Ball State University Staff Council
Minutes #10
Thursday, May 19, 2016
SC Room 301-2

Members Present:
Margo Allen, Susan Bourne, Ranae Burkett, Chris Caldwell, Bob Cope, Cathy Cunningham, Peggy Dixon, Adam Dungan, Christine Edgeman, Tamara Edwards, Hank Gerhart, Tonya Johnston, Michelle Jones, Mandy Lowe, Heather Melton, Melissa Nagle, Sarah Newell, Kathie Nix, Melissa Perry, Angela Pickett, Jill Schneider, Nikki Sherfy, Cheryl Veatch, Robert Weller, Peggy Weis, Coralee Young, Angela Zahner

Substitutes: None

Unexcused Absence: Leilani Pearce

Excused Absence: Matt Gaither and Tonya Price

Guests: Diane Drake, Kurt Noel, Rebecca Olson, Shana Rogers and Kate Stoss

I. Call to Order – The meeting was called to order at 1:15 p.m. by Hank Gerhart, President of the 2015-16 Staff Council.

II. Speaker – Shana Rogers, Human Resources.

Shana Rogers spoke about upcoming changes to the University’s Kronos system which is our time and attendance system. Shana stated the new upgrade is a more user-friendly system. Email communications will be sent out late May with information concerning the upgrade. Training will be made available in June/July for employees, supervisors, timekeepers, etc. Upgrades to the system have become necessary with the recent Department of Labor (DOL) Fair Labor Standards Act (FLSA) updates. The DOL overtime regulations become effective December 1, 2016. The University wants to make sure we are complying with the FSLA regulations in advance of the December date. A question was asked as to why we need to do this. Shana stated we must be in compliance with the DOL and that many other universities are using this best-practice scenario at the present time.

Diane Drake then explained that new Kronos guidelines will become effective July 3, 2016 with all non-exempt (N-1) employees tracking their daily timekeeping by clocking in and out each morning, to and from lunch, and at the end of the day. Diane stated that as a best-practice, the University should have already implemented this system to ensure that employees are paid accurately for their work time.

Shana also mentioned that Kronos 8.0 will go live on August 3rd which offers many upgrades to our current system.

Melissa Nagle inquired of those who are now considered exempt staff, but may change to non-exempt due to DOL changes in status requirements. Diane stated that if in fact your position changes from exempt to non-exempt by new guideline implementations, you will in fact, at that time, need to begin clocking in and out. At this time, exempt staff do not need to clock in and out.
Michelle Jones inquired as to whether the new system will be MAC friendly since the current system is not? Shana stated the new Kronos is Java free and will work well with MACs. She stated that employees can clock in and out by way of computers or time-clocks that are distributed throughout campus.

Robert Weller inquired of any changes that might come from the new Kronos system to those working events, etc. Diane and Shana both stated those are considered secondary assignments, and as such, would not be affected by the new system.

Tamara Edwards asked about what happens if an employee only uses 45 minutes of their scheduled one hour lunch period. Does the system default to comp time or overtime? Diane stated that managers within Kronos can change from compensation time to overtime pay for the employee. Tamara stated it was her understanding that no overtime is permitted. Shana stated that supervisors must approve any overtime as has always been the process.

Christine Edgeman asked about departments’ discretion on flexing time? She stated that in the past if an employee arrived at 8:15 as an example, they could then either take a shorter lunch or make up the time at the end of the day. Will this still be allowed? Shana and Diane both stated that as long as supervisors are still okay with this practice, the updated system does not change this process.

Michelle Jones asked about rounding rules at the time clock. Shana explained the clock works in seven (7) minute divisions. As an example, an 8:07 clock-in will round back to 8:00 a.m. An 8:08 clock-in will round up to 8:15 a.m. All punches are rounded.

Ranae Burkett inquired of changes to recording vacation days. Shana stated this process would remain as it currently stands with no changes.

Margo Allen asked for clarification on clocking in and out for lunch. Shana reiterated that non-exempt staff will be required to clock in as they arrive in the morning, clock out and back in during lunch, and clock out at the end of their shift. Supervisors can adjust punches as necessary.

Christine Edgeman then asked who is actually considered the “supervisor” within the system. Shana stated that training will clarify supervisor responsibilities and help them in getting used to the new system.

Peggy Dixon inquired as to whether time clocks will show "total time" so an employee can track their hours for each week. Shana stated the updates will include a viewing screen of total time.

Melissa Nagle stated that dining hasn’t always been able to track and see their time within the current Kronos system. Shana stated that new time clocks being installed around campus will change to a “quick view” allowing employees to see things they haven’t been able to with our current system. Shana stated that the new system is a more proactive system which should cut back on changes submitted to payroll for time keeping purposes.

Katie Nix asked about the procedure for clocking in and out if you are not computer based? Shana stated you can clock in and out by use of a desktop computer, laptop computer, VPN – off site logging in and time clocks at different areas across campus.

Tamara Edwards asked if the new time tracking will become part of the employee review process. Shana stated that she didn’t have information leading her to believe that it would. She stated the new system is being implemented purely for compliancy.

Michelle Jones shared that she was concerned about a clocking in backup at the time clock at certain times of the day. She asked if a number of employees are lined up to clock in at 8:00 a.m., and a backup in the process happens causing some employees to clock in late, how this will be adjusted. Shana stated that supervisors can go in and correct time stamps if this occurs. She also stated that the entire clocking in process takes merely two seconds and shouldn’t create a backup at the clock.
Coralee Young asked if time clocks will be added in every building that may only have a limited number of staff affected. Shana stated she wasn’t sure, but reminded everyone that they can clock in by computer as well as time clock.

Robert Weller asked about Arena clock INS. He talked about scrolling to different departmental areas on the time clock. He wanted to know if this would change. Diane stated that your employee badge will automatically send your clock in to proper area and stated this is considered a secondary assignment.

Tamara Edwards inquired as to employee I.D. badges being updated. Diane stated that employee badges needed to have a magnetic strip on the back for swiping. If employees have an older badge without a magnetic strip, they will need to seek a replacement badge.

Peggy Weis asked if we can now share this information with other staff within our departments. Shana stated that any information shared in today’s meeting can be shared with employees across campus.

Margo Allen inquired of working through lunch hours. Shana stated this was at the departments’ discretion as has always been the University’s practice.

Tamara Edwards asked who approves overtime – Chairs or Deans. Shana stated it would be your immediate supervisor.

III. **Roll Call** – Angie Zahner called the roll of representatives and substitutes. Roll call showed 27 representatives present, 1 unexcused absence, 2 excused absences, and 5 guests. A quorum was constituted for the meeting.

IV. **Approval of Minutes** – A motion was made and seconded (M. Jones/R. Burkett) to approve the Minutes of April 21, 2016. The motion carried.

V. **Committee Reports**
   a. **Employee Relations** – Adam Dungan. No report.
   b. **Public Relations** – Michelle Jones. No report.
   c. **Elections** – Chris Caldwell. Chris shared that elections had concluded and representatives had been chosen for all areas. Those elected to serve during this election are as follows: Cindy Dillingham, Jackie Mead, Mandy Lowe, Christine Rhine, Andrew Fisher, Adam McLachlan, Christine Edgeman, Diane Frankland, Sarah Newell, Tamara Edwards, Bob Cope, Michelle Jones, Kurt Noel, Matt Gaither, Adam Dungan, Cheryl Simpkins, Sharon Harper, and Margo Allen. Chris reminded everyone that all three positions of the Executive Committee – President, Vice President and Secretary will be open next year and nominations are needed. If interested, please contact Chris to be added to the ballot, or contact any standing officer with questions you might have. Hank stated that nominations will be taken during the July meeting for officer positions as well. Hank congratulated Chris on a well-run election.
   d. **Hospitality** – Cathy Cunningham. No report.
   e. **Research** – Christine Edgeman. No report.
   f. **Salary and Employee Benefits** – Ranae Burkett. No report.
   g. **Angels for Life** – Tonya Johnston. Tonya reported that we have an upcoming drive on May 25th and 26th. Tonya asked for volunteers to help at the sign-in table. A sign-up sheet was passed around for volunteers to select a time they were available to assist.
   h. **Special Committees**
      i. **Public Safety** – Hank Gerhart. No report.
Ii. **A. Jane Morton** – Peggy Weis. No report.

**VI. Old Business.**

a. **RFI #15 2012/13** - Many Employees would like to see the policy changed where we can only use “5” of our sick days per yr. for taking care of family members. Since there is no surrounding this issue, it is clearly an HR policy that could be changed. Many employees have multiple children, aging parents, & spouses, etc. and if an employee has accrued several hundred hours of sick leave, why can’t we use say “10” days a year. We don’t want to use unpaid FML.

**Response: 7/13/2015:** Commencing in the early fall the University will begin scheduling this item for discussion and approval through the various governance committees, including staff council. This recommendation will also be subject to board approval.

**Response 9/15/15:** The proposed policy changes to increase the number of sick days to care for a family member from 5 to 10 days will be submitted and discussed with staff council during its meeting to be scheduled on October 17, 2015, along with a proposal for extending the number of days that can be used by faculty, professional and staff employees for the adoption/foster placement of a child. The recommendations will be submitted to Staff Council and through University Senate to the other pertinent governance committees during this semester. These recommendations will be subject to board approval.  **Marie Williams**

**Response 10/15/15:** A new policy allowing for the use of 10 sick days rather than 5 for the purpose of Caring for a family member has been formulated and will work its way through university governance committees. The RFI has been tabled to allow time for the vetting and approval process.

**Response 11/10/15:** The policy statement is being finalized for presentation to the various governance committees.  **Marie Williams**

**Response 12/01/15:** The policy statement will go to the governance committees in January 2016.  **Marie Williams**

**Response 2/2/2016:** This will be included on the senate agenda committee’s agenda for consideration at their meeting on Monday, February 8. I’ll let you know the disposition of it after that meeting (forwarded to a committee or directly to senate).  **Melanie Turner, Secretary University Senate**

**Response 2/12/2016:** This has been sent to faculty senate as well as the professional personnel salary and benefits committees. Once these committees have approved, it will be sent to the full senate for approval.

**Melanie Turner, Secretary University Senate**

**3/1/16 No update from Faculty Senate**

**4/19/16 Update from Melanie Turner, Undersecretary to the University Senate**
“...the [FMLA] policy revision is on the senate agenda for their meeting on April 28, 4:00pm, Letterman Building (LB), Room 125. Feel free to attend!”

**4/29/16 Update from Melanie Turner, Undersecretary to the University Senate**

“It passed yesterday. I’ll be forwarding it on to the Provost after signature of the action form by the senate chair. It will ultimately go to the president where he will decide whether it needs Board of Trustees approval or can take effect immediately.”

**5/17/16 No further updates.**

**5/19/16** Hank Gerhart stated that both Acting Provost Robert Morris and Interim President Terry King, have approved this action and it is awaiting Board of Trustees approval at their upcoming July meeting.

**b. RFI #10 2015-2016 -**

I'm submitting this on behalf of a co-worker. She wanted it submitted anonymously. She is requesting to have step-siblings added to the approved bereavement leave list. She lost her step-sister earlier this year and discovered that step-siblings are one of the few relatives that are not covered at all (a step-mother-in-law at least gets one day funeral leave). She had to use 2 vacation days and one day of lost pay to attend the funeral. She had grown up with step-sister her entire life and considered her like a biological sibling. She is requesting that step-siblings get a least one day but preferably 3 days just like a step-parent or step-child does under the current policy.

**Response:** Marie Williams responded on 3/16/16 that the HR best practice research for this RFI has been completed and a recommendation will be presented to University Leadership in March for review and consideration for approval. Another update will be provided for the April Staff Council meeting.

**Response:** 4/21/16: An email response was received from Marie Williams too late to be added to the Agenda. This response will be shared at our next meeting.

**Response from Marie Williams 4/21/16:**

Ranae Burkett shared the following response: The University has conducted best practice research with our peers. Many of our peer Indiana and MAC institutions include step-siblings as part of their bereavement/funeral leave policies. Therefore, upon review of this request, and the best practice data gathered, the University concurs with the Staff Council recommendation to add step-siblings to the approved bereavement/funeral leave list of covered family members. This administrative adjustment to this policy will take effect on July 1, 2016 for all full-time and/or part-time faculty, professional, staff, and affiliated staff (non-bargaining unit) in benefits-eligible only positions. Under this revised policy the employees outlined above will be eligible to take one (1) workday of paid funeral/bereavement leave in the event of a death of a step-sibling. Thank you for your suggestion.
c. **RFI #22 2015-2016 -**

HRA - Health Reimbursement Accounts - Payroll and Employee Benefits

This benefit was removed beginning January 1, 2016 from anyone who is an employee or retiree but who takes social security (SS) for any reason. The reason given was that only a very few BSU people had an HRA and it wasn’t cost effective to maintain as a benefit. I am doubtful many who qualified for it even knew it existed, but I don’t know this for sure. An HRA replaced an HSA (Health Savings Account) as a benefit for those who take social security since if you take SS, you cannot have an HSA account for some reason only known to the IRS. The benefit of about $120 - $130 per month for health payments was the same for either account each month. And I was very grateful for this and used every penny for approved medical bills. This seems very unfair to those who depended on the HRA for approved medical bills and in my case resulted in a decrease in my total BSU income by about 4%. Devastating since this wiped out the small raises I have gotten the last couple of years. I do not qualify for an HSA since I take SS, so this was an upsetting loss of income. I didn’t know who to complain to and I never got one note from all the letters I did write to the Trustees and took over to the President’s office personally. Not sure any of them received my very respectful letter. Can anything be done to reinstate this benefit? This is probably not a BSU policy, so that may not be an issue. The HRA benefit was eliminated with very little notice and no idea of how to do anything about it. Thank you for considering this matter.

**Response 4/21/16:** Ranae Burkett is awaiting a response from Payroll and Employee Benefits.

**Response 5/16/16 from Rebecca Olson, HR:**

The purpose of this response is to provide information concerning the RFI received from Staff Council concerning the elimination of the Health Reimbursement Account (HRA) benefit for 2016.

The University provides multiple benefits to employees, including health care. The university offers 3 health care plans: a high premium, low deductible plan; a lower premium, higher deductible “Wellness” plan; and a low deductible, high deductible Health Savings Account (HSA) eligible plan.

Under federal law, an HSA qualified plan has to meet all of the federal requirements for contributions to an HSA account to be treated as tax exempt under IRS rules. If an employee participates in more than one health care plan at a time, they are not eligible under federal law to make tax exempt contributions to an HSA account. It is not unusual for an employee to be covered by more than one health care plan at a time. Such employees may have coverage from a prior employer, through a spouse’s health care plan, or be covered under Medicare. The employee claims that he/she is not eligible for the HSA account because he/she “take[s] social security”. We assume that means that he/she is Medicare or Medicaid eligible.

A few years ago, the university created a work-around for employees ineligible for HSA accounts by creating a Health Reimbursement Account (HRA). Unlike an HSA where an employee puts their own money, or money given to the employee from an employer into a qualified health savings account and the employee takes the tax deduction, an HRA account is where the university places its own money into an account on behalf of the employee and pays the employee eligible medical bills from those funds. The money is never
the employee’s money, it is not income or tax deductible, and the university is in complete control of the funds at all times. If the funds are unspent, they revert to the university.

At Ball State University, our Benefits Review Team is responsible for reviewing current plan operations as well as possible future benefit offerings. Each year, they undergo a process whereby they review the current benefit offerings, the upcoming year’s benefits budget and the University’s goals for their benefits plans, which includes maintaining high standards of coverage while striving to keep costs and rate increases as low as possible for both the employee and the University. At the conclusion of the process, the team sets forth a recommendation for the University’s employee benefit plans for the upcoming year. One key goal of the Team is to balance the quality and richness of employee benefits with the costs, and efficiency of funding and managing those benefits.

For 2016, the team recommended the termination of the HRA due to the following:

1. The HRA is a highly underutilized Ball State University benefit that results in a large administrative burden for the benefit of a very small number of individuals. Only 19 employees out of 8,000 covered BSU employees and family members participate in the HRA benefit. Administrative burden involves Benefits staff time spent reviewing weekly requests for HRA reimbursement, initiating the funding for the reimbursement, working with the Finance office on monthly reconciliations, paying monthly administration fees to the third party administrator (TPA), and working with TPA on the day-to-day operations which includes resolving questions from both the TPA and participants.

In July of 2015, HRA participants were notified the HRA would be eliminated effective January 1, 2016. Additionally, the HRA participants were provided important information to know about spending down their HRA balances by year-end.

2. An HRA is a very rare benefit and is not in keeping with best practices of higher education. As we reviewed the benefit plans of both the MAC and other peer Indiana schools, no other peer university offers an HSA Qualified plan with the HRA option for those participants ineligible to have an HSA account. Other employers (outside of higher education) who offer an HSA Qualified plan rarely (if ever) offer the HRA as an alternative to an HSA; if the participant is not eligible for the HSA, they don’t receive an HRA.

It should be noted that the HRA benefit is not income to an employee. It may help the employee pay medical bills, if they are incurred. However, other health care plan options are available to our employees. The participants affected by the elimination of the HRA may find the Wellness plan, with its lower deductible and out-of-pocket maximum, a better fit for their needs since the HSA Qualified plan, though with lower premiums, has larger deductibles and out-of-pocket maximums. Additionally, participants in the Wellness plan have benefits that the HSA plan does not provide, such as 100% coverage (not subject to the deductible) at the campus Employee Quick Clinic; 100% coverage (not subject to the deductible) of diagnostic lab work completed at Lab Corp, American Health Network, and Quest Diagnostics; prescription drugs are not subject to a deductible; and eligibility to participate in the General Purpose FSA program.
The University offers three appropriate and balanced health care plan options. While we regret any employee losing any valued benefit, we must balance the university’s needs with that of individual employees.

A motion was made and seconded B. Cope/T. Edwards to resolve this RFI.

**The motion carried. Resolved**

VII. **New Business.**

a. RFI #23 2015-2016 – I have been a BSU employee in a non-exempt staff position for 13 years. I have had 8 different supervisors over the years. I have gotten great performance evaluations from all of my supervisors except the most recent one. The only prior supervisory experience she had was a job where she was fired after less than a year. There were four staff members who worked for this person. Two of us worked for the university over 10 years and the other two worked for the university over 20 years. All of us had much lower performance evaluations with the new supervisor than we did with any of our former supervisors. My score was a 3.4. I asked the supervisor if she understood that I would not get a raise with a score below 3.5. She said yes and it was only a coincidence that my score was a 3.4. I told her that I could not afford to continue working in that position if I was not going to get raises. She knew that I was looking for a professional position. She said, "Does that mean you are willing to stop looking for another job?" The implication was that she would change my evaluation scores if I agreed to stop looking for another job. This was unethical and possibly illegal. I felt that she was using coercion by using my evaluation scores and a raise to force me to stop looking for another job. I did not respond to her question. I knew if I agreed this type of coercion or bullying would continue as long as I remained in the position. She wrote up two of us several times in less than a year. Neither of us had ever been treated like that by any other supervisors. As an example, she wrote me up for responding to an email on the weekend. That incident happened six months before she started working at BSU. The manager told her about it and she wrote me up. Another example, for a few weeks she said we had mandatory overtime for an hour each day unless we had returned all of our voicemails. I returned all of my calls and told my manager I had completed them. The supervisor was on the phone at 5pm and I left. She wrote me up for not staying over. I explained that I had returned my calls and she said I should have told her. I reminded her that she was on the phone, but she would not retract it. I left that position for a lateral position 14 months after the supervisor was hired. I loved the job, I just could not work for her any longer. I was the last remaining staff member in the department. There was one part time temporary staff person remaining in that department when I left. I have just had my second performance appraisal in my current job. My average score is 4.5 out of 5. My current supervisor said he is very happy with my performance. I have always tried to do my best in any job. After I had been working in my new job for a few months, my new supervisor told me that the HR rep showed him all of the documentation from when I was written up. I was humiliated. I had applied for several jobs. This means all of those people saw what that supervisor said about me. I asked someone in HR how long those write ups remain in my personnel file. She said those are permanent. I did some research to determine how other employers handle negative information in personnel files. Also, I asked a couple of people who work for other large employers how they handle these issues. From the information I found, it appears that most companies remove those items from personnel files six months to a year after the incident. I want the BSU policy changed. I want those items removed from our files no longer than one year after the incident. I want them to actually be deleted. Staff members should not have this information in their personnel files indefinitely. If an employee continues to be a problem, they will continue to be written up. Removing the negative documents will not suddenly make a poor employee change. It will prevent a bad supervisor from hurting good employees. This would benefit the university by creating lower turnover rates and reducing the costs of hiring and training new employees.
Response 5/17/16: Adam Dungan reported that he is awaiting a response from Melissa Rubrecht, HR, Employee Relations Director.

Tamara Edwards asked a question of Kate Stoss as to who can add to an employees’ personnel file and can the employee see their file? Kate responded that an employee can view their file at any time in Human Resources by bringing their I.D. for verification. It was also stated, that nothing goes in to an employees’ personnel file without the employee first reviewing the item.

A second question of whether a boss can add anything to file without employee reviewing first was asked. Diane Drake stated "no" an employee has the right to see everything before it’s added to their file.

b. RFI #24 2015-2016 – Now that marriage is equally available to all, please discontinue the highly discriminatory practice of allowing same sex domestic partners to gain benefits that are not available to opposite sex domestic partners.

Response from Kate Stoss, HR, May 13, 2016: Human Resources is reviewing how other universities are handling same sex/domestic partner benefits and gathering input from a number of constituencies across campus prior to making any decisions about our program at Ball State.

We are awaiting a more specific response at an upcoming meeting.

c. Revision of Staff Council Constitution – Peggy Weis shared that the Executive Committee met multiple times to update the Staff Council Constitution. Peggy stated the Executive Committee started looking through the document for things that were incorrect or no longer being followed, items that had not been updated which should have been previously, and in general to make the document stronger and more detailed as to what we actually do as members. Peggy went through each update on the overhead and asked that questions be addressed as the information was being gone through. Peggy stated that the Constitution lives on the Staff Council website. Peggy pointed out that items highlighted are changes and/or clarifications, not necessarily new items. Although tedious, all highlights were reviewed. Hank stated that a 2/3 vote was needed after the reading to approve the document, as well as another 2/3 vote at our meeting in June for passing of the updated Constitution. Robert Weller asked about the addition of “part-time” employees to the constitution. Peggy explained that part-time employees had been added to our membership at a recent meeting and needed to be added to the Constitution. A spelling correction was noted in 7.3.9: Year-End Report, as to “out going” needing to be one word. Change was made.

After a brief discussion of the changes and the read through, a motion was made and seconded (T. Edwards/T. Johnston) to accept the Constitution changes.

The motion carried.

Peggy thanked everyone for their diligence in going through the document as it was a big undertaking. She reminded everyone that we would vote again on our updates at our next meeting in June.
VIII. **Announcements**

Next meeting will be Thursday, June 16, 2016 in SC 301-2 at 1:15 p.m

a) Angels for Life blood drive dates:

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<th>Date</th>
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<td>WEDNESDAY, MAY 25, 2016</td>
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IX. **Adjournment**

The meeting adjourned at 2:32 p.m.

Respectfully submitted,

Angie Zahner, Secretary

Attachments