

Agreement

Indiana University and CWA 4730 Agreement for July 1, 2010 through June 30, 2013

Subject to the approval of the Board of Trustees of Indiana University and a vote of the membership of CWA Local 4730, Indiana University Administration and CWA Local 4730 are agreeable to the following provisions effective July 1, 2010:

1. **Wages** –

- A. In the event that funds become available for a general wage increase for CWA represented Support Staff at Bloomington and Clerical and Technical Staff at Northwest during 2010-11 Fiscal Year, the university will discuss with CWA the distribution of such funds.
- B. In the 2011-12 and the 2012-13 wage re-openers, the parties agree to meet and discuss distribution of any funds allocated for wage increases for CWA represented Support Staff at Bloomington and Clerical and Technical Staff at Northwest.

2. **Policy 6.3 Corrective Action** – Under “Corrective Action Procedure”, Paragraph 1, modify as follows:

Corrective Action Procedure 6.3

- a) Any employee has the right to have a union representative present at any disciplinary meeting or any meeting where the employee has reason to believe that disciplinary action may be taken. *This includes an investigatory meeting with an employee suspected of wrongdoing.* In such case, it is the responsibility of the supervisor to notify an employee when a meeting may lead to discipline. The employee will be provided with a reasonable opportunity to make arrangements for the attendance of a union representative. A reasonable opportunity to make arrangements for the attendance of a union representative means within *five* workdays and if more time is needed, management will consider the request and its circumstances in consultation with the campus Human Resources office.

3. **Policy 6.3 Corrective Action Policy** – Under Section A, add new provision as paragraph A.4., as follows:

A. Policy

- 1. Ideally, most workplace performance problems are handled by informal discussion and counseling between the supervisor and the employee.

2. When more formal corrective action is required, **appointed employees** who have completed their new-employee evaluation period, will only be disciplined or discharged for just cause.
 - a. Just cause means having a legitimate reason to invoke formal corrective action.
 - b. The employee and/or designated union representative shall, upon request, receive information or an explanation concerning the legitimate reason(s) for invoking formal corrective action.
 3. Corrective action will be imposed in a progressive manner, unless circumstances warrant more severe discipline or discharge.
 4. The employee has the right to prepare and append a statement to discipline and to maintain such statement along with discipline in the appropriate files. Campus Human Resources reserves the right to review and reject statements that include derogatory language, disparaging remarks, or other statements that could be considered objectionable. CWA will be advised of the rejection and the reason(s) therefore. CWA may work with the employee to revise the letter. Such statements should not be construed to be in lieu of or to waive the right to the use of any other options provided by policy to respond to discipline.
 5. All corrective actions may be appealed by the employee through the Grievance/Complaint Resolution procedure.
4. **Policy 10.2 Rules and Guidelines for Filling Positions** - Under Procedure 10.2, add new provision as Paragraph 5, as follows:

Procedure 10.2 How to fill a Support Staff position

4. In determining an applicant's qualifications, factors to consider include, but are not limited to the following:
 - a) Experience
 - b) Past performance
 - c) Ability to perform the essential functions of the job with or without
 - d) Educational reasonable accommodation background
 - e) Ability and qualifications to perform the work competently, with or without reasonable accommodation
 - f) Attendance record over the last 12 months (not including extended periods of sick leave due to serious illness or injury or approved leave of absence)
5. Corrective actions more than three years old shall not be used to deny an otherwise qualified employee an interview for a position, except that corrective actions for serious offenses, as defined in Policy 6.3, Corrective Action, Procedure 5.b., shall have no expiration as provided under this paragraph.
6. All relevant factors will be considered fully. Where such factors are found to be relatively equal between two or more candidates, and where at least one candidate

is an appointed IU employee, the decision to hire is governed by occupational unit seniority first and university seniority date second.

7. Hourly and temporary agency employees in the available position have no seniority.

5. **Policy 12.7 Vacation Time** – Under Section D, modify paragraph 3 as follows:

Usage rules and requirements

1. All vacation must be approved in advance by the supervisor. The supervisor must approve or disapprove the request within three working days of the receipt of the request. Advance requests do not require a reason for the absence.
 - a) Employees who encounter a personal emergency who have unused vacation time, income protection time, and/or compensatory time may elect to charge time off for the personal emergency to any of these three categories of time.
 1. The employee must notify the supervisor as soon as possible as to the reason and the expected time of return.
 2. The employee may be required to provide documentation on the nature and circumstances of the absence.
2. Supervisors will honor any vacation time requested six months or more in advance unless:
 - a) Excessive numbers of requests have been made for the same time period, (If this is the case refer to paragraph 3 below) or
 - b) The request is for time off in the unit's established and known peak work period in which non-emergency time off is routinely restricted.
3. Supervisors will honor time off requests previously approved for which an employee no longer has vacation accruals to cover when the reason for not having vacation accruals is due to the employee's FMLA, as provided under Policy 12.2 FMLA, paragraph D.4.b. In this circumstance, the employee will not be subject to discipline for taking unpaid time off. For example: If an employee had previously scheduled all of his or her available vacation accruals and then suffers a health condition covered by FMLA, that employee's vacation accruals will run concurrently with the employee's FMLA. However, the supervisor shall still honor the previously approved time off even if the employee no longer has the accrued vacation time to cover the period.
4. If multiple employees within a department request the same vacation period, preference will be given according to occupational unit seniority. However, if a supervisor has given prior permission to a less senior employee for the same time period, the prior permission is honored.

6. **Policy 13.2 Reduction in Force** - Modify Paragraph K, as follows:

K. Trial Period

1. Any employee who is placed into another position as a direct result of the elimination of his/her position through a reduction in force – or due to another employee exercising his/her rights to bump- will be required to serve a trial period.
 - a. The trial period will ~~not exceed two months~~ be up to four months. However, At the discretion of the supervisor, or at the request of an employee, the trial period may be extended for up to an additional two months.
 - b. During the trial period, the supervisor may determine that the employee cannot successfully perform the position's duties. Or, the employee may not want to remain in the position. In either case, the employee will be separated and placed back on the layoff list for a period not to exceed 18 months from the date of the most recent separation.
 - c. The employee will have all of the same rights under the policy provided to employees on the reduction-in-force list.

7. The university agrees to prepare and send an email to all Support Staff represented by CWA, informing employees of their rights and responsibilities with the Personnel Policies. The email will be reviewed with CWA prior to distribution.