

UHESA Meeting #1
Utah Valley State College (UVSC) and Tele-Conference
September 22, 2004
1:00-3:00 pm

WELCOME and ROLL CALL.....Shad Sorenson

After some technical difficulties were resolved, meeting called to order at 1:15.

College of Eastern Utah:	Geniva Brooks
Dixie State College:	Laurie Sullivan and Susan Garner
Salt Lake Community College:	Pat Albertson and Butch Steffen
Snow College:	no one in attendance
Southern Utah University:	Barbara Rodriguez, Annette Murray and David McGuire (HR)
Utah State University:	Milton Johnson, Debra Parrish (PEA), Karen Lowe (CEA) and Sarah Phillips (HR)
University of Utah:	no one in attendance
Utah Valley State College:	Shad Sorenson, Candace Marks
Weber:	no one in attendance

BUSINESS ITEMSShad Sorenson

Fair Labor Standards Act

Nancy Bartlett gave a review of the history of the Fair Labor Standards Act and how the newest revisions to this Act may affect our campuses. The biggest controversy on our campuses may be who is qualified for overtime (non-exempt employees) and not qualified for overtime (exempt employees). In the past there was a two-part test; position duties (measured by two tests) and salary (\$250.00/week or \$13,000/year), that could determine exempt or non-exempt. Now the salary test is \$450.00/week or \$23,600/year for non-exempt and over \$100,000.00/year for exempt unless you are: skilled craftsman or manual laborer. In the duties test, there is now one test in six areas (i.e. executive, administrative, learned professional, skilled professional, computer, sales). Prior to August 23, 2004, Human Resource (HR) Directors evaluated various positions across campuses to see if the new law changed people's positions from exempt to non-exempt and vice versa.

Areas of concern at UVSC have been the assistant coaches and their computer people.

- Q. With the change in FLA has the terminology for classified and professional gone to exempt and non-exempt?
- A. At UVSC they have classified everyone into exempt and non-exempt.
- Sarah- Utah State has gone away from professional and classified and gone to exempt and non-exempt
 - David- SUU still uses all four classifications
- Q. What are the ramifications of these terminologies? Is it just playing with words or are there real differences?
- A. The law, historically, established limits to prevent abuse of employees. This law also classifies positions to do the same thing, prevent abuse of employees.
- Q. Debra- Utah State felt that, considering the Affirmative Action laws, it was not appropriate to combine groups (staff associations) on campus
- UVSC- one organization working together
 - Utah State- has been trying to work together between their two groups
- Q. Can a classified employee in a classified staff association by exempt?
- A. Yes, a classified staff person, according to duties, could be exempt where another classified staff person could be non-exempt.
- Q. (directed to Shad) Wouldn't combining groups give greater clout?
- Butch- perhaps just using 'full time staff' terminology would be easier to define
 - Geniva- Why full-time staff? Why not part-time also?
 - Shad- According to UHESA bylaws, we represent full-time employees

- Pat- SLCC is revising their constitution and bylaws since they work with a lot of part-time and their bylaws currently states full-time staff also

Q. As positions are evaluated, are new job descriptions determined? What about overload policy for exempt staff?

A. New job descriptions is an ongoing process required by current laws, etc. This will also allow HR to look at positions and, now, evaluate how the job is classified—exempt or non-exempt. The safe harbor is to make everyone non-exempt and pay overtime.

- Utah State has a straight time policy where staff is limited to eight hours/week that they can work overtime and receive eight hours of pay or comp time. This was designed for staff who wanted to teach as adjunct faculty.
- Pat- Six administrative assistants' job descriptions were redefined and consequently they were down-ranked. Their pay was not decreased by they all were afraid of how that would look in their personnel files. HR agreed to write a letter explaining that the down-ranking was due to job redefinition and not to performance.
- Nancy- we need to remember, or realize, that a new job definition is not a demotion. HR is just making sure their position is described properly.

Q. When an employee received a change in grade level, salary, etc., isn't there an obligation to notify the employee?

A. Notification isn't mandated by law, but probably is proper.

- Pat- in our case it was only a grade level change, no loss of income, but earning potential may have been affected as they may be capped or peaked at the new level
- UVSC does not have an earning cap
- David- it seems that you would want to state the business reason behind the change and indicate it was because of that, not discrimination
- Butch- asked if the changes at UVSC happened prior to the revise FLA laws?
- Pat – yes
- Butch- there is a thing called fiduciary, we need to be sure what the motivation for the change was
- Nancy – there is nothing in the law
- Their staff association is trying to get on the Salary Advisory Committee and the Job Evaluation Committee to be aware of how and why changes are made
- Shad suggested that staff association representatives meet with HR monthly to stay apprised of issues.
- Laurie pointed out that at her institution when changes are made, i.e. exempt to non-exempt, benefits also change: rate at which vacation time is earned, etc.
- At UVSC, when the changes were made everything remained harmless. That is to say that if an employee was with TIAA and changed to a non-exempt, they could remain on TIAA rather than having to switch to URS.

Q. We all know of situations where we are expected to work longer hours to get the work done.... How many of us don't have over 40 hours every week?

Q. Does Utah State still have a policy that allows an exempt employee four hours of leave per week without accounting for it?

A. Yes, this is done on the honor system, but supervisors have to monitor it. There have been cases of abuse of this policy.

A. The supervisor's responsibility is to monitor work load—it is abusive if every week you're working 50-60 hours

Some offices have those people that are just known work-aholics. It is also the supervisors job to send them home. All studies show that having balance in your life makes you a better employee.

With these new changes, we also considered the financial impact it would have on institutions. Financially, it had the greatest impact with non-exempt employees. Exempt employees just stay until the job is done.

Dixie reported that they have just been mandated by the president to have two staff associations. One for exempt and one for non-exempt staff employees. Issues, such as overtime, salary inequity, low use of vacation time, are all issues they had not thought about bringing up. About half the exempt employees chose to stay with the classified employee staff association.

CEU has two associations and they are trying to come together to one. They are currently in the discussion stage, but are seriously looking at joining forces.

Shad did not want to make a statement regarding UHESA's stand on having one or two associations. Butch felt this was a good idea as UHESA just represents staff employees.... no other differentiation is stated.

Milt commented that sometimes having two groups gives more clout or ability to convince others on issues.

Approve Minutes from August 5th and 6th Annual Meeting (emailed 9/20/04)

Several minor corrections were made to the minutes:

- Spelling of Susan Gardner to Garner, Barbara Rodriguez to Rodriguez on p 1.
- Removal of "and lies" in fourth paragraph of p. 2, change "two representatives" to one or more representative on last line of p. 4.
- CEU capital facilities requests were clarified; CEU: Price Campus – Fine Arts and CEU: San Juan Campus- Student Center, p. 5
- President Elect nominees: Geniva Brooks, College of Eastern Utah, not Central Eastern University, p. 7

Pat made motion to accept the minutes as corrected. Laurie Seconded. Minutes were approved as corrected. Shad will make corrections in the minutes and send them to Teresa to post.

HR personnel were excused.

Institutional Report Template

Shad is sending out the grid today. Please be sure to use 3rd week numbers, and return to him as soon as possible.

Pat expressed concern as it seems that some of the information is almost considered "secret" and is hard to find.

Approve 04-05 UHESA Goals (emailed 9/20/04)

Goals for 2004-2005, as listed on page 4, 13 and 14 of previous minutes reflect many legislative issues. Shad asked Butch to take goals 1-7 (page 4 of the minutes) and the two other goals (page 13 of the minutes) to committee to come up with one legislative goal. Review of the death benefit was also a goal UHESA wanted to address. Butch will address that also.

UHESA Committee Report

Dave Buhler has been assigned to be the UHESA contact on the Board of Trustees. Butch has a good report with Dave. Butch feels that in order to not inundate Dave's office, we should have Shad or Butch be the contact people with Dave. Shad agreed.

1. UHESA Day is scheduled for Friday, February 4, 2005. Butch has scheduled the largest room, seats 140 people, and there did not appear to be any conflicts with other scheduled operations on that date. We will get the word out to all institutions to reserve that date.
2. Higher Education Appropriations Committee and Board of Regents will meet on October 19, 2004 at the Regents office. Candace reported that the Higher Ed Appropriation Committee will be meeting on October 1, 2004 at Snow College- South. They may be receiving their revenue projections at this meeting.

Butch has met with the Utah Council of Faculty Senates. They are looking at working together on some issues to make their voices stronger. Their meetings are open to the public and a representative from staff could come if desired.

Markus was going to go to the last Board of Regents meeting, no one knew if he had made that or not.

Pat and Butch will go to the October Board of Regents meeting.

3. Butch would like to write a letter to send to constituents to send to the Board of Regents stating our concerns and what we would like to see happen.

Candace reported that the Regents are not going to ask for enrollment growth fund. They are going to ask for a 3% salary increase for state employees and possibly an equity increase. Butch said that is what he had heard also.

4. Review of legislative representatives for each institution:
CEU- Kelli Curtis for classified staff
Dixie- Rob Snow
SLCC- Lou Brackett
Snow - ??
SUU- Jake Johnson
Utah- Liz Allred
UofU- Jim White
UVSC- Clint Moser
Weber- ??

Butch will find out about getting additional copies of the video he presented at the UHESA annual meeting on working with your legislators. If he cannot buy copies, he will ask about making a copy for us. Shad asked if he could check on getting DVD's instead of VHS format.

5. This is an election year. We need to get information to all the subcommittees. Make friends with the legislators. Ask them their stand on the higher education and let them know our stand on issues, like salary and benefit compensation. Have candidates come and speak at your institutions.
6. Amendment 3 and the Death Benefit issue with the Utah State Retirement System were discussed.

Annette made a motion to hold UHESA day on February 4, 2005 at the capital. Laurie seconded. Call for discussion.

Butch is working to coordinate with the Faculty Senate leaders to come on the same day. Candace reminded everyone that new legislation passed last year that takes control from the president of our institutions. However the legislature says to spend the money, is how it is distributed.

Pat reported that their Faculty Association is going to disassociate themselves with the American Federation of Teachers.

Call for vote. The vote was unanimous to hold UHESA Day at the capital on February 4, 2005.

NOTE: AFTER THE MEETING THE DECISION WAS MADE TO CHANGE THE DATE, BASED ON INFORMATION RECEIVED FROM A REPRESENTATIVE WHO WORKS AT SLCC.

Shad felt we should just move forward as an association and try to connect with faculty leadership.

Weber State meeting with two tiered program started last year. 2nd tier tuition can be used as desired—this year the Board of Regents have stated that the 2nd tier tuition money is marked for Operations & Maintenance (O&M).

Barbara wondered if anyone had heard what the legislators were looking at as far as benefits go, not just salary. Barbara heard that we could expect some losses in benefits.

Candace reported that their Human Resource office is doing a Richness Index Study, looking at benefits. The Board of Regents wants all institutions at the same level by 2006. Shad will ask if someone, possibly Dave Buhler, could attend our next meeting and give a presentation on the richness index.

Next meeting will be: Wednesday, November 3, 2004 at 1:00. On the agenda will be: Institutional Report Information, Richness Index of institutions

Laurie made a motion to adjourn. Pat seconded. Meeting adjourned at 3:10 pm.



AGENDA
September 22, 2004

Utah Valley State College – Administration 205
Conference Call: 866-256-5096 Password: 6224

www.usu.edu/uhesa/

1:00 p.m.

Welcome and Roll Call

Shad Sorenson

Business Items

Shad Sorenson

- Approve minutes from August 5&6, 2004
Emailed: September 20, 2004

-Institutional Report Template Used 3rd Week Data

-Approve 04-05 UHESA Goals
Emailed: September 20, 2004

1:10 p.m.

Fair Labor Standards Act (please invite campus HR Director

Nancy Bartlett

-Exempt & Non-exempt vs. Professional & Classified Classification and how it impacts institutions with one or two staff associations.

Discussion: College Staff Association One Voice vs. Two Voices

-Dixie's Request for Official UHESA Statement or Opinion Statement from UHESA President

2:00 p.m.

UHESA Committee Reports

-Legislative

Butch Steffen

2:30 p.m.

"Hot Issues" on Your Campus Affecting Staff

Round Table

2:45 p.m.

Next/Future Meeting Agenda Items

Shad Sorenson

Thank YOU for attending.

Future Meeting Schedule