



# Administrative Procedure

Number:	376
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Page:	1 of

**Subject:** HEERA DESIGNATION CHANGES

1.0. PURPOSE:

To establish procedures for requesting changes in HEERA designations of all nonacademic and administrative staff positions of the University.

2.0. ORGANIZATIONS AFFECTED:

2.1. All organizational units of the University, excluding auxiliary organizations.

3.0. REFERENCES:

3.1. Higher Education Employer-Employee Relations Act, (HEERA).

3.2. Government Code, Section 3534.

3.3. Office of the Chancellor Memoranda, FSA 81-29, FSA 81-48.

3.4. Management Guide for Implementation of Higher Education Employer-Employee Relations Act, 1979.

4.0. POLICY:

Requests to change the HEERA designation of positions will be reviewed and approved by the Director of Personnel Management and Services and forwarded to the Chancellor's Office Division of Employee Relations for final disposition.

5.0. DEFINITIONS:

5.1. HEERA—The Higher Education Employer-Employee Relations Act which authorizes specific groups of employees of the University to participate in the collective bargaining process.

**Approved:**

**Date:**

- 5.2. HEERA Designation—The method by which positions are designated as eligible or not eligible for representation as required by HEERA.

<u>Designation</u>	<u>Code (Used on PIMS (Data Base)</u>	<u>Eligible for Representation</u>
<u>Educational</u>	0	Yes
Supervisory	2	No
Managerial	4	No
Confidential	6	No
Exclusion, Special Or Casual	9	No

- 5.3. Bargaining Units—Groups of classifications within the HEERA designation of “Educational” that are allowed to elect an exclusive representative for collective bargaining. Employees who are in other HEERA designations may not participate in electing an exclusive representative.
- 5.4. Collective Bargaining—Process by which the grievances, labor disputes, wages, hours of employment and other terms and conditions of employment are negotiated by the California State University management and employee organizations.
- 5.5. Employee Organization—Any organization in which higher education employees participate and which exists for the purpose, in whole or in part, of dealing with higher education employers concerning grievances, labor disputes, wages, hours, and other terms and conditions of employment.
- 5.6. The Public Employment Relations Board (PERB)—Five-member board appointed by the Governor to administer HEERA. The PERB establishes rules and regulations to carry out the processes of collective bargaining, settles disputes, and rules on unfair labor practice complaints.
- 5.7. Staff Employees—Nonacademic and administrative employees as identified in the California State University Salary Schedule.
- 5.8. Exclusive Representative—Any recognized or certified employee organization or person it authorizes to act on its behalf.

6.0. RESPONSIBILITIES:

- 6.1. Supervisors will advise department or school administration when a change in job assignment is being considered that might affect the employee's HEERA designation.
- 6.2. School/Division or Department Administrators will:
  - 6.2.1. Consider the potential impact on HEERA designations when planning organizational changes.
  - 6.2.2. Discuss the anticipated changes in HEERA designations with the Employee Relations Manager prior to implementing an organizational change.
  - 6.2.3. Submit formal requests to Personnel Management and Services for review of any position considered to be improperly designated or directly affected by management confidentiality requirements and/or organizational changes.
- 6.3. The Personnel Management and Services Employee Relations Manger will:
  - 6.3.1. Respond to school/division and department inquiries concerning HEERA policy and procedure related to designations.
  - 6.3.2. Coordinate all Personnel Management and Services actions related to HEERA designations.
  - 6.3.3. Represent University management in resolving any HEERA designation issues with representatives of employee organizations.
- 6.4. Personnel Management and Services will:
  - 6.4.1. Review all requests to change HEERA designations.
  - 6.4.2. Inform school/division or department administrators when:
    - a. Final approval is given by the CSU Division of Employee Relations for a change.
    - b. A change is denied at any point in the review process.

7.0. PROCEDURES:

7.1. School/Division and Department Administrators will:

7.1.1. Request a review of HEERA designation when:

- a. An employee designated as eligible for representation is required to develop management's position with respect to meeting or conferring with a bargaining unit.
- b. An employee designated as eligible for representation is required to develop management's position with respect to meeting or conferring with a bargaining unit.
- c. A reorganization of the school/division or department is being considered and the duties of an employee will be significantly changed, thereby affecting the HEERA designation.

7.1.2. Submit the following to the Director of Personnel Management and Services to request a review of HEERA designation:

- a. Memorandum containing reasons why a designation change may be appropriate.
- b. Current or proposed job description on form OPS-001C
- c. Current or proposed organization chart.

7.2. Personnel Management and Services will:

- 7.2.1. Review all formally submitted requests for HEERA designation changes for conformity with policies established by PERB and the CSU Division of Employee Relations, and with the criteria provided in Appendix 8.1.
- 7.2.2. Perform a position audit and interview appropriate department personnel, as required.
- 7.2.3. Submit a recommendation for classification and/or HEERA designation to the Director of Personnel Management and Services for review.

- 7.3. The Director of Personnel Management and Services will evaluate staff recommendations.
    - 7.3.1. If a designation change is appropriate, the Director will instruct staff to forward the request to the CSU Division of Employee Relations.
    - 7.3.2. If a designation change is inappropriate, the Director will instruct staff to return the request to the originator.
  - 7.4. Personnel Management and Services will submit the following to the CSU Division of Employee Relations for requests approved by the Director.
    - 7.4.1. Request for change in HEERA Designation, form (ER 80-01).
    - 7.4.2. Original and two copies of Form 607.
    - 7.4.3. Proposed job description.
    - 7.4.4. Proposed organization chart.
  - 7.5. Personnel Management and Services will notify school/division or department administration of the CSU Division of Employee Relations disposition.
- 8.0. APPENDICES:
- 8.1. HEERA Designations, Prepared by the CSU Division of Employee Relations.
  - 8.2. Request for Change in HEERA Designation (ER 80-01).

HEERA DESIGNATIONS

In order to implement HEERA systemwide it is necessary to designate each class and each individual position in the CSU system and to insure that such designations are based upon factors which are well understood and consistently applied. The various factors which distinguish between supervisory, confidential, managerial, and educational employees are based upon specific job duties of a position and should be understood by campus personnel, as those factors will be used by CSU Employee Relations Division when reviewing requests for a change in HEERA designation.

To assist campus personnel in carrying out their role in the designation process, Employee Relations has developed a series of relevant questions for campus personnel to ask about the individual's job duties when reviewing employee HEERA designations. We recognize that a decision cannot be simply quantified based on the number supervised, the number of supervisory duties performed, the time spent in supervising, etc. and that ultimately judgment calls must be made. However, the purpose of this document is to share with campus personnel the approach Employee Relations will be using to make designations which are logical, defensible, and consistent.

When requesting a change in HEERA designation, address the following relevant questions which you are asked to support with the documents submitted to Employee Relations with Form ER 80-01.

Code 2 – SUPERVISORY EMPLOYEE

1. To what extent does the employee have authority to act on behalf of the employer regarding employees he/she supervises in the following areas:

a. Assigning and directing work.

Does the individual assign and direct their work?

Who makes final decisions regarding work schedules?

Vacation schedules? Breaks?

b. Promoting, transferring.

Does the individual recommend other employees for promotions and transfers?

c. Hiring.

Does the individual hire other employees? What is the role of the individual in relation to his/her own supervisor in interviewing and selecting new hires?

d. Evaluating the work of other employees.

Does the individual perform regular written evaluations of other employees? Is the written evaluation of other employee's work changed by the individual's own supervisor? How often? What is the individual's role in taking corrective measures to improve work performance? Does the individual make a recommendation to retain or release probationary employee? Does the individual review the written evaluation of other employees with the supervisor before or after a review with the employee being evaluated?

e. Disciplining and suspending other employees.

Has the individual ever given an oral warning? A written warning? A written reprimand? Is such a reprimand on file? Is it over the signature of the individual, not the individual's supervisor?

f. Authorizing pay dockings, travel expenses, overtime, and expenditures of funds on behalf of other employees?

2. How many of the above duties the individual performs?

3. If the individual takes any action such as the above, to what extent does it remain unchanged by the individual's own supervisor?

a. How final are the decisions? How often are they changed?

b. To what extent are such decisions made independently of the individual's own supervisor?

c. What is the nature and extent of the supervisory control over the work of others?

d. How many supervisory levels are there above the individual?

4. If the individual recommends that any of the above actions be taken, to what extent are those recommendations carried out?
  - a. What kind of an investigation is conducted by the individual's own supervisor?
  - b. To what extent is the individual involved in the investigation?
5. To what extent does the individual have authority which requires the use of independent judgement rather than that which is clerical or routine in nature?
6. Does the individual supervise a sufficient number of employees to require that a significant amount of time be spent performing duties which are supervisory in nature.
  - a. How much of the individual's time is actually spent performing supervisory duties? (as outlined in No. 1)
  - b. How much time is spent doing work which is the same in nature as those he/she supervises?
  - c. How much time is spent performing other duties in addition to those in a and b above?
  - d. How many positions does the individual directly supervise? Indirectly supervise?
  - e. What positions are supervised full-time, part-time, temporary, students, other supervisor/managers?
7. What are the distinctions of the individual from those he/she supervises?
  - a. What is the nature of other duties which are assigned to the individual in addition to supervisory duties and those which are the same as those employee's he/she supervises?
  - b. Does the individual have a separate office from other employees he/she supervises.
  - c. Does the individual attend meetings which the employees he/she supervises do not attend? How often? Who attends? Purpose and nature of meetings?
  - d. Does the individual call and conduct meetings of those employees he/she supervises? On a regular basis? How often? Purpose and nature of meetings?



8. To what extent is the designation consistent with:
  - a. the systemwide designation of the class?
  - b. CSUC's position presented to PERB (pending a final determination by PERB)?
  - c. the designation of comparable positions based on the specific job duties?
9. Is the number of such designations within the reporting unit, within the campus, within the bargaining unit, and within the system reasonable and defensible as necessary to carry on the mission of the CSUC system?

Code 4 – MANAGERIAL EMPLOYEE

In order to assess the individual's involvement in policy formulation or in the administration of policies and programs, the specific job duties will be reviewed and the following relevant questions addressed:

1. Job Responsibilities:
  - a. What is the impact of the individual's decisions on the program? On the university? On the system?
  - b. How many other individual's are designated as being responsible for the program or functional area in the university/system?
  - c. To what extent is the individual involved in:
    - 1) budget development?
    - 2) in the formulation of official policies?
    - 3) policy and program administration?
    - 4) the development and administration of procedures and policies to implement HEERA?
  - d. What degree of freedom does the individual have to complete a directive?
  - e. Is the individual authorized to commit the university/system to the expenditure of funds? Amount?
  - f. To what extent is the work nonroutine in nature?

- g. What is the nature of the supervisory control over the individual?
  - h. To what extent is the authority and discretion controlled or limited by an individual's immediate supervisor?
  - i. How final are decisions made by the individual? How many levels of management are there over the individual?
  - j. What kinds of decisions are subject to review and/or approval prior to action being taken?
  - k. To what extent is the use of independent judgement required in the performance of job responsibilities?
  - l. Is the individual responsible for rather than merely a participant in the policy decisions?
2. Scope:
- a. To what extent does the individual represent the university/system to the public? The media? The official student organizations?
  - b. Is the individual responsible for a system campuswide program rather than one of more limited scope; i.e. in a school or department?
3. Risk and Accountability:
- a. How controlling are the decisions and actions of the individual?
  - b. To what extent is the individual held accountable for the quality of decisions made? Is his/her job dependent upon it?
  - c. If the individual does not perform effectively, what is the effect on the program/university/system?
  - d. To what degree is the individual held accountable for use of budget funds?
  - e. To what extent is the individual restricted by laws, codes, guidelines and policies?
  - f. How complete are those restrictions, guidelines, etc.?
  - g. Is the person's role in actual policy decisions that of a policy maker, or does he/she make recommendations to those who formulate policies?

4. Expertise:
  - a. What specialized preparation and training is required for the performance of the job duties?
  - b. How unique are the skills and preparation which are required?
  - c. Is the individual or program unique to the campus, or system; i.e. Affirmative Action Officer, Budget Officer, Environmental Health and Safety Officer?
5. To what extent is the designation consistent with:
  - a. the systemwide designation of the class?
  - b. CSUC's position presented to PERB (pending a final determination by PERB)?
  - c. The designation of comparable positions based on the specific job duties?
6. Is the number of such designations within the reporting unit, within the campus, within the bargaining unit, and within the system reasonable and defensible as necessary to carry on the mission of the CSUC system?

Code 6 – CONFIDENTIAL EMPLOYEE

1. Is the employee required to develop or present management positions with respect to meeting and conferring?
2. Do the employee's duties require access to confidential information which contributes significantly to the development of such management positions?
3. Does the employee have direct access to or knowledge of proposals and counterproposals of the employer?
4. Does the employee have access to communications directly related to negotiations strategy and proposals?

Code 0 – EDUCATIONAL EMPLOYEE

All employees not designated as the above. All Educational Employees are eligible to be included in an appropriate unit for the purposes of collective bargaining.