



HR EXPERTISE (HR KNOWLEDGE)

TRAINING

HUMAN
RESOURCES

POTENTIAL



Employee Relations

Supervision September 2019



Employee Relations



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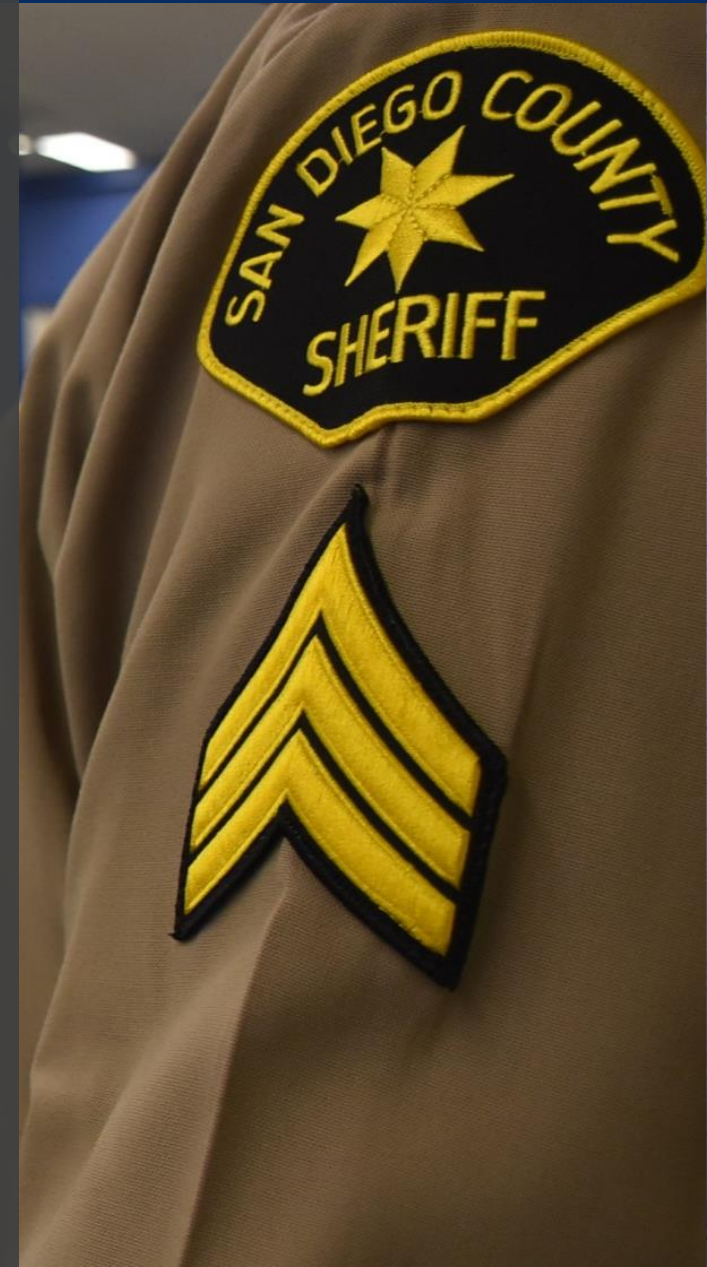


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**Better to Know Us and Not Need Us
Than to Need Us and Not Know Us**

Today's Agenda

- Purpose and Role
- Associations and Unions
- Protected Union Activities
- Relationships with Unions
- Employment Laws
- Discrimination
- Retaliation



Purpose

Protect the Employment Rights for Employees, Supervisors, Managers, Associations and Unions, and Sheriff .

Resolve Disputes with Associations and Unions over Working Conditions.

Who was your Best Coach and Why?



Employee Relations Starts
with a Good Supervisor

Good Talent Management

Communicate

Know your Staff

How will Staff React

Forecast Outcomes

Build Healthy Teams

Prevent IA's



“Every day is a Training Day. Every Event is a Training Event.”

Transitioning from a Peer to Supervisor

- Separate Personal Relationships From Professional
- Let Staff Know You Take Your Responsibilities Seriously
- Treat All Employees Equally
- Ask For Help – 2nd Level Manager
- Be Honest



Role

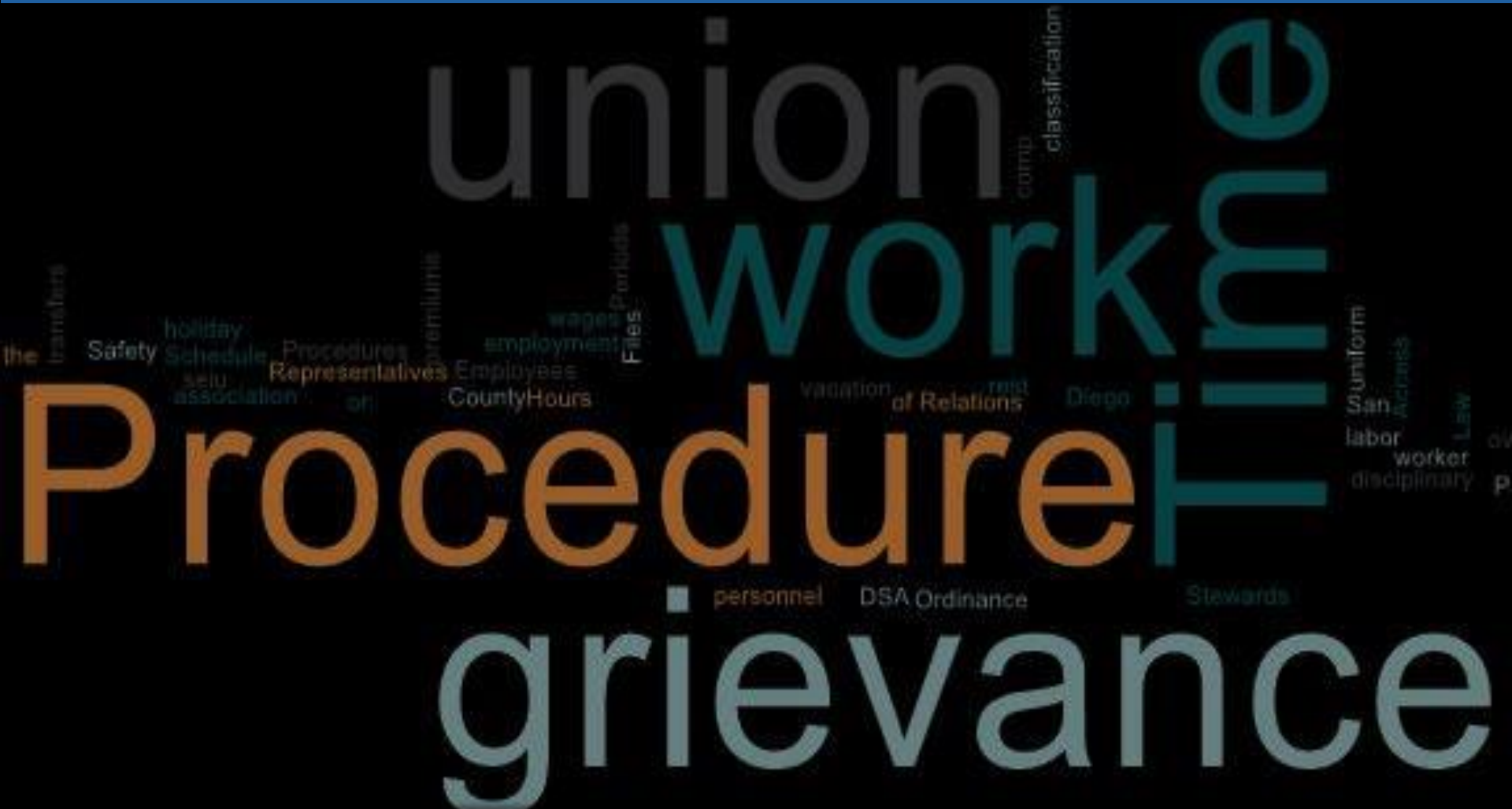
Negotiate Labor Contracts (MOAs)

Monitor Compliance with Labor Contracts

Advise Sheriff's Management on
HR Issues.

Manage Grievance, Appeals, and other
Hearings

When you feel like this



Call Employee Relations

What Happens When I Call.... Employee Relations?

Performance Issues
Grievances
Effect Wages, Hours,
Working Conditions
Low Level Discipline
IA Referrals
Discrimination
Retaliation



HR Advisors regarding
Supervision

What's the Difference – ER and IA?

Employee Relations

Log Event / Performance Impact

Doc of Verbal Counseling (DOVC)

Order (Courtesy and Sick Leave)

Written Reprimand

Internal Affairs

Suspension

Demotion

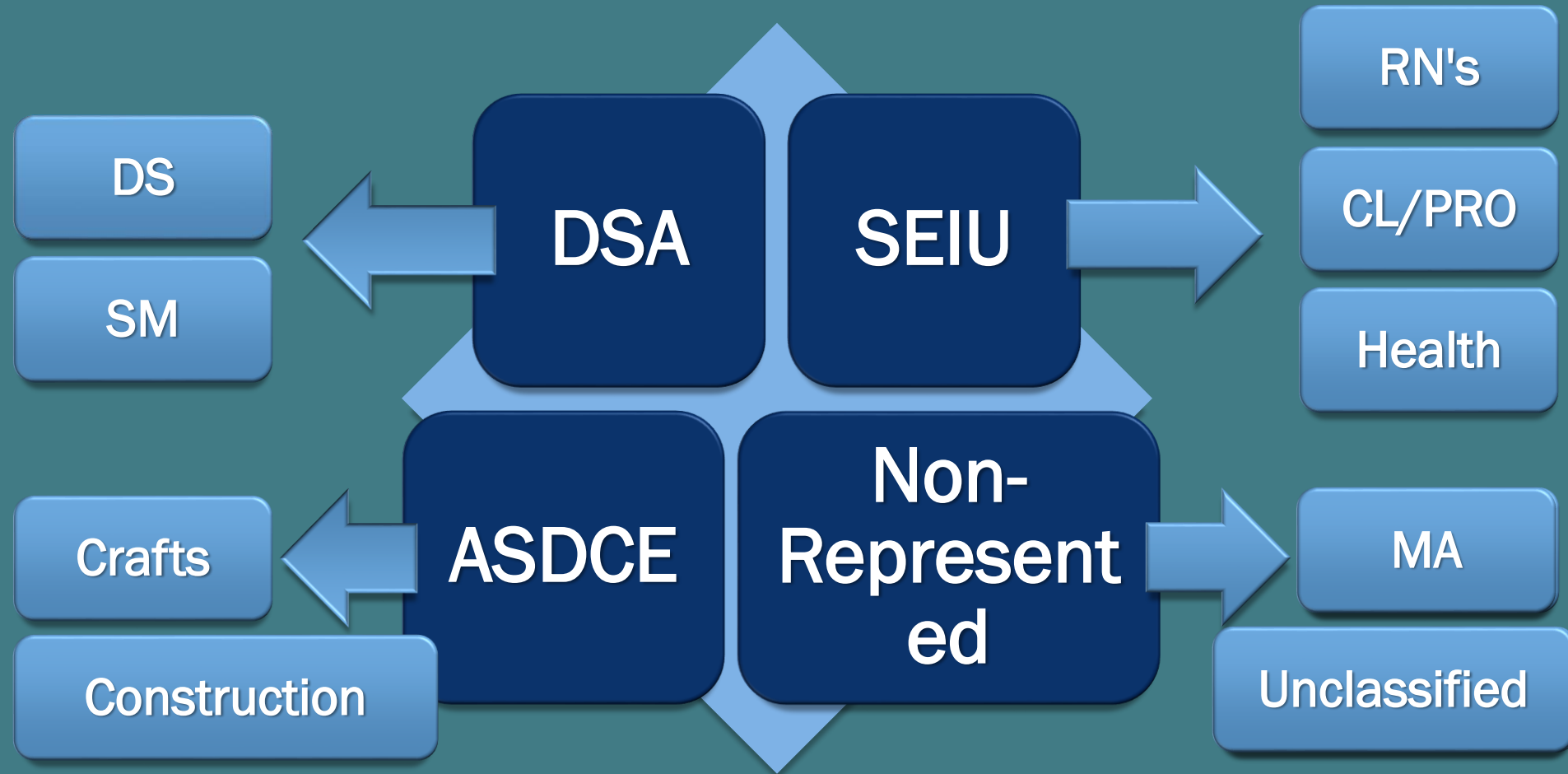
Termination

Memorandums Of Agreements (MOA)



- Wages
- Hours of Work, Premiums, and Unpaid Leaves
- Meet and Confer or Meet and Discuss
- Personnel Practices
- Unfair Labor Practices
- Allowances for Work-Related Expenditures (Uniforms)
- Grievance Procedure
- No Discrimination

Multiple Unions & MOA's



Protected Union Activities



Right to Communicate with Staff

Conduct Worksite Visits

Release Time to Represent Employees

What is the Role of the Union?

Contact Supervisors to Discuss Issues

EPR Appeals

Grievance Process

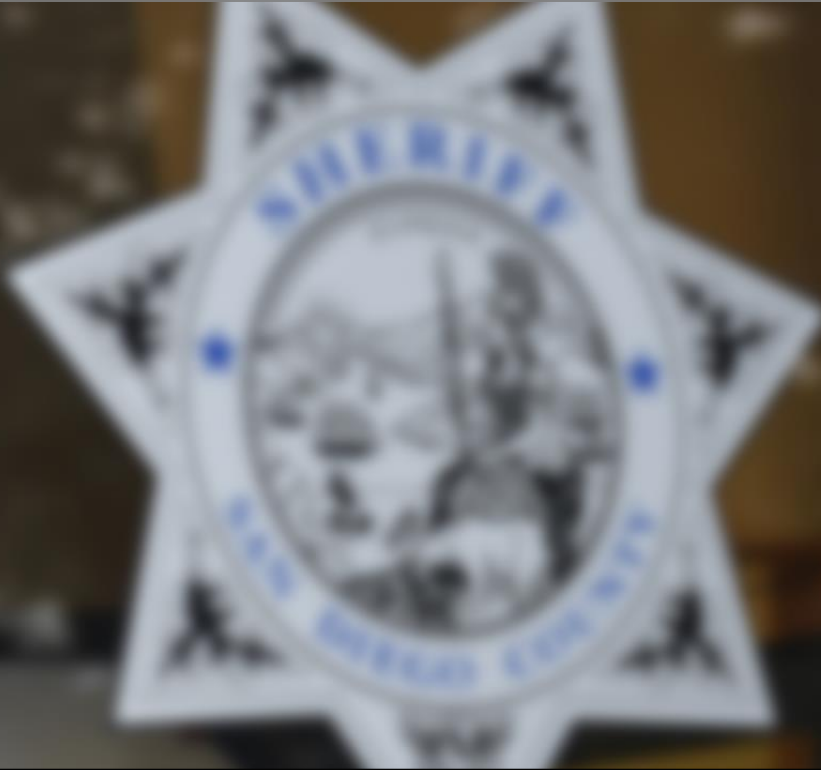
Discipline – IA Interviews and Attend Skelly Conferences

Attend Labor Management Mtgs.

Negotiations

Weingarten Rights

“I Want my Union Representative”



- Right to a Union Representative if Discipline is possible
- Better to err on the side of Caution.

Union Access for Worksite Organizers



Representative is on Current List

Request Prior Approval

No Interference with Work Operations

Can meet with employees on Non-County time

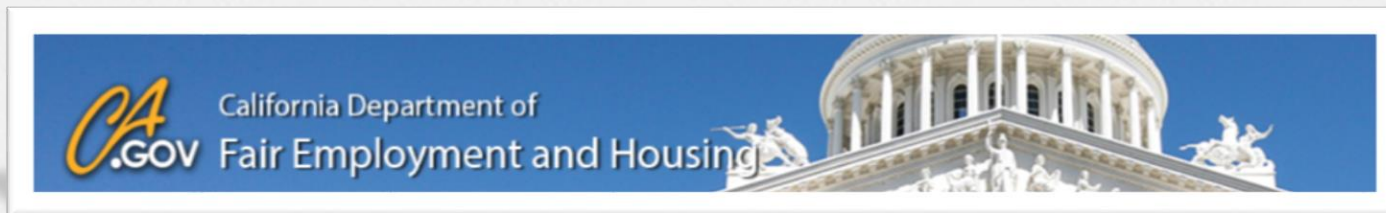
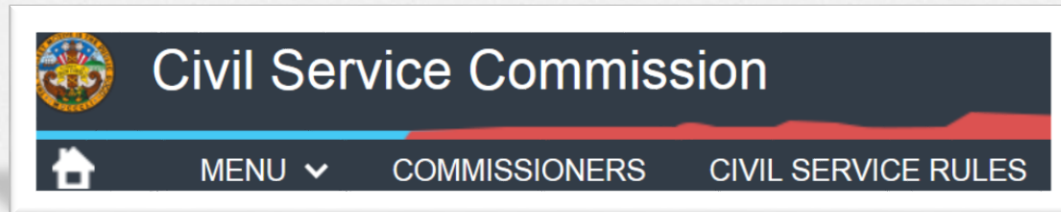
Break and Lunch Periods

Contact Employee Relations

California -
Employment Laws
Discrimination
Retaliation



Employment Discrimination



California's Employment Complexities

Genetic Information Nondiscrimination Act - Employers cannot use genetic information to make an employment decision.

Religious Accommodation - Reasonably to Accommodate Employees' Religious Practices.

Pay Inequity - California Bans on Asking Applicants About Past Salary. Employers Can Not Rely On Old Salary Data To Decide Current Salary.

Transgender Rights – Protects against discrimination based on sex stereotypes or gender non-conformity.

Breastfeeding Breaks - California Employers Must Provide A Reasonable Amount Of Break Time To Accommodate An Employee's Need To Express Breast Milk For Her Infant Child.

Ban the Box – Employers cannot ask any questions on a job application that asks about the applicant's criminal conviction history.



Civil Rights Act of 1964 “Title VII”

It is illegal to discriminate based on
**Race, Color, Sex,
Religion and National Origin.**

Age Discrimination in Employment Act (ADEA – 1967)



Pregnancy Discrimination Act (PDA of 1978)



Prohibits discrimination on based on
Pregnancy

Americans with Disabilities Act (ADA – 1990)



**Prohibits discrimination against
individuals with disabilities in all
areas of public life, including
WORK.**

Family Medical Leave Act (FMLA 1993)



**Provides Employees with
Job-Protection and Unpaid Leave for
Medical and Family Reasons**



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SOCIETY FOR HUMAN
RESOURCE MANAGEMENT

Retaliation

Introduction

As part of human nature, people want to or actually do lash out (retaliate) against those who accuse them of wrongdoings.

This tendency is particularly perilous for supervisors whose employees have accused them of employment law violations.

re-tal-i-a-tion *rə,ˈtālēˈāSH(ə)n/*

noun

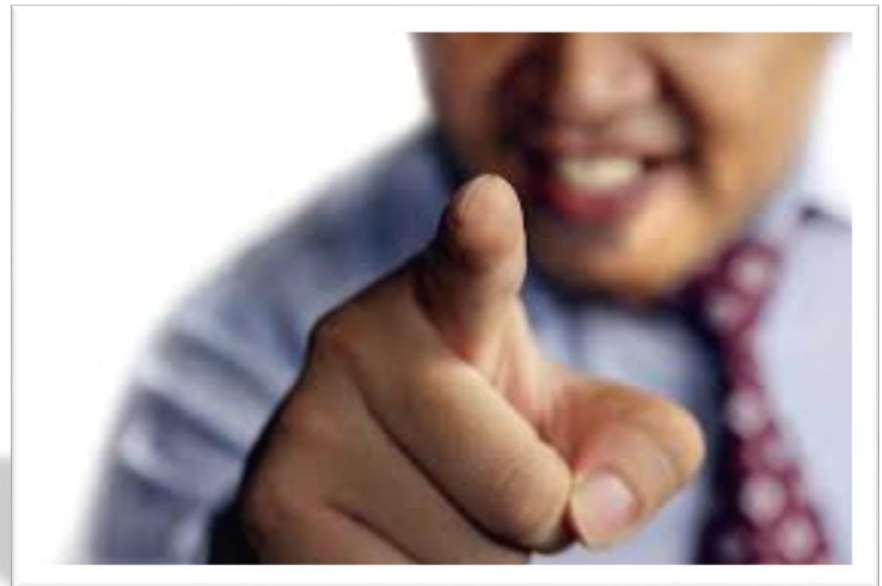
noun: **retaliation**; plural noun: **retaliations**

The action of harming someone because they have harmed oneself; revenge.
"protectionism invites retaliation"

Retaliation

It is illegal for an employer to retaliate against any employee who is engaged in protected activity.

You cannot discharge, demote, suspend or discipline in any manner an employee who engages in this protected activity.



Components of Retaliation

- Employee engaged in a **Protected Activity**
- An **Adverse Action** taken by the employer/manager against the employee.
- **Connection** existed between the protected activity and the adverse action

Reasonable Person Standard

- The situation must be viewed from the perspective of a reasonable, third party
- Would a reasonable person, facing the same situation, find the behavior hostile, offensive, intimidating, or retaliatory

Federal Employment Laws That Include Protection Against Retaliation

The major employment laws that provide for protection against retaliation are:

- Affordable Care Act (ACA).
- Age Discrimination in Employment Act (ADEA).
- Americans with Disabilities Act (ADA).
- Civil Rights Act of 1964 (Title VII).
- Equal Pay Act (EPA).
- Fair Labor Standards Act (FLSA).
- Family and Medical Leave Act (FMLA).



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Group Discussion: You Be the Judge



- o Mary filed an EEO grievance with HR six months ago.
- o She has always been hard to supervise. You want someone else to manage her, and you instructed HR to transfer her to another department.
- o HR says the only available position may involve a change in title and pay. Would transferring her be considered discrimination, harassment or retaliation?

Judge says...



- o Mary filed an EEO grievance. You instructed HR to transfer her to another department, but it changes her pay.

Maybe – Retaliation

- o **What was the EEO complaint regarding discrimination?** It's a protected activity - So was she transferred because she complained?
- o **What if it was a lower paying job?** So she was demoted because she complained protected activity?

Group Discussion: You Be the Judge

- o Bill constantly complains that his back hurts. You are so tired of hearing his complaints that you told him he cannot work until he provides you with proof that he has seen a doctor and the doctor says he is fit to work.
- o Furthermore, he must provide you with a copy of the diagnosis and any prescriptions. Although Bill complains a lot, there are no significant attendance or performance issues.
- o Are your actions illegal discrimination, harassment or retaliation?

Group Discussion: You Be the Judge

- o The Union Representative Requests to conduct a walk-through to hand out union literature to employees at their desks during working hours.
- o Management has determined it would be Disruptive to Operations.
- o What do you do?

Union Access

- o All SEIU Worksite Organizers get Backgrounded to Access Sheriff Facilities.
- o Worksite visits should be scheduled through Employee Relations
- o Times and Dates should be Coordinate with our Facilities.
- o SEIU or DSA Representatives who are providing representation for grievance, performance evaluations, or Internal Affairs investigations are not required to contact Employee Relations, nor are they required to contact the Facility Commander prior to attending these meetings.

The Judge says...

- o He cannot work until he provides you with proof that he has seen a doctor and the doctor says he is fit to work.

What about an Accommodation?

- o He must provide you with a copy of the diagnosis and any prescriptions.

What about his Privacy?

Failed to Accommodate Disability

Does not need to provide HIPPA Info