Managing Resources at Middlebury College

go/managers
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- Monthly, 90 minutes or less
- Set schedule & topics
- 2\textsuperscript{nd} Wednesday 2:00-3:30
- 3\textsuperscript{rd} Wednesday 9:00-10:30
Manager Roles & Responsibilities

- Be an “agent of the College”
- Communicate - up, down, across!
- Manage resources
- Provide direction & feedback
- Be aware and act on legal issues
HR Areas of support...

- Employee Relations
- Benefits
- Compensation
- Employment
- HR Information Systems
- Training & Development

http://www.middlebury.edu/offices/business/hr/contact
RECOGNIZING LEGAL COMPLIANCE ISSUES
Supervisors are responsible for:

• Treating all employees fairly

• Following College policies

• Recognizing special situations and getting assistance from HR
You may hear...

• “This new medication makes me so tired during the day.”
• “I’m pregnant!”
• “My name is Jill Johnson and I’m an attorney representing your former employee, Samuel Smith.”
• “That’s not fair!”
Protected Absences

What does this mean?
Types of Protected Absences

- Accommodation under the ADA
- Work-related injury
- Medical leave
- Family/Parental leave
- Approved Personal Leave
Leave Coordinator

Patty Saunders
x5338
Americans with Disabilities Act (ADA)

- Prohibits discrimination against individuals with disabilities
- All aspects of employment: hiring, performance evaluation, promotion, work assignments, discipline, etc.
- Covers both physical and mental disabilities
ADA

• Requires employers to make ‘reasonable accommodations’

• *Can* include alterations to physical space, schedules, interpreters, non-essential work duties
Contact HR if...

...an employee says he is having difficulty performing job duties because of a medical issue (physical or mental)

Do not promise accommodation or change the job, rather contact HR so the appropriate actions can be taken
Work-related Injury

• Immediately report work related injuries

• Worker’s comp insurance pays
  • medical treatment
  • lost wages

• Time off must be accommodated
  • Recovery
  • Treatment
FMLA / VPFLA

- Family and Medical Leave Act
- Vermont Parental & Family Leave Act
“Leave” is job protection

May be paid or unpaid

Pay can be combination of:

- worker’s compensation benefits
- short-term disability benefits
- CTO
- SLR
- Parental leave pay
Frequent Misunderstanding

“But, I have CTO!, I don’t need a medical leave...”
HR screens for eligibility

- Serious medical condition
  - self
  - family member
- Birth, adoption, or foster placement
- Family member called to active duty
- Care of family member injured or ill from active duty
Supervisors need to...

- **Recognize** possible protected absence situations

- **Refer** to Human Resources

- **Refrain** from stating that the employee is covered by any protected absence until that determination has been made by HR
Medical info is confidential

• Don’t ask for details

• Don’t repeat information to others

• If you get medical records in error, send them to HR ASAP and keep private until then
What to do if...

- If employee is absent for 3 days or more for a medical reason or...
- If an employee has a pattern of unscheduled time off that is impacting performance...

CALL HR
That’s not FAIR!
Discrimination

It is unlawful to treat people differently on the basis of certain personal characteristics
Protected Characteristics

- race,
- creed
- color
- place of birth
- ancestry
- ethnicity
- national origin
- religion
- sex
- sexual orientation
- gender identity or expression
- age
- marital status
- service in the armed forces of the United States
- positive HIV-related blood test results
- genetic information
- disabilities
Risk

- The key is the **effect**, not the **intention**

- The perception of discrimination can be enough to create costly legal liability
Discrimination

• Not every problem at work is discrimination
• Can you articulate an objective, business-related reason for the action?
• If an employee disagrees, or accuses you of unfairness, it’s a good idea to privately get a second opinion
High Risk

Employee complains of unfair treatment by supervisor after:

- Filing a worker’s compensation claim
- Taking a medical leave
- Making a complaint of harassment
- Participating in an investigation
- Disclosing a pregnancy
It’s possible...

Be alert to the possibility that others could consider your actions discriminatory and...

Consult with HR
Anti-Harassment

- Understand definition under the Anti-Harassment Policy
  - It is not up to supervisors to determine whether or not harassment occurred
  - Do not promise confidentiality
Supervisor’s Responsibilities

- You an “Agent of the College”
- If you know, then the College knows
- Failure to act creates legal liability
- Failure to act allows an unacceptable situation to continue or recur
- Must report to the HRO, supervisor, or Human Resources
- Must ensure unlawful retaliation is not tolerated
Actions for you to take

- Understand the definition of harassment
- Know and access your resources
- Report potential harassment
Human Relations Officer

- HRO: Susan Ritter x3289
- Alternate HRO: Laura Carotenuto x2012
Other Legal Issues...