

HR & Allied Professionals Conference Case Study

CASE STUDY BREAK-OUTS

Break out #1: 45 minutes

Participants are divided into groups, separated by profession. The groups are based on those attending, but might include: Labor/Employee Relations, Compensation, Academic Personnel, Employment, Benefits, Payroll, Employee Assistance, Disability Management, and Work/Life.

All participants are given the Case Study Overview. The Case Study Overview is read aloud.

Each professional group is given the Case Study Specifics for their particular profession and they are not informed of any other profession's specifics.

Participants read the Case Study Specifics and discuss the questions directed at their profession.

Break out #2: 45 minutes

Participants are divided into their campus/lab location. (Locations without full representation of professionals might be given the written specifics, depending on how many from each location are available.)

Participants are asked to share their Case Study Specifics with their location colleagues so that everyone knows "the rest of the story." Each group is asked to discuss the following questions in their group. (Questions are displayed on the screen)

- How did hearing from your professional colleagues change your approach to the case study?
- How does knowing the full story from your campus colleagues change what you might do?
- For those locations who did not have all 16 components of the case study represented, what do you think you may have missed by not including the perspectives of those who are back at the office?
- Based on what you discovered today, how might you change your campus process for handling complex situations to be more effective?

Participants record the results of their discussion of the issues on flipcharts.

Debrief: 30-45 minutes

Facilitator leads a large group debriefing

- Each location has 1-2 minutes to report out on their responses to the questions
- Facilitator informally requests feedback from CHROs



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Case Study Overview – ALL

Maria Leal has been employed by the University for 20 years. She is the daughter of immigrant farm workers and is the first one in her family to graduate from college and gain a “professional” position – working for the University of California, no less! She and her family moved to Central California when she was six, where her parents were both farm workers in the lettuce and grape fields. They became active in the 70s and 80s with the United Farm Workers, many times working alongside Cesar Chavez in organizing strikes and boycotts in protest against low wages and the use of toxic pesticides on grapes. Maria spent much of her youth being dragged to meetings, oftentimes doing her schoolwork in the back of the room while her parents led meetings in the front.

In 1985, Maria graduated from community college and came to work for the University as a laboratory assistant. She worked her way up to a Lab Tech and, in the early 90s, started becoming concerned about some of the same issues her parents had worked on during her youth – low pay for lab workers and working conditions that many times required working with toxic chemicals. From the very beginning, she was involved in organizing technical workers at UC and spent several years in the union steward’s position, although her efforts in recent years have lessened as she has become more active in her neighborhood.

In fact, back in 2004, Maria was selected for a Chancellor’s Award for her community volunteer efforts within the Hispanic community. She is well liked and received excellent performance ratings, resulting in her promotion a year ago to lead lab technician in Dr. Stanley Clark’s lab – Dr. Clark is a widely known researcher who is implementing several large NIH grants. Those who know Maria felt this promotion was well deserved and a long time coming.

Since the promotion, Maria’s luck has taken a turn for the worse. Eleven months ago, Maria lost her partner of many years – and the father of her two children – to cancer. She battled back from this tragedy with the same resolve she applied to her union organizing, but then, only six months later, she was involved in a serious auto accident which resulted in her right leg being amputated above the knee. Her 3-year old daughter was with her in the car, but miraculously, was unhurt.

Today, despite the adjustment to life sans leg, she thinks she is ready to return to work. She needs to start making money again, since she’s been out for five months because of the disability.



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Labor Relations – Case Study Specifics

In today's mail, you received a doozy of a grievance. This one is from a technical employee, Maria Leal. You're relatively new to the campus, so you don't know much about Maria, but it sure appears that she's got an ax to grind with her supervisor! When you notice Maria's department, you're sure that she is just one more unhappy employee from Dr. Clark's lab.

You've had quite a bit of experience working with the management in Dr. Stanley Clark's lab (where Maria works) since you've arrived at UC. The MSO has been working with you on behalf of Dr. Clark to handle a major departmental reorganization which was necessary to accommodate his lab's growth. Not only have most of the employees been "reorganized," and are now being required to do different tasks while reporting to different people, but the lab itself had to move off campus due to its growing size. The employees haven't been too happy about the changes, but the needs of the department demand that they be done.

Maria's grievance includes a litany of items, including:

- Claiming that her supervisor discriminated against her based on her national origin when he did not initiate her reclassification when he asked her to take over the lead lab technician position.
- Claiming that her supervisor discriminated against her on the basis of her disability by refusing to allow her to return to work after her accident.
- Claiming that she was denied Family & Medical Leave for her most recent accident, in violation of federal and state law. Because of this, she had to pay extra to continue her health benefits.
- Claiming that her department released confidential information regarding her medical condition in violation of confidentiality laws. According to the grievance, Maria's co-worker called her and informed her that everyone was talking about Maria's medical report. The grievance describes how the report had been left on an open fax machine for several days and everyone saw it. The report indicated that antidepressants were prescribed to Maria, in addition to detailing her physical injuries.

Oh brother, you think. Just one more unhappy employee from this lab! Why can't they accept the change and move on? Then you remember the name – is this THAT Maria Leal?

You also receive an email note from Dr. Stanley Clark, addressed to you and the Disability Management function, requesting an immediate medical separation review, since it is clear that Maria can no longer work with animals without further endangering herself.

YOUR QUESTIONS:

What is your first move?

What important considerations must be evaluated in Maria's situation?

What questions are unanswered?



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Academic Personnel – Case Study Specifics

Early this week, you received a phone call from Stanley J. Clark, one of the most influential and well-regarded faculty members on campus. Dr. Clark has brought millions of dollars in research grants to the University and many feel his work has put him on the “short list” for a Nobel Prize sometime soon. Dr. Clark has a very large lab on campus, employing almost a hundred people involved in research, lab work, and animal care. Although he was headed out of town for a conference, he asked if he could see you right away regarding a “personnel” problem. This seemed strange since Dr. Clark almost always left all of his personnel issues in the hands of his long-time MSO, but you went anyway.

When you arrived at Dr. Clark’s office, he was immersed with a graduate student, discussing something related to neurodegenerative diseases and tumors in sheep. However, once he saw you, he invited you into his office and closed the door. Then, he proceeded to tell you that one of his lab techs, Maria Leal, had personally called him at home, indicating that she was planning to “blow the whistle” on him for improper use of governmental funds associated with one of his grants. According to Maria, one of the PIs that works for Dr. Clark (and who directly supervises the lab in which Maria works) has been using grant funds to pay employees “under the table.”

When you ask him what he knows about this, Dr. Clark indicates that it’s the most ridiculous thing he’s ever heard. And how did Maria get his home phone number anyway? Regardless, he doesn’t have time to worry about it – he’s supposed to be in Geneva on Friday for a conference – but maybe you could look into it while he’s gone. And, oh, by the way, Maria also indicated that the MSO is in cahoots with the PI – the MSO hired a high school student (who doesn’t know any better) as an office assistant during the summer to help process the transactions and Maria says she saw the MSO and PI kissing in the MSO’s office. That’s why Dr. Clark hasn’t spoken to the MSO about it.

YOUR QUESTIONS:

What UC policies need to be considered in this situation?

How should you proceed?

What questions are unanswered?



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Compensation/Classification – Case Study Specifics

You received a call from Dr. Stanley Clark's MSO last week, asking for a meeting. When you arrived at the office, the MSO proceeded to explain what she needed. She needed a reclassification of a lab technician's job approved immediately, retroactive to one year ago.

What??! Despite your disbelief, you try to listen to the MSO's story. It turns out that Maria Leal was given the responsibilities of a Lead Lab Technician a year ago by her direct supervisor, a PI in Dr. Clark's lab. Unfortunately, the PI had not done the paperwork required to reclassify Maria, but had instead told Maria to re-write her own job description. In the meantime, while the job description was being approved, the PI told Maria that she could supplement her pay by adding extra hours (8 hours) each week to her timecard.

The MSO quickly added that Maria had never reported any "sham" overtime, but Maria is upset that the classification has still not been approved. Maria had re-written her job description over a year ago and submitted it to the PI. Unfortunately, the PI was in the middle of renewing his grant and the job description fell through the cracks and was never forwarded to HR. Maria herself has been off work a bit in the past year – first with the death of her boyfriend and then with her own medical problems due to an accident – so Maria hasn't followed up on the reclass until last week when she came in to meet with the PI about returning to work. Maria is threatening to file a grievance unless it is fixed immediately.

YOUR QUESTIONS:

What are your options?

What specific guidance would you give the MSO?

What questions are unanswered?

What do you think you need to do next?



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Benefits – Case Study Specifics

Maria Leal stopped by to see you last week. She knows you from when you helped her with her medical benefits after her accident several months ago. She had just been at her department, meeting with her supervisor. When she arrived in your office, she was quite upset – her supervisor had just told her that she could not return to work as long as she didn't have “two feet to stand on” since her work “required her to be 100%.” He had told her that he would be requesting a medical separation, since it was clear that she really couldn't return to her job, so she should go talk to someone in benefits about disability retirement. That's why she's here -- although Maria feels she's still young, she doesn't know what else to do. She begins to cry as she tells you that the PI is probably right – then she proceeds to tell you that on the way into the benefits office (which is located temporarily in a trailer while the new administration building is being built), she had fallen on the steps, landing hard on her newly-healed stump. Alarmed, you look more closely and can see blood seeping out between the bandages, but Maria says its fine.

In your heart, you know that this story doesn't have a good ending. Maria's job requires a lot of hard work – besides, how is she going to do any type of work with only one leg? Luckily, she's got lots of years of service credit. You start to tear up yourself as you pull out the applications for disability income from UCRP.

While you're going over the application with Maria, she asks if she can request more medical leave rather than retiring – she says she was never given FMLA when she went out for her accident. You find this hard to believe, so you make a quick call to the DPA who handles Maria's department and discover that this is true. The DPA had been told not to distribute the FMLA packet since Maria had used all 12 weeks of her leave when her husband was sick with cancer. But you know that Maria was never married to her long-term partner. Hmmmm. . . .

YOUR QUESTIONS:

What are Maria's options, both short term and long term?

What specific recommendations would you give Maria?

What questions are unanswered?

What do you think you need to do next?

How does FMLA relate to this situation?



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Workers' Compensation – Case Study Specifics

You've been handling Maria Leal's workers' comp case for a long time and the news you got in the mail last week doesn't make you happy. It all started five months ago when Maria was involved in a serious car accident. You didn't find out about the accident for a week, but when the MSO finally called to report the accident, she told you that Maria had been on her way to the print shop to pick up some special labels that the lab had printed when she had been involved in the car accident. Yikes – this should have been reported immediately, but the MSO had been on vacation and no one else thought to take care of the paperwork while she was gone.

You gathered the information and scrambled around, getting approval from Octagon to begin providing benefits immediately since Maria had been in the hospital for over a week. Since then, Maria's recovery had been proceeding well. In fact, you had recently heard that she would soon be able to return to modified duty, despite the fact that her leg had been amputated.

Everything was going along fine until you received a revised claim decision from Octagon last week. It indicated that Octagon now wishes to deny Maria's claim and wants your thoughts on pursuing a fraud claim against Maria. Apparently, Octagon (which also handles some liability issues for UC) was provided with information last week related to a lawsuit filed by passengers in the other car involved in the accident. In the course of the accident investigation, a deposition of Maria by the other party's attorney revealed that while enroute to the print shop, she had apparently received a call on her cell phone from her daughter's daycare center – she needed to come pick her up because she was sick. Before she went to the print shop, she veered off course to pick up her daughter and take her to grandma's. Unfortunately, she never made it to grandma's or the print shop.

Your Questions:

What action do you need to take?

How do you respond to Octagon's desire to pursue workers' comp fraud against Maria?

What do you tell Maria?



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EAP – Case Study Specifics

Maria Leal came in to your office today, very upset about a meeting she had last week with her immediate Supervisor, a PI in Dr. Stanley Clark's lab. Everyone knows Dr. Clark and his importance to the University. You know Maria from last March, when she came in to see you after her partner died of cancer. Her MSO had sent her to the EAP because she was crying at work. Back then, you had assessed her depression and referred her for services within her health plan. It looks like she'll need the same kind of help today.

Last week, Maria had met with her supervisor to explore coming back to work. Her supervisor told her she could not do her job. Even Maria admitted that she was unsure of her balance with the prosthesis. It wasn't working right yet, and there was no way she could handle the large animals, at any rate.

When you ask her to tell you how she's coping with this, it all spills out. She is feeling completely overwhelmed and she can no longer cope with anything. She is trying to come back to work but it looks like she will just end up losing her job at UC. Maybe if she files a grievance she can keep the University from firing her right away. She cannot lose her job and benefits. Who is going to take care of the kids? Her mother is getting older and forgetful and may be unable to keep her kids safe – she almost burned the house down when she left the stove on last week! But, after-school care programs are too expensive. Money is tight so she is even working extra on the side trying to supplement her income. She says she is impatient and too harsh with her kids. Once when her son was bad and she wanted to spank him, he ran away and she fell down trying to catch him. When he came home and she did spank him, she became so mad; she was afraid that she was getting carried away. She feels like she's losing control! Maybe it would be better if the kids just got her life insurance. Then, abruptly, she looked at her watch and announced she had to leave to pick up her mother at the doctor. You barely had time to get her phone number before she left.

As soon as Maria left, you checked your voice mail. How strange – while you were meeting with Maria, the Office of Risk Management had called you, indicating that the University is being sued as a result of Maria's accident and the University's outside counsel has discovered in the deposition of Maria's supervisor that she had been referred to the EAP because Maria had "mental health problems." The attorney has requested a copy of Maria's EAP records. The attorney believes that these records may be important in defending the University.

YOUR QUESTIONS:

What kind of support does Maria need?

What are your legal requirements?

How do you respond to the University's request for your EAP records on Maria?

What do you tell Maria?



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Payroll – Case Study Specifics

Earlier this week, you received a packet of paperwork from one of the PIs in Dr. Stanley Clark's lab. It included a bunch of Maria Leal's timesheets, from January, February, and March of last year! Attached to the timesheets was a note which said, "FYI. Maria Leal's timesheets that I just found in a drawer – sorry! Please dock her pay as appropriate. She was absent due to the illness and death of her boyfriend."

You notice that the time sheets note many days of absence due to family illness and bereavement. When you look at Maria's record, you note that she doesn't have any sick pay left – she's used it all during her most recent absence, which began in September 2005. You also notice that she isn't receiving any pay from which you can dock – she's on an unpaid leave of absence right now. You find documentation of Family Medical Leave granted for the entire months of January through March 2005. Wait a minute . . . Family Medical Leave for a boyfriend? What's going on here?

When you call the DPA for clarification, you find out that the "boyfriend" was actually Maria's "significant other" and was the father of her children. As you're discussing the situation, the DPA notes that it's odd for you to call about FMLA. He just got another call regarding Maria Leal from the Benefits department, asking if Maria could take FMLA now, even though she's been out since September. The DPA told the Benefits Rep no way – she already used up her FMLA with her partner's illness and death.

YOUR QUESTIONS:

How does the combination of FMLA and UC Policy relate to this situation? Is Maria eligible for FMLA now (in February 2006)?

What advice should you give the PI?

What questions are unanswered?

What do you think you need to do next?



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Employment – Case Study Specifics

Three weeks ago, you had the most amazing applicant in your office. This University is just filled with exceptional people and it always makes you wonder why we don't do a better job of identifying them and providing them with career development – it would be nice to work on this if things would ever slow down!

Her name was Maria Leal. She had applied for a supervisory customer service position in one of the big departments on campus that has a lot of interaction with prospective students and their parents regarding financial aid packages. The department is looking for several things in its supervisor – it wants someone who is good at organizing people to accomplish many different tasks, someone who is familiar with community resources, and someone who can speak Spanish. More and more, the campus is reaching out to minority applicants and they really need someone who can explain the financial aid information to Spanish-speaking parents.

From your perspective, Maria was the perfect applicant. She was intelligent, organized, good at leading people (hadn't she got all those technical workers organized into a union?) and she spoke fluent Spanish. It was her first language, but her English was so good that you'd never know it! Although she'd had a bad year with her husband dying and her car accident, she had such a good attitude and you really admired her courage during everything that had gone wrong! She was a single mother, but she found the time to work part time at home, taking after-hours calls for doctor's offices. Plus, she'd recently completed a 3-day intensive course in Customer Service at her local high school's adult education program. When you checked her personnel file, you found that she had excellent performance reviews. Plus, she'd received the Chancellor's Award in 2004 for her volunteer work with high school students in the Hispanic community.

Unfortunately, when you presented her application to the hiring manager, he wouldn't even consider her! He wanted to look at applicants from "outside" and didn't want to be forced into taking any "special selection" applicants. "Those people were no good. Otherwise, their own departments would have taken them back," he said. You tried to explain that Maria wasn't applying under any special re-employment rights, but his mind was made up. He told you to just post the job and find him someone good . . . maybe someone from another college who's done this type of work before can be recruited.

YOUR QUESTIONS:

What UC Policies and state/federal laws relate to this situation?

What advice should you give the hiring manager?

What do you think you need to do next?



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Disability Management – Case Study Specifics

Late last week, you received an email from Dr. Stanley Clark (one of the more prominent faculty members at your location) addressed to you and Labor Relations requesting an immediate review for medical separation. The note explains that Maria Leal was involved in a horrible automobile accident, lost her leg and can no longer work with animals as a lab technician. Since it was clear for all concerned that Maria could no longer do her job, he indicates that she was sent to the Benefits Office to complete her medical retirement forms. He expressed the hope that the Human Resources office would be able to help him address his staffing difficulty and put aside the normal “bureaucracy” to resolve this issue as soon as possible. He also mentioned that he has begun the recruitment process and would appreciate knowing how soon the medical separation may be made effective.

You contact Maria’s immediate supervisor, a PI in Dr. Clark’s lab, to discuss the interactive process and he indicates that it is very clear that Maria cannot do her job controlling the larger animals such as sheep. The PI indicates he has already met with Maria and, although she has been released to return to work, they both agreed that there is no way to put her back in the Lab without exposing her to further injury. He had suggested she explore a disability retirement with the University and he knows she has already met with Benefits. He also shares that “Maria has been out a lot over the past year. Dr. Clark’s Lab – while very patient with her during 2005 – cannot continue in this fashion.”

In an effort to please Dr. Clark, you immediately schedule an appointment with Maria. She walks into your office using crutches, and the first words out of her mouth are to ask if you can help her keep her job with Dr. Clark’s lab. Maria tells you that her supervisor doesn’t think she can do it, but she thought about her job last night. Mostly, as the lead lab tech, she is responsible for workflow and compiling the results of the various tests completed during the day. She knows that her PI is worried she can’t handle the large animals any more, but she really doesn’t need to work with them that much. Usually, they only need to take blood samples from the sheep a couple times a week. If someone else could do that while she catalogs the vials, then they could finish twice as fast.

She feels that the University should help her. She has many years with the University and she knows UC has done things to help people before. Now it’s her turn and UC owes her.

YOUR QUESTIONS:

How do you respond to Dr. Stanley Clark’s email request?

How do you respond to Maria’s requests?

What legal requirements have been covered and what requirements are not yet addressed?



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Work/Life – Case Study Specifics

Maria Leal stopped by your office this week after seeing the information on the new Work/Life Resources website you've just posted. She was looking for a low-cost option for child care, and also wanted to discuss elder care support for her mother. Although Maria's mother provides emergency child care and after school care right now, she has become increasingly forgetful. Maria is concerned that she will not be able to depend upon her mother much longer for child care and that her mother may soon be unable to take care of herself.

For example, Maria said that her son told her there was a big fire in the kitchen last week. When she confronted her mother about it, her mother claimed that it was no big deal. She just forgot about something she had on the stove while on the phone – besides, she knows how to use a fire extinguisher. Maria tells you that she and her mother fought for the first time during this discussion. There was some shoving and slapping, but they made up. It's just that it never got physical before. Maria is worried that her mother is mentally declining – it seems like her mother is becoming harder to deal with and does not know it.

Maria had a number of questions.

- She feels she must find an alternative for childcare sometime soon but cannot afford the expense of afterschool child care for three children. What options are there?
- How does she tell her mom that she no longer has confidence in her ability to take care of the kids? And how do you know for sure when your mother should no longer care for the kids?
- What are the steps for transitioning her mother to a senior living center when she can no longer take care of herself? How does someone tell when her mother can no longer take care of herself? How do you communicate this? And how do you find something she can afford?

Maria also mentions that she is just returning from a disability leave. She tells you that she thinks that her department wants to get rid of her because she has taken a lot of time off to care for her dying partner (John – father of her children) and the subsequent auto accident. She asks you if the University can do this to her?

YOUR QUESTIONS:

How do you respond to Maria's questions?

What are the legal and/or policy requirements you should consider?

What is your strategy in helping Maria?



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Training – Case Study Specifics

You've been working for the past year with the MSO in Dr. Stanley Clark's lab. It's been a fun job – you were called in to do some organizational development work, which is always more interesting than the usual stuff. You started by organizing an offsite strategy meeting for Dr. Clark, his MSO, and several of the PIs that work under Dr. Clark back in March of 2005. It was an intensive weekend, but you came out of the meeting with some good information to help Dr. Clark deal with the growth he's expecting in his line of research.

You followed that up with several strategic planning sessions. What came out of these strategy sessions was that Dr. Clark and his management team needed to look for an entirely new way of organizing their work. People were working in silos and important information – information that could lead to major scientific breakthroughs – was not being shared. What they needed was a dynamic, flat organization, where people all worked towards some common goals.

Once that was determined, it looked like the whole department would need to get involved. So, you met with the different parts of the lab, one by one, gathering feedback on how people did their jobs and how they viewed the strengths, weaknesses, opportunities, and threats for the lab. You must have spent 100 hours gathering information.

But it's all paying off now. The management team has begun implementing its plan – it re-organized and moved to a new building where everyone can be together. The building has open gathering places surrounding a central courtyard and stairwell – this will create more opportunities for people to “bump heads” throughout the day and share their findings. It's very exciting. Unfortunately, the reorganization has been hard on people. And they don't even know the worst of it. Next week, Dr. Clark is planning to announce the elimination of several positions: a contracts and grants analyst, a couple of administrative assistants, a technical writer. With the new way of doing things, these jobs just won't be needed.

Today, the MSO called and indicated that since they were doing the re-org, Dr Clark also wanted to eliminate one of the five lead lab technicians. Although this job seemed to be needed in your analysis, the MSO is adamant that the position must be cut, since it will solve a lot of “other” problems. Apparently, the individual has already been identified – someone named Maria Leal.

YOUR QUESTIONS:

What are the legal and/or policy issues you should consider?

Do you have any advice for Dr. Clark, based on your knowledge about the case?

What do you think you need to do next?



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Affirmative Action – Case Study Specifics

Maria Leal called you today – it was good to hear from her. It was your office that had recommended her for the Chancellor's Award that she received in 2004. Because of her volunteer work within the Hispanic community to outreach to high school students to apply to the University, she was an obvious nominee. When she received the award, it validated many of your thoughts about Maria as a wonderful example of the value of affirmative action. In fact, Maria had come to UC through an affirmative action program back in the 80's and you had watched her flourish at the University and become a leader in the Hispanic community.

You have been worried because you know it has been very difficult for Maria, losing her partner last year and now recovering from a serious auto accident. You know it must be difficult for her as a single mother and you wish you could do something for her.

Today when she called, everything started out nicely, but quickly went down hill. Within minutes, Maria was crying and telling you she thinks that the University is trying to get rid of her. Her supervisor told her last week that she should apply for early disability retirement because she can no longer do her job as a lead Laboratory Technician. She met with the Benefits Office and there is no way that she and the children will be able to survive with the money that she will receive. She has got to keep her job at the University and asked for your help. "There must be other jobs that I can do for the University" she said.

The worst of it is that Maria also told you that it was not easy being the only Hispanic in Dr. Clark's lab. Apparently, her supervisor implied last week that she should do better because she is Hispanic. Maria told you that her supervisor said "as the only Hispanic in the department and as a Lead Laboratory Technician you have to set a better example....you have missed so much work over the last year that it looks like we are giving you special consideration because you are Hispanic." That was the last straw for Maria.

Within her classification and within Maria's department in general, there is a clear need for better minority representation.

YOUR QUESTIONS

What are your options?

What recommendations can you give Maria?

What questions are unanswered?

What is your responsibility in this situation?



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HRIS/Systems – Case Study Specifics

At 7:30 this morning, you received a panicked call from the MSO in Dr. Stanley Clark's Laboratory. Dr. Clark leads a large research laboratory with over 100 employees, but the MSO tells you that he is currently on a flight to Geneva to deliver an important research paper and is unreachable. Help! The MSO informs you that this morning, the PIs in the Lab received a threatening note on their Lab computers from someone who claimed to be connected with a radical animal rights group.

The email note demanded that all research activity involving animals cease immediately. If a public announcement is not made to this effect by 5:00 p.m. today, then items from the Laboratory computers will be posted on a public website. The group supposedly has access to the Lab data because they hacked into the University's network last night. They are threatening to post all files, including:

- Laboratory reports showing the number of animals that have died as a result of the research being conducted
- Photographs of animal autopsy results
- Photographs of animals in cages, many with obvious, large tumors
- Individual personnel information stored on the laboratory computers,
- Plans for a considered reorganization and downsizing in Dr. Clark's lab,
- A copy of a grievance report sent to Dr. Clark from Labor Relations.

The MSO informs you that – in addition to the research results kept by the PIs and their researchers – the Lab's computers did include personnel information such as payroll records, emergency contact information for all employees (including family members and their addresses and contact numbers), employee Social Security numbers, benefit information, sick leave notices, and personnel files including copies of counseling or disciplinary memos.

YOUR QUESTIONS:

What do you do first?

What important considerations must be evaluated?

What are your legal requirements?

What questions are unanswered?



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Department HR – Case Study Specifics

Maria Leal stopped by your office early this week, despite the fact that she's still on leave. It was nice to see her back in the office after her terrible auto accident. After you chatted about a couple of details related to her leave, she asked if she could close the door. As the HR Manager for the Department of Molecular Biology and Immunology, you are on the front line for employees with HR questions – you have to be ready for anything! Still, you were shocked when Maria started talking.

Rather than having more questions about her benefits as you expected, Maria proceeded to talk about the PI that works in Dr. Clark's lab as her direct supervisor.

Maria said that she wanted to file a complaint because she believes her Supervisor, the PI, needs to be disciplined for sexual harassment. When you ask her more about this, Maria reported the following:

- Maria saw the PI kiss Dr. Clark's MSO on the back of the neck in the MSO's office about five months ago, before Maria went out for her accident. The MSO was obviously taken aback by this.
- Maria says that some of the students who work in the lab have also witnessed "inappropriate behavior" and feel very uncomfortable being alone with the PI
- Just today, Maria said that one of her co-workers reported another incident and that's why she thought she better bring it up. Apparently, the co-worker had been working on a large data-entry project. When she stopped to stretch her back, the PI had walked over and started massaging her shoulders. The co-worker was very embarrassed, but didn't know what to do, so she just stood there until someone else walked into the room and the PI stopped.

You had helped implement sexual harassment training for all managers a couple months ago. After Maria leaves, you check your records and realize that Maria's supervisor, the PI, has not completed this training, even though it is required by law. Oddly enough, neither has Dr. Clark.

YOUR QUESTIONS:

What is your responsibility in this situation?

How should you proceed?

What questions are unanswered?



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Employee Relations – Case Study Specifics

You received a phone call from a supervisor the other day – one of the PIs in Dr. Stanley Clark's lab. This particular PI seemed a bit confused about University HR practices, but he does work in one of the most important labs on campus, so you tried to be patient.

He wanted to talk about one of his employees, a lab tech named Maria Leal. According to the PI, he needed to begin documenting some aspects of Maria's performance, so you asked him to bring her personnel file and all the documentation he had with him.

As soon as you sat down with the PI, you could understand why he made a good scientist! What amazing attention to detail! The PI had kept a separate notebook for each employee that reported to him where he recorded his notes; every week had some sort of entry. Maria's notebook was not too thick, and you noticed that there was a lot of blank space where the only comment for the week was "Absent." Rather than reading each entry, you asked the PI to summarize his concerns:

- Maria had been absent excessively during 2005, first with the illness and death of her boyfriend and then with her own medical leave
- During the first half of 2005, when Maria had come to work, she had acted strange and didn't seem to be able to do her job. She just didn't pay attention to what she was doing and the PI often caught her staring off into space . . . doing nothing. Although she seemed to be able to schedule the work of the lab techs, she was sloppy in reviewing their work, often missing glaring errors.
- Maria was supposed to be the Lead Lab Technician, but she didn't seem capable of doing the job.

When you asked the PI what he wanted to do, he indicated that he would like to place Maria on a written warning regarding her performance. He explained that even though she was on leave right now and might not be coming back, he felt he needed to have the warning in place if she were to return.

You ask the PI if there was any previous documentation of a performance problem in Maria's personnel file. The PI blushed and said that, unfortunately, there was not. In fact, when you opened the file, you noted that the most recent performance review from June 2005 indicated that Maria was "meeting" expectations (and even "exceeding" expectations in a few areas). Right under that review was a copy of a letter from the Chancellor, personally congratulating Maria for her contribution to the University and acknowledging her receipt of the 2004 Chancellor's Award for her community volunteer efforts.

YOUR QUESTIONS:

What advice do you have for the PI?

What important considerations must be evaluated?

What questions are unanswered?

