


WASHINGTON STATE UNIVERSITY



Workplace Issues Case Studies

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Human Resource Services

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Objective

Provide Resources and a General Overview of Laws, Policies and Procedures to assist you with workplace issues and concerns at Washington State University.


Know Your Employees

- Faculty
 - Faculty Manual
- Administrative Professional
 - Administrative Professional Handbook
- Civil Service
 - Washington Administrative Code (WAC 357)
- Bargaining Unit Covered
 - Bargaining Agreement
- Temporary Employment
 - Business Policy 60.26




Laws, Policies and Procedures
- Overview -

- Revised Code of Washington (RCW)
- Washington Administrative Code (WAC)
 - Civil Service Rules
- State Ethics Rules
 - Personal Use of State Resources
- WSU Strategic Plan
- Procedures, Records and Forms
 - Business Policies and Procedures Manual (BPPM)
 - Safety Policies and Procedures Manual (SPPM)
 - Executive Policy Manual (EPM)



WSU Policies and Procedures


- Safe Environment
 - Workplace Violence Policy (BPPM 50.30)
 - Bullying in the Workplace (BPPM 50.31)
 - Domestic Violence Guidelines
- Sexual Assault – EP#15
 - Intimate partner violence
 - Child abuse or neglect (RCW 26.44.030(1)(f))
- Alcohol and Drug Policy
- Computer Investigation



Workplace Violence
- Policy -

While on University property or while conducting University business all employees are prohibited from subjecting any individual to any violence or threat of violence, including workplace bullying.

Workplace Violence Definition:
Any physical assault, threatening, or intimidating behavior, or abusive conduct occurring in the work setting.




Workplace Violence
- Policy -

Reporting Incidents:

- Review WPV Checklist located on:
 - HRS website – Safe Environment
- All employees are **expected** to report incidents of violence or potential violence.


HRS is responsible for investigating the incident and recommending appropriate action; and if applicable coordinate with WSU-Police. HRS reports information to the Appointing Authority.



Workplace Violence
- Definitions -

Urgent / Direct Threat:
there is actual violent behavior towards a person or property, where a person is being threatened, or where it appears violent behavior is likely to take place, such as a verbal altercation.


- Isolate or evacuate yourself & others
- Call 911
- Alert HRS
- Alert Chair/Director and Dean



Workplace Violence
- Definitions -

Emerging or Potential Threat:
a situation has the potential for becoming violent over time.

- Call WSU Police 509-335-8548 OR 911
- Alert HRS
- Alert Chair/Director and Dean





Simulation #1

It's Friday afternoon and you are informed by an employee (Jill) that she witnessed two employees (John and Sandy) arguing in the hallway.

Jill mentions the argument didn't last long, but she is very upset by the incident, especially because of the tone used, body language, and the amount of foul language.

She asks not to be identified and asks you to keep this confidential.



What do you say to Jill?


- a) Tell her you will look into the situation, will get back with her on what you found out and what you plan to do to John and Sandy.
- b) Thank her for notifying you, you will look into the situation, and it will be handled appropriately, but you cannot guarantee confidentiality.
- c) Tell her you will schedule a meeting with her, John, and Sandy to discuss the situation.
- d) Agree to not disclose her name and keep the conversation confidential.
- e) Call a unit meeting to discuss what happened with all staff.

What do you do?

- John and Sandy Disagreement -

What are your next steps?


- **Step One: Did Jill give you all the pertinent facts to address the concern?**
 - Ask Jill the who, what, when, where, how?
- **Step Two: Contact your HRC to discuss.**
 - Has the Director and/or Dean/VP been notified?
? – Determine if you will initiate the fact finding process
OR will HRS initiate an investigation - ?



What do you do?
- John and Sandy Disagreement -

Fact Finding Questions:


- What day/time did this occur?
- Where did this occur?
- Names of other witnesses?
- What initiated the argument?
 - Was it an argument, what was said, how loud were the voices, how close were they standing, etc.?



What do you do?
- John and Sandy Disagreement -


You Learn:

- The incident occurred on Thursday around 2:00pm.
 - Students were in the hallway changing classes.
- Two other staff members witnessed the incident (Frank and Tony). You interview them and discover:
 - John and Sandy were in the middle of the hallway;
 - Initially they were several feet apart, but got closer as the students came into the hallway;
 - Students had to walk around them to get to class;
 - Sandy was very animated with arm gestures;
 - John and Sandy's voices started off a normal tone and then Frank stated they began "yelling" at each other and Tony stated they raised their voices to be heard;
 - Foul language was used by both parties.



What do you do?
- John and Sandy Disagreement -

- You pull your supervisory notes on John and Sandy to review any previous concerns.
 - John had received a counseling letter for inappropriate behavior 2 years ago.
 - Sandy was verbally counselled for arriving late to work twice in the last month.
 - Both have received meets expectations on their last performance reviews.




What do you do?
- John and Sandy Disagreement -

You contact your HRC:

- Discuss what was reported to you;
- Discuss other witness statements
 - What was their reaction to incident
 - Why did they not report the incident?
- Discuss previous corrective actions and performance reviews;
- When asked what do you want to do?

I want to -



What do you do?

a) [Redacted]

b) Call a meeting with John and Sandy.


c) [Redacted]

d) [Redacted]

e) [Redacted]

Workplace Bullying

- Workplace bullying refers to *repeated, unreasonable* actions of individuals (or a group) directed towards an employee (or a group of employees), which intimidate, degrade, humiliate, or undermine; or which create a risk to the health or safety of the employee(s).
- Workplace bullying often involves an abuse or misuse of power. Bullying behavior creates feelings of defenselessness and injustice in the target and undermines an individual's right to dignity at work.




Workplace Bullying

HRS will assist and provide guidance to Employees, Managers and Appointing Authority.

Reporting Incidents:

- Employees are encourage to contact their supervisor
- Contact HRS

HRS is responsible for leading an investigation of the incident and recommending appropriate action to area Appointing Authority.




Simulation #2

You Manage a large office. One of your supervisor's (Andrew) has always been a good team member, very supportive of other units, and a good supervisor.

You notice for the past 6+ months that his behavior has become less collegial to other supervisors and staff members.

During staff meetings he interrupts and actively prevents others from speaking.

Several of his staff reported he is openly criticizing a staff member's work, using profanity, and making snide remarks regarding another unit's productivity.



What do you do?


- Issue Andrew a corrective action letter without first discussing your concerns with him
- Meet with Andrew, discuss what you have observed, and clarify your expectations on appropriate workplace behavior. Refer him to the Employee Assistance Program (EAP).
- Cancel all staff meetings for the next few months.
- Ignore the problem.
- Some of the above.

WSU Workplace Issue
Bullying Behavior – Meeting with Andrew

Step 1:
Meet with Andrew

Step 2:
Explain why you called the meeting and the expected outcome you want to achieve.

“I want to talk with you about the recent changes in your behavior, communication style and behavior in our department meetings.”




WSU Workplace Issue
Bullying Behavior

Step 3:
Discussion Topics – Describe behavior you have observed and what was reported to you:

“When a staff member bring up topics to discuss that you may not want to discuss, you have a tendency to interrupt them, talk over them, and move the discussion to another topic of your choice.”


?How would you address what was reported to you?



WSU Workplace Issue
Bullying Behavior

Step 4:
Does Andrew acknowledge there is a problem?
Does Andrew agree the problems must end?

Step 5:
Set up weekly meeting for a month or two.
Outline expectations and outcomes.




WSU Workplace Issue
Bullying Behavior

Step 6:
Verify understanding.

Step 7:
Provide university resources.

Is there anything else you would address?




WSU Workplace Issue
Bullying Behavior

Let's change Hats:

Instead of being the Manager in the previous situation you are a co-worker of Andrew's. You do not consider yourself a target to Andrew's behavior, but you see how he treats others in the office.

What do you do?




WSU Workplace Issue
Bullying Behavior

What is often seen in workplace cases where the co-workers is considered a bully or who has bully-like behavior is that they want to be like any other co-worker(s), they also want *workplace safety, want to belong, be part of a team, perform meaningful work, etc.*

They just are going about it in an inappropriate way.

Whether the behavior is a violation of policy, it is inappropriate and unprofessional, and must be addressed.




WSU Workplace Issue
Inappropriate Behavior

Signs to watch for and take action:

- Excessive criticism (appears different standards)
- Belittling a person's opinion
- Keeping a file of mistakes or falsely accusing
- Yelling, insulting, humiliating or using profanity
- Socially singling out
- Spreading destructive gossip and lies
 - Failing to stop the spread of rumors
- Work sabotage (not performing tasks crucial to another's success)
- Habit of taking the credit for work of others
- Blocking ability for training, vacation, or promotion


Ask yourself, would people consider the action acceptable?



Workplace Issue
Bullying and Harassing Behavior

Bullying and Harassing Behavior - Is Not:

- Expressing differences of opinion;
- Offering constructive feedback, guidance, or advice about work-related behavior;
- Reasonable action taken by a supervisor relating to the management of an office;
- Directing an employee to perform job duties;
- Reminding an employee of their work shift;
- Reasonable action taken to manage an employee's performance, initiating corrective and/or disciplinary action.




Workplace Bullying
Informal Complaint Process

The goal of reporting bullying complaints to a supervisor is to resolve the issue at the lowest level and as quickly as possible.

Informal Complaint Option(s):


1. Meet with a supervisor and seek advice on addressing concern.
2. Request a supervisor intervene on your behalf.
3. Request an informal meeting with the alleged offender and your supervisor or the alleged offender's supervisor to discuss the concerns.



WSU Workplace Issue
Inappropriate Behavior

What can you do?
What can your staff do?


- Call the person out.
- Encourage staff to report incidents to you.
- Be a resource to your employees.
- Actively participate in an informal resolution process. Resolve the issues at the lowest level and with the least amount of disruption to work place.
- Contact HRS for guidance.



Domestic Violence
- Guidelines -

WSU seeks to enhance workplace safety by educating employees about domestic violence and its possible risks.

- **Domestic Violence Definition:**
Abusive behavior that is either physical, sexual, and/or psychological, intended to establish and maintain control over a partner or family or household member. (RCW 26.50)




Domestic Violence
- Guidelines -

Reporting Incidents:


- Review WPV Checklist located on:
 - HRS website - Safe Environment
- Alert your supervisor
- Alert HRS
- Call 911 if Urgent / Direct Threat

HRS is responsible for investigating the incident and recommending appropriate action to area Appointing Authority.



Domestic Violence
- Guidelines -


- A victim's *workplace* is a particular target because the abuser know she/he can find her/his victim.
- A victim's *job* is a particular target for the abuser because it is both a perceived and real loss of control.



Domestic Violence
- Guidelines -

When a Co-Worker / Employee may be a Victim:


- Encourage to contact a community or anti-violence agency for information, guidance and support
- Encourage to talk with Employee Assistant Program (EAP)
- Refer employees to HRS regarding workplace related concerns



Domestic Violence
- Guidelines -

**Workplace Responsibility
Performance-Attendance**


- Fluctuation in the quality of work
- Absenteeism or tardiness
- Needs to leave right on time
- Partner visits work a lot
- Repeated, upsetting phone calls
- Chronic fatigue - can't focus on duties



Domestic Violence
- Guidelines -

**Workplace Responsibility
Corrective Action**


- Treat them as any other employee
- Work duties / responsibilities
- Position expectations
- Address the business needs
- Workplace safety concerns
- Refer to Employee Assistance Program
- Refer to Human Resource Services.



Domestic Violence
- Overview -

- **DO NOT:**
 - *Get overly involved*
 - *Pressure employee to disclose what is happening*
 - *Give specific advice*
- **DO:**
 - *Listen, support, and refer*
 - *Listen without judging*


Statistics show that a domestic abuse victim leaves 7 times before they do not go back



Domestic Violence
- Overview -

Supervisors Responsibility

- Observation – signs of abuse
- Employee self-disclosure to you or others
- Disclosure during job performance discussion.
- Remain neutral
- Remain supportive



Domestic Violence
- Case Study -

Victim: 26 year old female UW employee

- She was killed at work on April 2, 2007


Post Break-up / Pre-incident:

- March 2007 broke up with Offender 41 years old
- Offender called her from pay phones was on the run
- Left threatening messages to victim and her sister
- Stole a revolver from a friend
- Evaded service on Order of Protection

HR unaware:

- Victim received death threats
- Victim filed a report & a copy of the Order was given to University Police

Lesson(s) learned



Sexual Harassment

Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct Executive Policy #15 (EP #15)

Sexual harassment is a form of discrimination which encompasses unwelcome verbal or physical conduct based on sex and/or gender or of a sexual nature.



Sexual misconduct, which includes sexual assault and other sexual violence, is a form of sexual harassment.

"Gender-based harassment," is harassment of a non-sexual nature that is based upon a person's sex and/or gender, including nonconformity with sex and/or gender stereotypes.




Sex and Gender Based Violence

WSU policy prohibits sexual misconduct and other forms of sex and gender based violence as forms of sexual harassment. This includes, but is not limited to:

- Sexual Assault;
- Sexual Exploitation;
- Intimate Partner Violence (i.e. domestic or dating violence);
- Stalking


One instance of sexual misconduct will be considered sufficiently **severe** to rise to the level of a violation of EP 15.

Employees and supervisors should **not** attempt to investigate or assess allegations of discrimination, sexual harassment, or sexual misconduct prior to consulting with the Office for Equal Opportunity



Reporting Requirements

- WSU employees **cannot guarantee confidentiality** to students or other employees, unless they have a legally privileged relationship.
- **All WSU employees, including student employees**, who have information regarding incidents of sexual harassment or sexual misconduct **must** report to OEO, the WSU Title IX Coordinator, or a Title IX Co-Coordinator.
- WSU employees with **supervisory authority** who have information regarding incidents of other forms of discrimination, must report those to OEO.
- Under state law (RCW 26.44.030(1)(f)) all administrative, academic, and athletic dept employees, including student employees, are required to report suspected child abuse or neglect to law enforcement or WA State Department of Social and Health Services. All higher education employees are required to report suspected child abuse or neglect to their supervisor within 48 hours and should report to law enforcement. (RCW 28B.10.846).



Confidential Resources

For Students:

- WSU Counseling and Testing Services 335-4511
- WSU Health and Wellness Services 335-3575


For Employees:

- Employee Assistance Program (EAP) 335-5759

For Both:


- Alternatives to Violence of the Palouse (ATVP)
509-332-4357 or 1-877-334-2887

For other WSU Campuses see oio.wsu.edu/resources




Simulation #3

You manage a small office with high performing staff. For years it has been a great place to work. During stressful projects all staff jump in and work as a great team to complete the tasks. Everyone knows each others families, attended weddings, summer BBQ, etc.



One day Pam stops in to see you and discusses a series of personal difficulties she is experiencing.




What type of conversation do you have?

- a) Allow Pam to sit in your office and discuss in great detail all the personal difficulties she is experiencing. This meeting lasts several hours, you sympathize with you and agree to meet with her again to continue the discussion.
- b) You let her talk, you sympathize with her, and direct her to see a counselor.
- c) You let her know you care, ask if she is aware of resources, and ask how you can help her manage her workload.
- d) None of the above.
- e) All or some of the above.

Alcohol and Drug Policy

In compliance with the Drug-Free School and Communities Act Amendments of 1989 and the Drug-Free Workplace Act of 1988:


- WSU prohibits the unlawful possession, use, or distribution of illicit drugs or alcohol on University-controlled property.
- WSU strictly enforces State of Washington laws.



Alcohol and Drug Policy

Your employee comes to work smelling of alcohol and slurring their words.

What do you do?




Alcohol and Drug Policy

You meet with your employee and discuss observations and changes in behavior with them.

- They admit they went out at lunch and drank a few beers, but promise they are not drunk.


What do you do?



Computer Abuse Investigation

In accordance with Executive Policy #4, suspected abuse should be reported to the appropriate dean, director, or designee.


- HRS assists in assessing suspected abuse;
- HRS contacts Internal Audit
 - Should police be contacted?



Computer Abuse

Recently when you walk into your employee's office; they quickly close down their screen.


What do you do?



Computer Abuse

You found several pages of real estate listings and cheap vacation packages on the printer used by the office:

What do you do?



WSU Workplace Issue
- Case Study -

Female Director and Office/Professional Staff:

- Director - new to role
- One male employee and several female employees


Complaint filed with Office for Equal Opportunity (OEO):

- Male employee complains of harassment, hostile work environment and bullying
- OEO initiates an investigation, contacts HRS for collaboration

Investigation Findings:


- OEO did not find violation of EP15
- HRS found Director had poor communication and on occasion would raise voice in frustration
- Previous Director did not address performance issues with staff

As the Appointing Authority - what do you do?



Workplace Concern
- Resolution Process -


- This process is designed to provide eligible employees with a responsive process for obtaining a review and resolution of their workplace concerns.
- Definition:
A situation that an eligible employee believe negatively affects his or her workplace environment.



What would you do?


An employee in a lab comes to you and states that a co-worker has a strong offensive odor. They have tried to bring up the topic, but didn't want to hurt their feelings, so may have not really said anything. They explain to you that it has gotten worse over the last few months.

How would you address the situation?



Departmental Guidelines

- Guidelines are designed to assist employees and supervisors with departmental level expectations / processes;
 - Should be constantly reviewed
 - Is it still relevant and reasonable?
- "Policy" must go through the formal process and are included in the Universities BPPM.
- All guidelines, policies, procedures and expectations must be in written form.
 - Best to document when issued



As a Supervisor Reminder

- Clearly explain expectations and position duties
- Openly communicate
- Discuss rules, guidelines, and policies
- Properly document
- True and accurate annual/performance reviews



Resources

Human Resource Services
French Ad 139: 509-335-4521
hrs.wsu.edu

Office for Equal Opportunity
French Ad 225: 509-335-8288
oeo.wsu.edu

University Ombudsman
Wilson-Short Hall, room 2: 509-335-1195
ombudsman@wsu.edu

Employee Assistance Program
Washington Building, G60: 509-335-5759
eap@wsu.edu




HRS Contact Information - Links

Human Resource Services

- Pullman: 509-335-4521
- Spokane: 509-358-7554
- Vancouver: 360-546-9587
- Tri-Cities: 509-372-7470

HRS website: www.hrs.wsu.edu

In closing



? Questions ?

Thank you for attending!

WASHINGTON STATE UNIVERSITY



This has been a
WSU Training
Videoconference

If you attended this live training session
and wish to have your attendance
documented in your training history,
please notify Human Resource Services
within 24 hours of today's date:

hrstraining@wsu.edu
