

State of California

Department of Personnel Administration

M E M O R A N D U M

DATE: June 10, 1993  
REFERENCE CODE 93-38

TO: PERSONNEL MANAGEMENT LIAISONS

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

ALL DEPARTMENT LABOR RELATIONS OFFICERS,  
PERSONNEL OFFICERS, AND ADMINISTRATIVE OFFICERS

FROM: RICK McWILLIAM *Rick McWilliam*  
Chief of Labor Relations  
Department of Personnel Administration

SUBJECT: 1993 Sixth Annual Labor Relations/Personnel Conference

The Department of Personnel Administration is sponsoring its Sixth Annual Labor Relations/Personnel Conference on DECEMBER 1, 2, 3, 1993. The conference will be held at The Sheraton Inn, Napa, California, at a cost of \$40.00 per person if registration is received on or before October 15, 1993. The cost will be \$50.00 per person if registration is received on or after October 16, 1993. The conference registration deadline is November 12, 1993. Registration after November 12, 1993, will be on a space available basis.

Attached you will find the following:

1. the Conference Registration Form and
2. a Tentative Conference Schedule.

Room reservations at The Sheraton Inn are the responsibility of each individual. The deadline for room reservations at The Sheraton Inn is November 9, 1993. Due to the number of attendees, not all participants will be able to stay at The Sheraton Inn. Preference will be given to those who are staying the entire three nights. The Sheraton Inn will arrange accommodations at a neighboring hotel when they reach capacity. You MUST arrange your overnight conference accommodations directly with The Sheraton Inn ((707) 253-7433) in order to receive the entire conference package.

In order to register for the conference, you must send to DPA BOTH:

1. A completed Registration form; and
2. A check in the amount of \$40.00 per person (if received before 10/15/93) or in the amount of \$50.00 per person (if received after 10/15/93) (please indicate the name(s) of the attendee(s) directly on the check).

Make checks payable to:

Department of Personnel Administration  
Labor Relations/Personnel Conference

and mail to:

Department of Personnel Administration  
Labor Relations Division  
1515 "S" Street, North Building, Suite 400  
Sacramento, CA 95814-7243  
ATTN: Patti Halterman

INCOMPLETE REGISTRATION FORMS OR FORMS RECEIVED WITHOUT THE PROPER FEE WILL BE RETURNED.

PLEASE NOTE: RECEIPTS WILL BE ISSUED DURING REGISTRATION AT THE CONFERENCE. DUE TO THE LOGISTICS INVOLVED, RECEIPTS CANNOT BE ISSUED AFTER THE CONFERENCE. KEEP YOUR RECEIPTS IN A SAFE PLACE AS DUPLICATES WILL NOT BE ISSUED.

If you have any questions, please feel free to contact Anita Ybarbo on (916) 324-0477 or 8-454-0477.



CONFERENCE REGISTRATION FORM  
Department of Personnel Administration  
LABOR RELATIONS/PERSONNEL CONFERENCE  
December 1, 2, 3, 1993  
Napa, CA

Name of Participant: \_\_\_\_\_  
(PLEASE PRINT) (LAST) (FIRST)

Classification: (Spell Out) \_\_\_\_\_

Department: \_\_\_\_\_

Work Address: \_\_\_\_\_ (City) \_\_\_\_\_ (ZIP) \_\_\_\_\_

Work Phone: \_\_\_\_\_ (ATSS) \_\_\_\_\_

YOU WILL NOT BE CONSIDERED REGISTERED  
UNTIL BOTH THE  
REGISTRATION FORM AND CHECK  
ARE RECEIVED BY DPA

Room reservations at The Sheraton Inn are the responsibility of each individual. The Sheraton Inn will begin taking room reservations June 10, 1993. Due to number of attendees, some participants may not be able to stay at The Sheraton Inn. However, in order to be eligible for the entire conference package, you **MUST** make and confirm your overnight conference accommodations directly with The Sheraton Inn [(707) 253-7433].

In order to register you must send to DPA BOTH:

1. A completed Registration form; AND
2. A check in the amount of \$40.00 per person  
(if received by 10/15/93);
3. Or, in the amount of \$50.00 per person  
(if received 10/16/93 or later).

(Please indicate the name(s) of the attendee(s) directly on the check).

ADVANCED ORDERS FOR THE FOLLOWING WILL BE ACCEPTED:

California Public Employee Relations (CPER) pocket guide booklets:  
\$3.50 each (\$5.00 at the door).

Please indicate number wanted and amount enclosed.

Public Sector Arbitration	No. _____	Amount _____
Public Safety Officers Procedural	No. _____	Amount _____
Bill of Rights (POBR)	No. _____	Amount _____
Unfair Labor Practice Guide	No. _____	Amount _____

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This workshop will discuss the following topics: The Information Practices Act of 1977 and related statutes; factual/opinion information; assurances of confidentiality; qualified immunity; liability and punitive damages.

## **FAIR LABOR STANDARDS ACT (FLSA)**

This workshop will present and discuss the most recent developments regarding the FLSA; the discussion will include recent Department of Labor rulings, relevant case law, and the State's efforts to reflect evolving FLSA requirements in its work practices.

## **FILM FESTIVAL**

1. "Final Offer" - The Canadian United Auto Workers and General Motors (Canada) allowed a filmmaker to film their 1984 negotiations which resulted in a strike prior to settlement and ultimately led the Canadian UAW to split away from the UAW union. This has been shown on public television and provides an excellent perspective on the dynamics of bargaining within the union including internal union politics, "end-runs", both on the union and General Motors. **NO ACTORS ARE USED. THE CHARACTERS IN THIS FILM ARE REAL -- FILMED DURING NEGOTIATIONS - AND, AS SUCH, THERE IS CONSIDERABLE PROFANE LANGUAGE USED.**
2. Other films will be presented from the labor relations area. Their titles will be announced at a later date.

## **HEALTH AND SAFETY**

This workshop will cover informative topics such as moving from a reactive to a proactive safety program; developing management support for a safety program; Safety Incentive Award programs and are they effective; working with, not against, employee organizations; Training and professionalizing safety staff; Health Maintenance strategies that do not cost; and, hopefully, a new Safety classification series.

## **INTERNAL INVESTIGATIONS**

This course will emphasize sound approaches to investigating allegations of employee misconduct, be they from citizen complaints, supervisor concerns, or involve allegations of racial/sexual harassment. The course will suggest steps to consider when conducting any internal investigation, while preserving employee rights and fulfilling management obligations.

## **LAYOFF/SROA**

This workshop will provide line departments with an overview of the layoff and SROA process; it will focus on the responsibilities of departmental personnel officers and the roles of Department of Personnel Administration and State Personnel Board.

## **LEGAL UPDATE**

This workshop will provide participants with a summary of the significant arbitration, Public Employment Relations Board (PERB), and court decisions affecting State government in such areas as bargaining over mid-contract changes, the right to representation, reprisal, classification and compensation, and select Fair Labor Standards Act (FLSA) matters.

## **MEDICAL ACTION/FITNESS FOR DUTY**

The Fitness for Duty group will deal with practical approaches to obtaining medical evaluations useful to the employer in assessing an employee's job performance, abilities, and limitations. Practical applications will be discussed.

## **PREPARING FOR ARBITRATION**

This workshop will discuss the "how to's" of preparing to arbitrate a grievance. It will include what the department needs to do to prepare for the arbitration process, the roles of the Department of Personnel Administration's Labor Relations and Legal Offices, and what you can/cannot expect from arbitrators.

## **PREPARING ORIENTATIONS FOR NEW EXEMPT EMPLOYEES**

This workshop is designed to provide personnel offices staff with an outline and the accompanying materials currently available to provide new Directors and exempt employees with an orientation to the State of California Personnel Management System and the general benefits available for exempt employees.

## **PUBLIC SAFETY OFFICERS' PROCEDURAL BILL OF RIGHTS (POBR)**

This workshop is designed to assist participants in understanding the Public Safety Officers' Procedural Bill of Rights and its application before, during, and after the internal investigations.

Do you want to develop resource material for your department? Do you have limited resources and wonder if someone else has already developed something? Wonder how you can find out? Come to the Resource Table and take a look! Departments have been asked to provide copies of materials you might find useful. This could make your life much simpler! Can you afford not to take a look?

## **RIGHT TO REPRESENTATION**

This workshop pertains to an employee's right to representation in a variety of areas such as grievances, counseling sessions, arbitrations, and adverse actions. Discussions will include rights afforded through the Memoranda of Understanding, court cases, and the Dills Act as well as common situations where representation rights may or may not arise and suggestions on how to deal with these situations.

## **ROUND TABLE DISCUSSIONS**

Have you ever wondered how other departments do things or have handled a particular personnel or labor relations issue or problem? This workshop is intended to allow staff members of the smaller departments who wear multiple-hats in the personnel/labor relations areas to talk to other similarly situated persons. Find out how they do things, have handled problems, etc. Come and network!

## **SICK LEAVE ADMINISTRATION**

Need some help in answering supervisor's questions relating to the administration of sick leave? This workshop provides current information on the intent of the contract sick leave provisions, including changes made in 1991/92 negotiations; offers advice on medical verification including when to request it, how much information is necessary, etc.; and offers alternatives for dealing with chronically ill employees. The revised Sick Leave Administration Guidelines for Supervisors will be provided.

## **STATUTORY APPEALS**

This workshop provides detailed information on the various statutory appeals, which are heard by Department of Personnel Administration, including AWOL, resignation, and layoff hearings for nonrepresented and represented employees. We will discuss legal authority, notice requirements, time limits, hearing procedures, and decision making.

## **TELECOMMUTING**

The speaker will describe the U.C. Davis Telework Center Project; discuss and analyze telecommutable tasks; discuss typical concerns and problems that arise; share experiences of State departments; and share training opportunities and guidelines.

## **TOTAL QUALITY MANAGEMENT (TQM)**

Introduction to the principles of TQM.

## **TOTAL QUALITY MANAGEMENT SHARE FAIR**

Visit with representatives from various State departments implementing TQM. Each participating department will have information and a display of their TQM project and will be available to answer questions.

## **UNFAIR LABOR PRACTICES**

This workshop provides an overview of the Unfair Labor Practice (ULP) process with emphasis on Public Employee Relations Board's, Department of Personnel Administration's, and Departmental roles and responsibilities. Participants will also have an opportunity to discuss strategies and techniques to avoid ULPs.

## **UNIONS: HOW THEY WORK AND WHY**

General topics to be discussed will include: How unions are organized, generally and specifically; how they appoint/elect job stewards; what they expect of job stewards; what do unions think of "cooperative labor relations" or "win-win" bargaining; the three most important objectives for a union; what management does that angers the union; how unions view the grievance procedure; and will include a question and answer period.

## **WORKERS' COMPENSATION**

This workshop will focus on injury prevention measures departments may take to reduce workers' compensation costs and how departments and State Compensation Insurance Fund can effectively manage workers' compensation claims.

# TENTATIVE CONFERENCE SCHEDULE

## WEDNESDAY: DECEMBER 1

Registration	8:30 am - 9:30 am
Introduction & Welcome	9:30 am - 10:00 am
General Session	10:00 am - 11:00 am
Luncheon	11:30 am - 1:15 pm

## WORKSHOP SCHEDULE:

### Wednesday, December 1:

1:30 pm - 3:00 pm

3:30 pm - 5:00 pm

1	Advanced Adverse Action - Part I	
2	Impact (Department) Bargaining	
3	Unfair Labor Practice	3 Sick Leave Administration
4	Statutory Appeals	4 Layoff/SROA
5	Right to Representation	5 Drug Testing
6	Round Table Discussions	6 Equal Employment Opportunity
7	Health and Safety	7 Employee References
8	DPA - Everything You Ever Wanted to Know . . .	8 Fair Labor Standards Act
		9 Film - The Final Offer

### Thursday, December 2:

8:30 am - 10:00 am

10:30 pm - 12:00 pm

1	Impact (Department) Bargaining	
2	Peace Officer Bill of Rights (POBR)	
3	Medical Action/Fitness for Duty	3 Unions - How they Work and Why
4	Sick Leave Administration	4 Statutory Appeals
5	Total Quality Management - Introduction	5 Preparation for Arbitration
6	Decentralized Testing	6 Layoff/SROA
7	Administering the State's Benefits	7 Health and Safety
8	Preparing Orientations for New Exempt Employees	8 Equal Employment Opportunity
		9 Film - TBA

1:30 pm - 3:00 pm

3:30 pm - 5:00 pm

1	Advanced Adverse Action - Part II	
2	Internal Investigations	
3	Workers' Compensation	3 Unions - How they work and why
4	Fair Labor Standards Act	4 Basic Adverse Action
5	Total Quality Management - Share Fair (Inside Tent)	5 Preparation for Arbitration
6	Telecommuting	6 Employee References
7	Drug Testing	7 Film: TBA
8	DPA - Everything You Ever Wanted to Know . . .	8 Americans with Disabilities Act
		9 Preparing Orientations for New Exempt Employee

### Friday, December 3:

8:30 am - 10:00 pm

10:30 pm - 12:00 pm

1	Peace Officer Bill of Rights (POBR)	
2	Internal Investigations	
3	Basic Adverse Action	3 Legal Issue Update
4	Workers' Compensation	4 Unfair Labor Practice
5	Medical Action/Fitness for Duty	5 Right to Representation
6	Americans with Disabilities Act	6 Fair Labor Standards Act
7	Administering the State's Benefits	7 Telecommuting
8	Round Table Discussions	8 Decentralized Testing
9	Film - TBA	

## **ADMINISTERING THE STATE'S BENEFITS**

This workshop will focus on current issues in benefits administration and training.

## **AMERICANS WITH DISABILITIES ACT (ADA) - REASONABLE ACCOMMODATION**

This workshop will address ways that State Departments can meet the mandates required of employers to ensure compliance of the ADA, Title I. Title I prohibits discrimination in employment against qualified individuals with disabilities because of their disability. The focus of this workshop will be to provide suggestions and techniques for responding to Reasonable Accommodation requests. Issues regarding "essential job duties," modified duty assignments and work schedules, job restructuring, job placement or reassignment, alternate job assignment, temporary assignment and special assignment will be discussed. Other issues such as how much medical substantiation, inquiry or documentation can be required, and what constitutes an undue hardship or direct threat for the employer will also be discussed.

## **ADVANCED ADVERSE ACTION - MINI SERIES**

This workshop offers an intensive approach to preparing and presenting disciplinary actions.

### **PART I: EVERYTHING YOU WANTED TO KNOW ABOUT ADVERSE ACTION BEFORE THE ACTION IS**

**APPEALED!!** Don't miss out on this very informative workshop! This workshop will cover the role of a personnel office when a discipline problem arises. There will be a discussion on the concerns about adverse actions, what are some preventative methods (i.e., ways to main discipline), how to deal with informal corrective actions, and what to advise supervisors on the do's and don't's associated with the process. This workshop will also cover how to prepare a formal adverse action, how to deal with the right to representation issues, and how to determine the appropriate penalty (based on the facts). The workshop will include a lecture, role playing, and a question-answer period. Come early - limited seating available.

**PART II:** If you are involved in adverse action hearings, you don't want to miss this workshop! At this workshop you will learn how to prepare for an adverse action hearing; how to interview witnesses; how to prepare witnesses; and what constitutes an effective stipulated agreement. The workshop will include a lecture and a question-answer period. Come early - limited seating available.

## **BASIC ADVERSE ACTION**

What is an adverse action? What steps should supervisors take to avoid an adverse action situation? When an adverse action cannot be avoided, what basic steps should be followed when taking the action? What are the pitfalls of an adverse action? The three most important elements of a successful adverse action: **DOCUMENTATION - DOCUMENTATION - DOCUMENTATION**. Attend this informative workshop and learn more about the adverse action process in government.

## **DECENTRALIZED TESTING**

One of the greatest challenges facing us all is that of meeting our customer's demands in the face of continuously shrinking resources. In our efforts to continuously improve our processes and services, we must utilize a cooperative approach and learn from each other to maximize our collective resources and creativity. This workshop will provide participants with information regarding innovative methods that are currently being used by some staff departments and some ideas that will soon become reality in others.

## **DEPARTMENT BARGAINING**

Topics will include: scope of meeting and conferring under the Dills Act; what is good faith negotiations - how do you bargaining hard and maintain good faith; requirements to meet and confer under the various Entire Agreement clauses in our contracts; limitations on departmental authority; preparing for departmental bargaining; strategies for bargaining; how to close the agreement; framing the agreement - addendum to Memorandum of Understanding or policy; how not to get locked in (preserving options to change); grievability/arbitrability of local agreements; specific guidance in negotiating impact of various situations.

## **DEPARTMENT OF PERSONNEL ADMINISTRATION (DPA) - EVERYTHING YOU EVER WANTED TO KNOW BUT WERE AFRAID TO ASK**

Have you ever thought why a policy or practice was established or why the State negotiated a certain contract clause? This is your opportunity to get the answer from the Director of DPA or a member of DPA's executive staff. There will be no boring speeches - this panel will simply attempt to answer your questions.

## **DRUG TESTING**

This workshop will cover the state and federal requirements for drug testing. Topics will include how to designate classes for pre-employment testing and set up a State Personnel Board approved testing plan; how to designate positions for reasonable suspicion testing and set up a DPA approved testing plan; the collection, lab testing, and medical review requirements for actually testing for drugs and alcohol; and how to deal with applicants or employees who fail drug tests. Drug awareness training for all covered employees, drug testing training for supervisors, and chemical dependence rehabilitation options will also be covered. The proposed federal drug testing regulations applicable to commercial driver license holders will be reviewed in detail if they have been adopted by the time of the conference, otherwise they will receive just a cursory review.



