

WAYNE STATE UNIVERSITY

Department of Labor Relations
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12-21-12A111

Interoffice MEMORANDUM

Date: December 18, 2012

To: All Managers of Essential Personnel
Wayne State University

From: A.L. Rainey, Jr., Director, Labor Relations

Subject: Arbitration of AFSCME Grievance #11-04 (Snow Day February 2, 2011)

"I believe that the lack of clarity in the contract...the Union should prevail in part on this Grievance..."
(taken from Arbitrator Paul Jacobs, December 10, 2012, the arbitration of AFSCME Local 1497 Grievance #11-04).

A recent AFSCME arbitration decision, regarding Emergency Closure Days (specifically Severe Weather Days), has indicated that there is a lack of clarity as to whom the University *requires* to report in on Emergency Closure days. In other words, "Who is considered Essential Personnel?"

Below are the pertinent contract language and the applicable Administrative Policies & Procedures Manual (APPM) cites, that have been ruled less-than-clear:

"ARTICLE (46) EMERGENCY CLOSURE of the AFSCME contract..."

1. Weather Caused Closure

- A. AFSCME employees, who are required to work per section 1C, to be eligible for pay, are expected to report on weather caused emergency closure days regardless of public communications that the University is closed. Those who report and work shall receive an amount of compensatory time equal to the time which they worked. Late arrivals may be allowed to work an entire shift or longer at the department head's discretion. Those arriving less than two hours late may utilize vacation or any other available time other than illness to cover their lateness..."

"APPM -- "10 GENERAL PROCEDURES

10.1 Severe Weather Closure

DESCRIPTION

Wayne State University will close when severe weather conditions compromise the safety of its students, faculty and staff, both at the University and in-transit to or from the University.

NOTE: Designated Public Safety, Facilities Planning and Management, Computing & Information Technology personnel and other employees with certain research/animal care responsibilities must report for work, regardless of closure...."

Clarification is required. Apparently the job classifications and/or individuals, who are considered Essential Personnel, must be identified for the sake of consistency. Therefore, it is recommended that each applicable department issue a clear memo of their expectations on Emergency Closure Days. I would advise the issuance of such a document ASAP.

It is also recommended that the appropriate job classification descriptions (housed in Total Compensation and Wellness) be amended to reflect the fact that certain classifications are considered Essential Personnel (i.e. Custodians, Operating Engineers, Groundskeeping personnel, designated Division of Laboratory Animal Resources (DLAR) personnel, Parking Attendants, WSU Campus Police, and designated C&IT employees). Please advise of the action(s) you will take to abate this matter, in order to assure consistency of application. Attached is a loose format for you to use. We would be happy to review your final document for campus consistency.

Thanks.

Attachment –

SAMPLE

POSSIBLE NOTICE LANGUAGE:

LETTERHEAD HERE

Date:

To: _____

From:

Subject: **Clarification of APPM 10.1 and any applicable closure contract language**

For the sake of clarity, when weather caused emergency closure days occur, ALL _____ department personnel are required to report to work, unless specifically instructed otherwise by management. To effectively _____, requires the effort of the entire department. Absented staff members create more work for those employees who do report, and it also increases the risks to _____ on campus.

To limit the occurrences of absence when there are weather-related closures will require that any unscheduled absence be supported with verification. Failure to provide verification will result in an unpaid absence. No call-in requests for unsupported leave (AP Day, vacation, floating holiday, etc.) will be granted on the day of a weather related closure. The only acceptable absences on weather related closure days are those that (1) have been scheduled (and approved) in advance, or (2) those that can be supported by acceptable verification of the inability to report.

I applaud all of you who have made a concerted effort to get to work during difficult times in the past, and I am confident of your support in the future.