

MEMORANDUM OF UNDERSTANDING
IMPLEMENTATION OF PERFORMANCE PARTNERSHIP PROGRAM PROPOSAL

The purpose of this memorandum is to outline the mutual understanding between the Laborers International Union of North America (LIUNA), Local 703 and the University of Illinois at Urbana-Champaign of the trial implementation of the Performance Partnership Program (PPP).

Whereas, the University has a commitment to developing a positive approach to performance management to enhance existing disciplinary procedures.

Whereas, the University wishes to implement a positive discipline program, the Performance Partnership Program (PPP), on a trial basis beginning August 15, 2011.

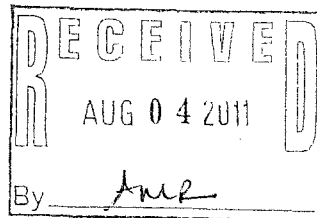
Whereas, the Union agrees in principle to the concept of developing a positive approach to enhancing the current disciplinary procedures.

Whereas, the Union has a legal and contractual obligation to represent the interests of the bargaining unit members in protecting their employment and terms and conditions of work at the University of Illinois.

Whereas, the University continues to monitor and modify the procedures and program guidelines of the Performance Partnership Program.

It is agreed that:

- 1) The Performance Partnership Program will be a twelve (12) month trial program.
- 2) The Performance Partnership Program will be implemented and administered under the terms and conditions attached hereto.
- 3) At the end of the twelve (12) month trial, this Agreement may become part of the master labor agreement between the parties by mutual signed agreement of both parties to do so.



For the Union Russell Davernoff For the University Ingea Reggans

Date 8/2/11

Date 8/4/11

PERFORMANCE MANAGEMENT

Section 1. Performance Partnership Program

The parties agree that the previous disciplinary program utilized by the Employer which included oral warnings, written reprimands, unpaid suspensions, and discharge is terminated and that for the term of this agreement the parties are committed to the performance management program referred to as the Performance Partnership Program (PPP). This program is intended to be both positive and corrective in nature. It is intended to recognize good performance through Positive Contacts and Positive Recognition letters. It is also intended to correct/eliminate employee deficiencies through both informal non-disciplinary supervisory discussion (Constructive Contact and Performance Improvement Discussion), and through formal progressive corrective steps where appropriate. These progressive steps include:

Formal Corrective Action

- a. Work Performance Reminder
- b. Written Reminder
- c. Decision Making Leave

Discharge

The Employer reserves the right to skip any and all informal and formal steps due to seriousness of infraction or due to pattern of infractions. Any infraction that occurs while an employee is in an active period of the Decision Making Leave step may result in discharge. Formal Corrective Action will be issued according to the tenets of the Performance Partnership Program and for just cause. Formal Corrective Action will be issued as soon as practicable after the Employer became aware that a bargaining unit member or members engaged in an offense giving rise to Formal Corrective Action, but in no event (except extension) more than thirty (30) days after the action or event occurred.

The Employer may request an extension of the thirty (30) day time limit and the Union shall not unreasonably deny the request.

Section 2. PPP Guidelines and Materials

PPP guidelines are set forth in the University's PPP Supervisor's Manual as it may be amended from time to time. The Employer shall provide copies to the Union of their guidelines and other materials which are provided to the management for the purpose of proper implementation of the PPP. The Union reserves the right to demand to bargain over substantial changes to the PPP guidelines as set forth in the PPP Supervisor's manual.

Section 3. – Just Cause

Formal corrective action and discharge shall be based on “just cause” as defined under the State Universities Civil Service System Statute and Rules. Just cause for formal corrective actions less than discharge include, but are not limited to: unauthorized and unexcused absence; leaving work without authorization; failure to punch in or out on time card; habitual tardiness; punching another employee’s time card; unauthorized key duplication and/or unauthorized possession of keys; inappropriate or unauthorized use of University resources or property; misrepresentation of absence; falsification of records; refusal to do assigned work; failure to follow work schedules; failure to follow time schedules; poor quality and/or quantity of work; insolence; failure to adhere to departmental regulations; smoking in prohibited areas; disregard of safety regulations; careless workmanship resulting in spoilage, waste or delay; gambling on institutional property; creating or contributing to unsanitary conditions; horseplay or scuffling; fighting; bullying or intimidating behavior; inappropriate interaction with University employees, students or the public; sleeping during working hours; unauthorized visiting and loafing on the job.

Causes justifying discharge include, but are not limited to: all those listed as causes for suspension if they become recurring offenses and in addition, theft; insubordination; any illegal form of harassment; drinking intoxicating liquors on institutional time or property; inability to perform assigned duties satisfactorily as a result of drinking alcoholic beverages or using controlled substances; malicious damage to property, tools, or equipment; immoral or indecent conduct which violates common decency or morality; conviction of an offense involving moral turpitude; illegal or excessive use of controlled substances; sale of alcohol or illegal drugs on University property; assault; threats to health or safety of another person(s) or to University property; and possession of weapons on University property.

Per the PPP supervisor’s manual, to determine if action is warranted, supervisors will consider the following:

1. Did the employee clearly understand the rule or policy that was violated?
2. Did the employee know in advance that such conduct would be subject to disciplinary action?
3. Was the rule violated reasonably related to the safe, efficient and orderly operation of the business?
4. Is there substantial evidence that the employee actually did violate the rule?
5. Is the action planned reasonably related to the seriousness of the offense, the employee’s record with the organization, and to action taken with other employees who have committed a similar offense?

Section 4. Manner of Issuing Corrective Action

Corrective Action will be issued in a private manner so as not to cause unnecessary embarrassment to the employee. An employee may request a Union Representative to attend a Performance Improvement Discussion, however this will not relinquish the employee’s obligation of participating in said discussion.

Section 5. Pre-disciplinary Meeting and Notification

When the employer is contemplating formal corrective action, a pre-disciplinary meeting will be held. The employer will provide at least three work days written notice to the employee and the Union prior to said meeting, except in cases of emergency, which the employer alone may define. Said notice shall contain date, time and location of meeting, specific reason, and apprise the employee of his/her right to representation at all times during the disciplinary process. The employee and his/her representative shall be given the opportunity to rebut the reasons for the contemplated discipline. If the employee does not request Union representation, a Union representative shall nevertheless be entitled to be present as a non-active participant at any and all such meetings.

Section 6. Notification of Corrective Action

In the event a Performance Improvement Discussion transpires or disciplinary action is taken against an employee, the employer shall promptly furnish the Union through its designated representative (unless requested not to do so in writing), and the employee with written notice of such corrective action and the reasons therefore.

Section 7. Historical Information

All formal and informal actions will remain as part of the employee's work history. Formal corrective actions will deactivate according to the specified times outlined below provided the employee has had no other formal corrective action during any of the active time periods. If an employee receives other formal corrective action during an active time period, all formal corrective actions will not deactivate until such time that all formal corrective action time periods have been completed. If a disciplinary action (including discharge) is challenged, management reserves the right to present an employee's entire work history as a means to illustrate the efforts management has undertaken to correct the employee deficiencies, including, but not limited to, all supervisor discussions and all formal corrective actions, regardless of activation status. Deactivated formal corrective actions will not be used to progress the current discipline, including discharge. However, if an employee establishes a pattern (more than three) of infractions, deactivated formal corrective actions may be used to progress the current discipline. Supervisor discussions do not deactivate and will remain a part of an employee's work history.

- a. Work Performance Reminder – Six (6) months; provided no other formal corrective action during this time period
- b. Written Reminder – Twelve (12) months; provided no other formal corrective action during this time period
- c. Decision Making Leave – Twenty-four (24) months; provided no other formal corrective action during this time period

Section 8. Right to Appeal

The Union reserves the right to appeal any formal corrective action, including discharge, via the grievance procedure, up to and including binding arbitration. The employee reserves the right to rebut, in writing, any Performance Improvement Discussion. Any Performance Improvement Discussion rebuttal shall be made a part of the employee's unit file and a copy shall be sent to the campus PPP coordinator.