or a designee, the Human Resources Representative, and other appropriate University representatives.

At this step, the employee may be accompanied by a University employee of the employee's choosing, unless it is a group grievance. In the event of a group grievance, up to three (3) employees from an aggrieved group can attend and represent the group. A written answer shall be provided to the employee(s) within ten (10) workdays of the date of the hearing.

### **FINAL STEP:**

If the employee is not satisfied with the Step Two response, the employee may request a Final Step Review, in writing, within seven (7) workdays of the Step Two response. This request shall include the employee's position on the relevant issue(s) and the reasons for disagreement with the Step Two response. (As noted in the Discrimination Grievance section herein, if the employee is not satisfied after completion of the Affirmative Action Office process, the employee may request a Final Step Review. Such request will be made in writing within seven (7) workdays of the Affirmative Action Office's conclusion of the matter.)



This review is conducted by the Associate Vice President for Human Resources or a designee. The review may include meetings and discussions with individuals, including the employee, whom the Associate Vice President for Human Resources, or his or her designee, deems necessary in order to gather the information needed to render a decision. Following a review of the employee's Final Step Review request, the Step Two answer, and other relevant materials, a written response will be provided to the employee. The Final Step Review decision is final.

**MISCELLANEOUS:**

If the employee gets a response at any step of the procedure and does not ask for further review of the grievance within the specified time limit, further review is deemed waived and it will be assumed that the employee is satisfied.

At any step, University representatives and/or the employee may invite people to present factual testimony in the hearing.

An employee will not lose pay for any time that he or she is required to be present in any step of this grievance procedure. An employee will not be paid for any time that he or she is present during the grievance procedure, if this time falls outside the employee's normal working hours.



## HR99 Background Checks

<https://guru.psu.edu/policies/OHR/hr99.html>

### **Purpose:**

This policy establishes a process for ensuring background checks are completed for any individuals, age 18 and over, (paid or unpaid) who are engaged by Penn State in any work capacity effective on or after the date of this policy. This includes employees; volunteers, working with minors; adjunct faculty; consultants and contractors who conduct their work on Penn State premises or who represent Penn State at non-Penn State locations; or other similar positions. In addition, it establishes a process requiring all individuals engaged by the University, including those engaged prior to, as of, or after, the effective date of this policy, to self-disclose criminal arrests and/or convictions as outlined in the Penn State Arrest and Conviction [self-disclosure form](#) within a 72-hour period of their occurrence.

Background checks will be used solely to evaluate candidates' eligibility to be engaged in any work capacity by the University, and will not be used to discriminate on the basis of race, color, national origin, ancestry, religious creed, gender, disability or handicap, age, veteran's status, gender identity or sexual orientation.

Criminal convictions will be reviewed with respect to the nature and gravity of the offense(s); time since conviction; completion of sentence or any other remediation; relevance to the position for which the candidate is being considered/employee is performing; and discrepancies between the background check and what the candidate/employee self-reported. When a finding adversely impacts eligibility to be engaged by the University in a specific position, the candidate will be notified of the decision and given associated information required by law.

(Note: Nothing herein is intended to contradict or lessen application of applicable federal or state laws or regulations.)

### **Topics included in the policy:**

- Overview
- Individuals Covered by This Policy
- Individuals Not Covered by This Policy
- Definitions
- Background Check Inquiries
- Background Check Process
- Periodic Updates or Additional Background Checks
- Recruitment Notices
- Roles and Responsibilities
- Evaluation of Resulting Report
- Confidentiality
- Related Documents
- Cross-references