

STAFF OMBUDS OFFICE



2012-2014

BIENNIAL REPORT

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Message from the Director

This year marks the 30th anniversary of the Staff Ombuds Office. Established in 1984, upon the recommendation of the Chancellor's Staff Advisory Committee (CSAC), the Staff Ombuds Office not only provides confidential conflict resolution services for campus employees, it provides regular feedback to the campus community about employee concerns. It is therefore fitting that the cover of the 30th anniversary edition of our Biennial Report is the University's motto "Fiat Lux" or "Let there be light" as the purpose of this report is to increase awareness and unearth some of the root causes of workplace conflict.

Through its case data, the Staff Ombuds Office identifies trends and surfaces systemic issues while highlighting possible solutions for relevant university departments to consider. Consequently, the Staff Ombuds Office views each employee concern as an opportunity to increase organizational effectiveness. It is in this spirit of creative problem solving that the Staff Ombuds Office provides its 2012–2014 Biennial Report and looks forward to future organizational advancements.



Sincerely,

A handwritten signature in blue ink that reads "Sara Thacker". The signature is fluid and cursive.

Sara Thacker, J.D., LL.M.
Director & Ombudsperson
Staff Ombuds Office
University of California, Berkeley

Executive Summary

The Staff Ombuds Office is pleased to present its 2012–2014 Biennial Report. Based on data collected from the 535 individuals who used ombuds services, respect and civility continued to top the list of concerns. The data also showed an increase in employee concerns about job/role clarity and work styles. This is likely the result of organizational change as many employees' jobs or reporting lines changed while the campus moved into the implementation and operation phase of Operational Excellence initiatives, including Campus Shared Services.

In addition to statistical information contained in this report, the Staff Ombuds Office identified systemic issues related to:

- Understanding about the staff complaint process
- Ability of staff to request equity reviews of compensation
- Awareness about medical leave, reasonable accommodation, and transitional work agreements
- The role of new work lead positions

Possible solutions and recommendations are detailed on pages 13–16 of this report, including:

- Creation and distribution of an information sheet and website materials that clearly explain staff complaint process steps and criteria for non-represented employees.
- Creation of an equity review program that would allow non-represented employees to request review of pay equity issues or alternatively allow employees to contact the Compensation Unit directly for assistance.
- Requiring and/or assessing completion of training for managers and HR professionals regarding the Family Medical Leave Act, medical leave policies, reasonable accommodation, and transitional work agreements, as well as offering similar classes and workshops to non-managerial staff.
- Written job descriptions and internal departmental communications that explain the role, function, responsibilities, and scope of management authority to help clarify the difference between official supervisory and work lead positions.

This report also provides updates regarding action taken to address prior recommendations, which can be found on pages 17–18.

The Staff Ombuds Office values the opportunity to work with staff to develop constructive conflict resolution strategies, engage in problem solving, and facilitate communication to address workplace concerns. Based on results from its Assessment of Services Survey, the Staff Ombuds Office is pleased to report that 98% of employees found that the ombudsperson helped identify and evaluate options to address their concerns and 96% stated they would use the Staff Ombuds Office again or refer others. In addition to individual service, the Staff Ombuds Office offered 30 workshops with 525 participants on various conflict resolution topics and continued its outreach efforts, reaching more than 800 employees. The Staff Ombuds Office appreciates the support of the campus community and looks forward to continuing to serve UC Berkeley employees.

Staff Ombuds Office Overview



The Staff Ombuds Office abides by the International Ombudsman Association Standards of Practice and Code of Ethics, including:

Established in 1984, the Staff Ombuds Office is an independent department that provides informal conflict resolution and problem-solving services for all staff, non-senate academics, and faculty who perform management functions. The Staff Ombuds Office is strictly confidential and is a safe place to voice and clarify concerns, understand conflict situations, and find effective ways to respond.

Ombuds services include:

- Conflict analysis
- Strategies to resolve and prevent disputes
- Identification of options and information
- Effective conflict and communication coaching
- Mediation
- Group facilitation
- Tailored trainings in conflict resolution
- Resource referrals

As a designated neutral, the Staff Ombuds Office does not take sides or advocate on behalf of any individual. Based on general observations from its caseload, the Staff Ombuds Office provides regular feedback to University officials and the campus community. Since 1993, the Staff Ombuds Office has published reports regarding workplace conflict issues and recommendations for systemic change.

Confidentiality: The Staff Ombuds Office holds all communications with those seeking assistance in strict confidence unless the Ombudsperson determines there is an imminent risk of serious harm.

Communications made to the Ombudsperson do not place the university on notice.

Impartiality: The Ombudsperson is neutral, impartial, and unaligned in the handling of staff conflicts, disputes, or issues.

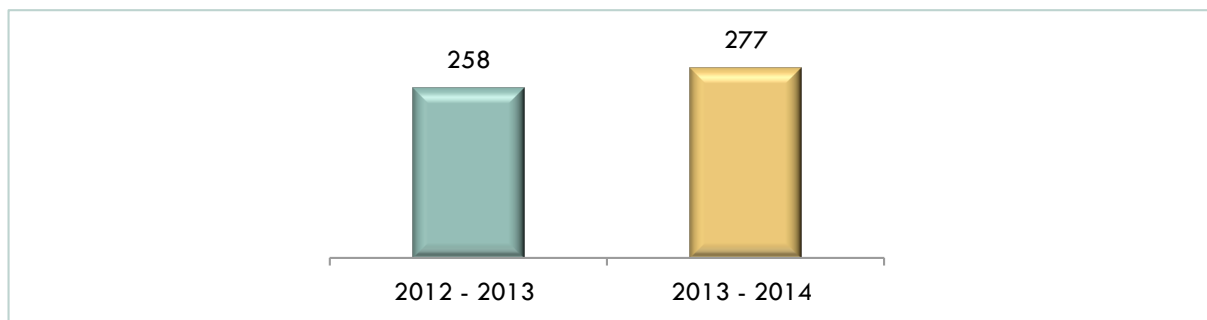
Independence: The Staff Ombuds Office is independent from other university entities or authorities. The Ombuds Office reports to the Associate Chancellor for administrative purposes only and does not report on the substance of individual cases or concerns.

Informality: The Staff Ombuds Office assists individuals in resolving conflicts at informal levels. While the Ombuds Office may refer individuals to formal grievance resources, it does not participate in any internal or external investigative or adjudicative procedures.

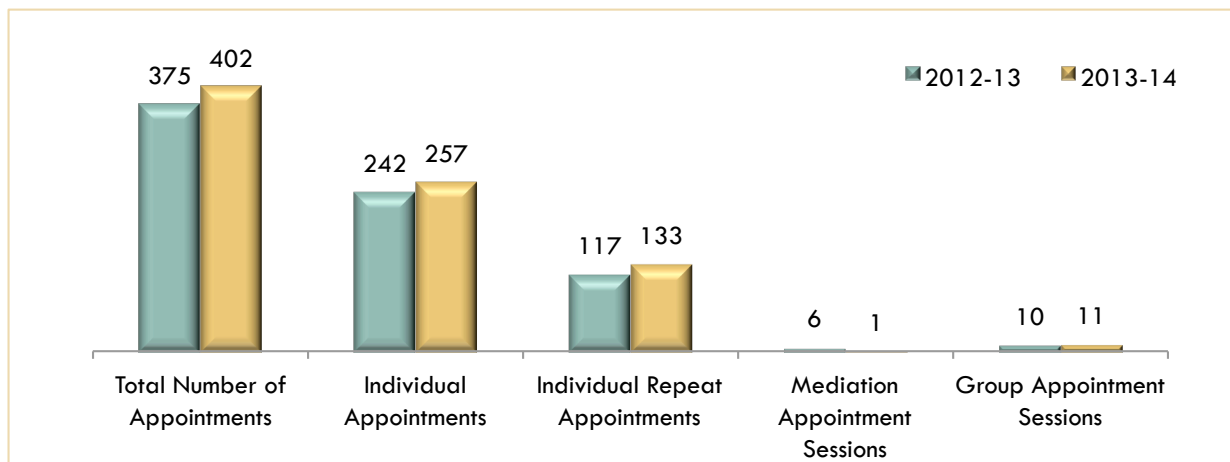
Office Utilization

The Staff Ombuds Office tracks not only how many people utilize its service, but also the number and types of appointments made from year to year.

Persons Served and Appointment Types



Persons Served



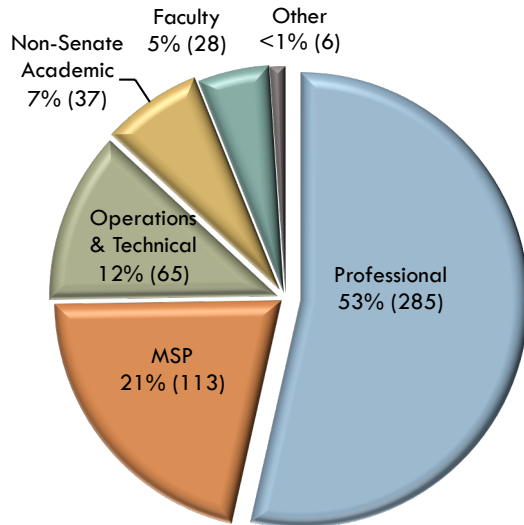
Appointment Types

Following are some of the notable results from the 2012–2014 reporting period:

- The Staff Ombuds Office served a total of 535 people, representing a 7% increase in persons served between 2012–2013 and 2013–2014.
- Employees who used ombuds services participated in a total of 777 appointments.
- Individual repeat appointments (250) constituted nearly one-third of all appointments, which is an indicator of the complexity of the Office’s caseload.
- Mediations conducted remain extremely low, with 12 employees participating in 6 mediations. One of these mediations involved a second session.
- 34% of all employees served by the Staff Ombuds Office were referred by others. Of the 182 employees referred, 45% were referred by coworkers or other campus employees and 24% were referred by supervisors or managers.

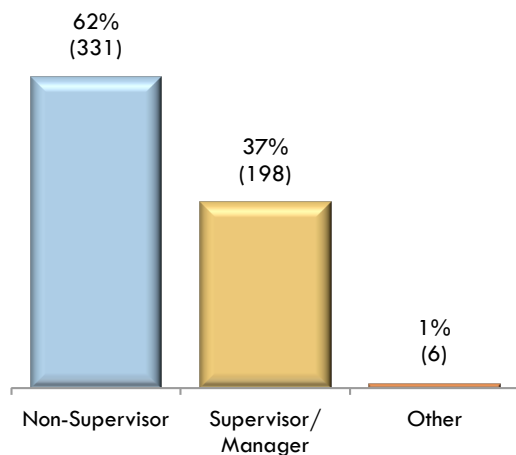
Demographics

Job Group Distribution



- The Professional job group includes analysts, supervisors, administrators, specialists and mid-level professionals in human resources, advising, health care, information technology, research, finance, education, communication, and others.
- The Management and Senior Professionals (MSP) job group includes all-level unit managers and specialized, high-level expert professionals.
- The Operations job group (8%) includes various positions in clerical, security and public safety, library assistant services, equipment operation, and custodial grounds, food, building and other general services.
- The Technical job group (4%) includes positions in skilled crafts/trades, information, research and lab technology, and recreation.
- The Non-Senate Academic job group includes librarians, lecturers, and academic coordinators and administrators.

Management Status

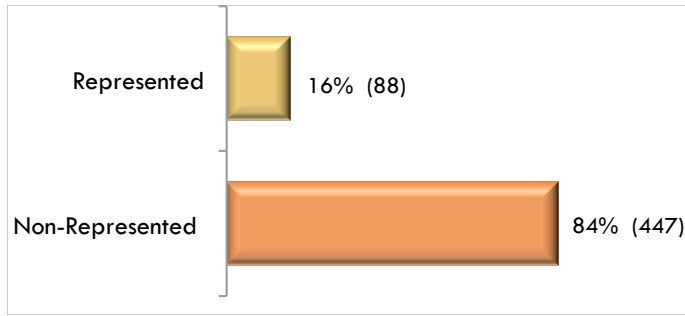


- The Staff Ombuds Office helps employees regardless of management status.
- Of the 37% (198) supervisors and managers served, 49% (98) were MSP and 33% (66) were in the Professional job group. Most of the other supervisors (34) were in the Non-Senate Academic and Faculty job groups.
- Cases involving either non-employee UCB affiliates, members of the public, or individuals who chose not to disclose their name or status were classified as “Other.”



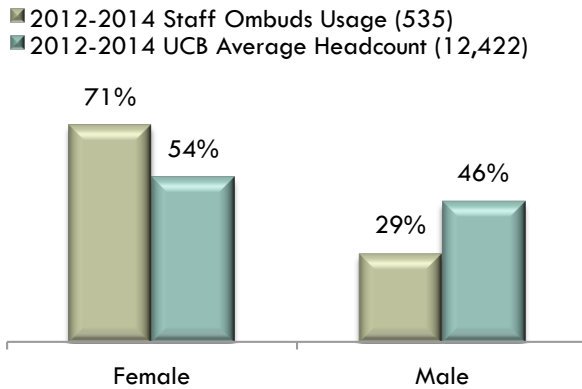
“The advice given by the Ombuds allowed me to gain a different perspective on how I was contributing to [and] aggravating an issue with an employee. It was particularly helpful that we both used the service because [we] were better able to communicate after.”

Union Representation



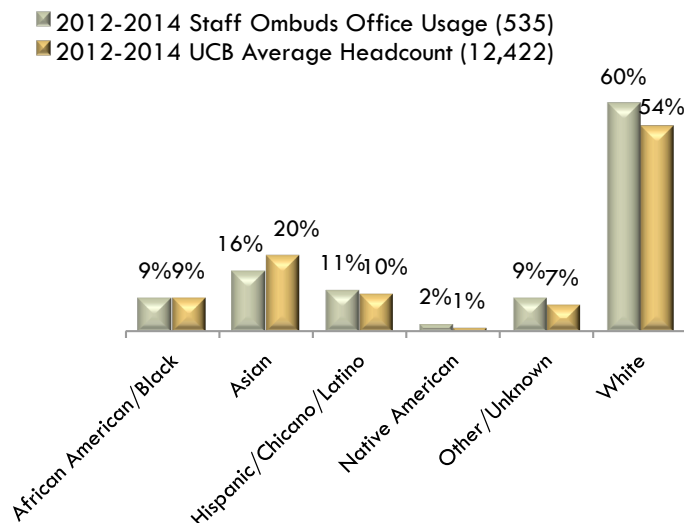
- 38% of campus employees are covered by a union contract. The Staff Ombuds Office does not intervene in issues covered by union contract, which may account for lower utilization by represented employees.
- The Staff Ombuds Office made 38 referrals to union stewards in cases covered by contract or cases in which represented employees sought advocacy.
- The majority of represented employees served were members of Teamsters Local 2010 (formerly Coalition of University Employees) or AFSCME (American Federation of State, County and Municipal Employees).

Gender Distribution



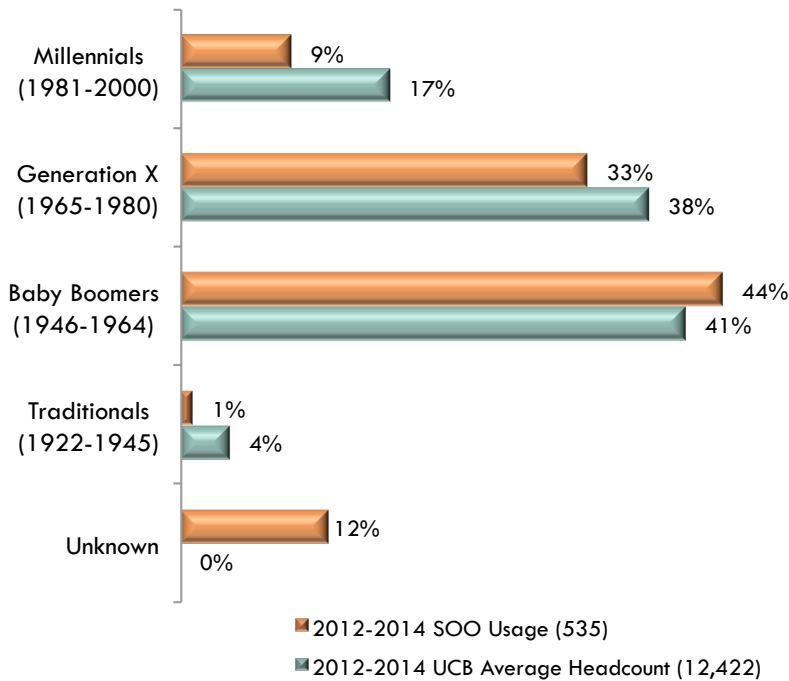
- The gender distribution of employees who use ombuds services has remained steady over many years.
- The gender disparity in utilization of ombuds services comports with well-documented trends that show consistent gender differences in help-seeking behavior.
- UCB Average Headcount is based on HCM-BAIRS data and represents the average number of staff and non-senate academics employed on April 30, 2013 and April 30, 2014.

Ethnic Distribution



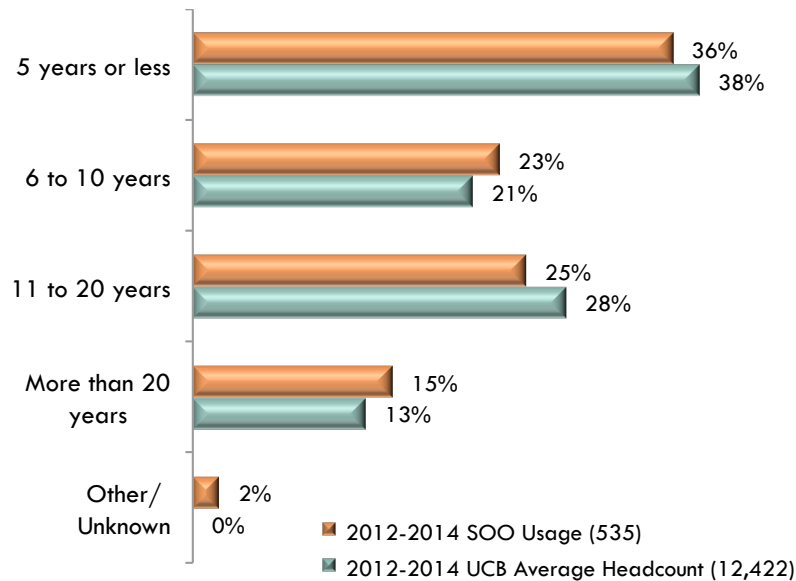
- Employees may choose multiple ethnicities. 5% or 29 employees who used the Staff Ombuds Office marked more than one ethnicity.
- The Office meets periodically with each individual ethnic staff organization to discuss outreach efforts, hear concerns, and provide information about trends and systemic issues.
- Thanks to volunteers from APASA, Alianza, and ombudspersons around the globe, the Staff Ombuds Office now has its informational flyers available in Chinese and Spanish. Translation services are also available free of charge.

Age Group



- Employees in the Millennial generation reported experiencing proportionately more excessive stress than any other age group. They also had more concerns about career development and the performance of others.
- Concerns of Gen Xers and Baby Boomers generally mirrored those of the average user of ombuds services.
- Employees in the most senior age range expressed proportionately more concern about respect and civility in the workplace than any other age group.

Length of Service



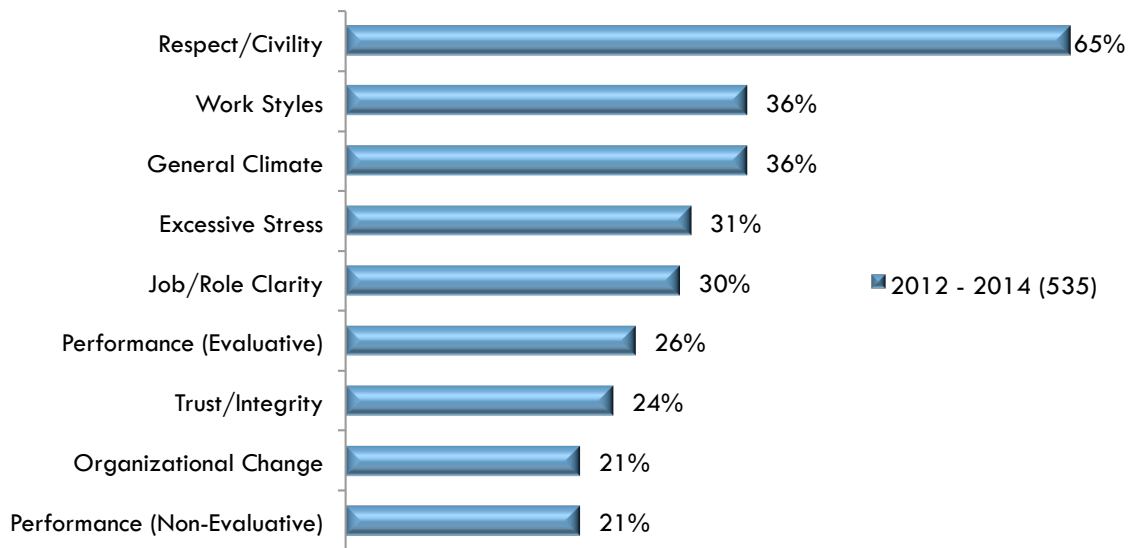
- Employees who have been at UCB more than 20 years reported significantly less excessive stress than the average user of ombuds services, while those employees here 5 years or less reported the most.
- For all other workplace concerns, there was little variance among employees with different lengths of service.



“Meeting with the Ombuds Office was extremely helpful. I was surprised by how much time and care the ombudsperson took to listen to my issues. I left with a sense that things were more hopeful.”

Primary Workplace Concerns

The following data is compiled from the staff, non-senate academics, and faculty served during the 2012–2014 fiscal years. Since one employee can have multiple concerns, percentage totals on the chart exceed 100%. Please note that the workplace concerns identified are those expressed by employees themselves in the course of an appointment with an ombudsperson and that natural variances in concerns reported from year to year occur. To view a complete graph of all workplace concerns the Staff Ombuds Office tracks, see Appendix B.



Relationships Between Parties

Employees reported concerns with individuals in the following categories. Because employees may have concerns with more than one individual, percentages below exceed 100%:

- 68% of cases involved individuals in evaluative relationships.
- 17% of cases involved concerns about peers.
- 15% of cases involved employees who were exploring personal options or strategies. These individuals were not in conflict with anyone but were seeking guidance for themselves or others regarding how to handle conflicts between others.
- 7% of cases involved concerns between staff and faculty; 2% involved concerns between faculty and faculty in their roles as administrators (e.g., deans or chairs).
- 5% of cases involved other relationships, including staff members' concerns about individuals with whom they do not have evaluative or peer-to-peer relationships (e.g., employees in other departments, vendors/outside contractors, former employees, and/or members of the public).

Analysis of Workplace Concerns

The sections below provide an analysis of the top primary concerns in 2012–2014. Each of the following concerns was noted by more than 20% of employees who used ombuds services.

Respect and Civility

Respect and civility remained the number one concern heard by the Staff Ombuds Office. Over 347 employees expressed concerns about a wide-range of uncivil behaviors including rude remarks, insults, public humiliation, yelling, exclusion, and others.¹ Feelings of disrespect elicited a behavioral and emotional response that varied by person but included feeling hurt, anger, shock and acting disengaged, confrontational, or avoidant.

Based on reports to the Staff Ombuds Office and the results of the recent 2013 Campus Climate survey, incivility has a significant impact on the work environment and productivity of staff. According to the 2013 UC Berkeley Campus Climate Survey, 25% (842) of staff respondents who reported experiencing uncivil behaviors² stated it interfered with their ability to work and 27% (897) reported stress-related physical or emotional harm as a result of these behaviors.

Bullying is a particularly damaging and extreme form of incivility. Workplace bullying was reported in 10% of Staff Ombuds Office cases and has been addressed by the office in previous reports. For more information, see Updates on Prior Recommendations, pp. 17–18.

Work Styles

The second most common concern noted by 195 employees or in 36% of all the Staff Ombuds Office cases was work style differences. Work style conflicts doubled during this two-year reporting period driven in part, the Staff Ombuds Office believes, by an increase in employees' concerns about organizational change, new management, and challenges of working within new teams. In work environments, individuals have different professional backgrounds and expectations about how work should be done based on previous experiences, including preferences on how to approach tasks, organize, prioritize, plan, or delegate work. Employees also have various styles related to the mode or frequency of communication and differing opinions about what constitutes effective collaboration or teamwork. These differences can create barriers to communication often resulting in increased conflicts.

General Climate

The third leading concern reported by 36% or 194 employees related to general workplace climate. General climate is noted when an employee is concerned about the workplace atmosphere or their conflict is part of a group problem. General climate issues often involve poor group morale, high turnover, negative gossip or rumors, and/or concerns about prevailing behaviors, norms or attitudes within the organization.

¹ A full list of behaviors can be found in the civility metrics of the Campus Climate Survey, which included: demands/ threats, mockery/sarcasm, yelling, insults/ put-downs/ personal attacks, public humiliation, spreading gossip or lies, unrelenting or persistent criticism, isolation/ exclusion/ ostracism, name-calling/ swearing, severe/ nasty tone of voice, interrupting, finger-pointing, invading personal space, looming/ hovering over, and/ or slamming objects.

² Id.

Unresolved or unspoken conflict or lack of transparency can contribute to general climate issues as people often will gossip or spread rumors to fill in for a lack of information. When negative gossip and rumors spread, morale can go down and subsequently impact productivity. If management is unaware, contributing to the problem, or not effectively addressing it, the workplace climate can suffer. One of the greatest costs and indications of a negative general climate is employee turnover.

Excessive Stress

Excessive work-related stress was the fourth most reported concern (31%). Although stress is often part and parcel of any concern that an employee might have, excessive stress is manifested physiologically, emotionally, and physically in a noticeable way (e.g., employees state that they have trouble sleeping or eating, or stress is interfering with their ability to function). When employees are excessively stressed, their productivity is often impacted. Conflict situations escalate under stress as people's fight or flight responses can make it difficult to communicate constructively.

Employees voiced a number of causes of stress including transitions to new management, organizational change, and the impact of incivility. Noticeably, employees felt less stress about layoffs and more secure in their jobs as these employees had weathered prior staff reductions in force and departmental budgets appeared more stable during this reporting period.

Job/Role Clarity

Thirty percent of employees (158) who visited the Staff Ombuds Office expressed concerns related to job/role clarity, which included concerns about a loss or change in job duties, job descriptions, and/or disagreements over appropriate assignments, tasks, or responsibilities. These concerns sometimes arose when an employee was reassigned or job duties changed as a result of organizational change or restructuring. Many times, employees would not have a revised or current job description, which increased confusion about their roles. When employees do not have clear roles, conflicts can emerge between them. Some employees felt others were doing their job tasks or they were asked to perform work outside of their job description, which put them in conflict with others about the scope of their job responsibilities.

Evaluative and Non-Evaluative Performance Issues

Overall, 26% of cases involved evaluative performance issues in which an employee discussed his or her own performance or a manager sought assistance about performance concerns of his or her employees. Evaluative performance issues included concerns about the evaluation process, setting standards, goals and expectations, the use of counseling memos, performance improvement plans, 360 evaluations, and other performance-related issues. Surprisingly, many employees stated that they did not receive a performance evaluation for the previous evaluation cycle. This is significant given that university policy³ requires annual performance reviews. Employees often comment on their desire to do excellent work and effective performance management is essential for alignment of expectations with outcomes. Also, without

³ See University of California PPSM-23: Performance Management available at <http://policy.ucop.edu/doc/4010397/PPSM-23> and UC Berkeley implementing procedures available at <http://hrweb.berkeley.edu/er/policies/ppsm/berkeley-procedures/procedure-23>.

receiving feedback on how they are doing, employees may not be aware of how management views their strengths and areas where development is needed.

Additionally, 21% of cases involved non-evaluative performance issues, including concerns about the performance or competence of a co-worker, supervisor, or manager. In these situations, the employee does not have the authority to formally evaluate performance and therefore felt stuck when these performance issues were not addressed. As a result of non-evaluative performance issues, employees felt a need to “work around” their peer and/or supervisor to complete work.

Trust/Integrity

Suspicious of dishonesty or distrust of another’s judgment is the sixth leading concern with 24% (130 employees) reporting related issues. To evaluate trust, individuals consider another person’s verbal or written commitments, follow-through, integrity, and the level of intimacy in the relationship.⁴ Intimacy in the workplace context means that employees feel comfortable discussing difficult agendas and sharing information. Individuals also consider the other person’s self-orientation, which, if high, diminishes their feelings of trust. Employees reported a long-term impact on trust and working relationships when they perceived that shared information, including justification for decisions, was later found not be true. Receiving conflicting information sometimes led to individuals avoiding a colleague or supervisor, choosing not to surface concerns, or questioning another person’s actions. Rebuilding trust is a difficult but required step in maintaining productivity and keeping teams functional and collegial.

Organizational Change

During this biennial report period, the university experienced significant organizational change as the campus continued the implementation and operating phase of Operational Excellence (OE) initiatives, including extensive centralization of services with Campus Shared Services (CSS). As a result, it is not surprising that 21% of cases or 112 employees reported concerns about organizational change.

Organizational change issues included change management concerns resulting from impending or actual reorganization or process redesign. When destructive conflicts occurred during organizational change, it was often due to lack of understanding about the process, anxiety about the possible outcome, or a lack of opportunity for bidirectional communication between employees and management. How leadership initiated and implemented organizational change often impacted the resulting climate. For example, some employees reported that their input was not solicited. Others reported their input was requested but not acknowledged or utilized by management, thus impacting group morale.

It is perhaps not surprising that organizational change concerns were paired with a logical additional set of concerns mentioned above including work style, excessive stress, job/role clarity, and even to some degree performance. Organizational change impacted departments at macro and micro levels. Employees reported that conflicts emerged during these transitional periods when people with unclear roles or different work styles had not yet figured out how to effectively handle the challenges that accompanied organizational change.

⁴ See David H. Maister, Charles H. Green & Robert M. Galford, *THE TRUSTED ADVISOR*, The Free Press (2000).

Observations & Systemic Recommendations

While a high percentage increase in cases involving a particular conflict issue may be an indication of a systemic problem, the Staff Ombuds Office also identifies systemic issues by analyzing each individual case to determine whether the source of the conflict may be located at least in part in organizational policies, practices, structures, and/or culture.⁵

After analyzing the concerns that emerged over the last two years, the Staff Ombuds Office identified four systemic issues related to (1) the staff complaint process; (2) equity in compensation; (3) medical leave and reasonable accommodation; and (4) the role of new work lead positions. The following recommendations provide possible solutions for consideration and may be used to generate new ideas by relevant units and stakeholders.

Staff Complaint Process

The Staff Ombuds Office has found that considerable confusion exists amongst non-represented staff about how to file a complaint regarding personnel-related matters. While the complaint process is clearly stated under Personnel Policies for Staff Members (PPSM),⁶ many complaints fall outside the scope of the PPSM 70 Complaint Resolution policy. A PPSM 70 written complaint must contain:

- [S]pecific management action(s) that is alleged to have:
- a. adversely affected that employee's existing terms and conditions of employment in a material way, or
 - b. adversely affected that employee's existing terms and conditions of employment in a material way and violated a provision of the Personnel Policies for Staff Members (PPSM).⁷

Notably, “[m]anagement actions that affect [employee’s] terms and conditions of employment in a material way include, but are not limited to, termination, discipline, letters of warning, and non-selection for transfer or promotion.”⁸ Many personnel-related complaints do not rise to the level in which management has taken such action and therefore fall outside the scope of PPSM 70.

For those personnel-related complaints outside the scope of PPSM 70, employees are still able to bring their complaint to Employee Relations (now also known as the HR Policy and Practice Unit) for review.

⁵ Susan Sturm & Howard Gadlin, *Conflict Resolution and Systemic Change*, JOURNAL OF DISPUTE RESOLUTION, no. 1 (2007).

⁶ PPSM covers all staff employees whose positions are not otherwise governed by a collective bargaining agreement. Represented employees should refer to their respective labor contract to determine how to file a complaint, which is outside the scope of the Staff Ombuds Office 2012-2014 Biennial Report.

⁷ See University of California PPSM-70: Complaint Resolution available at <http://policy.ucop.edu/doc/4010417/PPSM-70> and UC Berkeley implementing procedures available at <http://hrweb.berkeley.edu/er/policies/ppsm/berkeley-procedures/procedure-70>.

⁸ See University of California PPSM-70: Complaint Resolution, Part VII, Frequently Asked Questions p. 15 available at <http://policy.ucop.edu/doc/4010417/PPSM-70>.

Unless a complaint relates to claims of discrimination⁹ or is brought under PPSM 70, little information is available for employees on how the Employee Relations complaint process works. As a result, the Staff Ombuds Office recommends creation and distribution of an information sheet and materials posted on the Employee Relations website that (1) clarify the different types of complaint processes available to staff and how they intersect, including PPSM 70, the discrimination complaint process, and other types of complaints handled by Employee Relations; (2) outline the process for complaints handled by Employee Relations, including how to file a complaint, where to file a complaint, what information should be included in such a complaint, and what to expect from the complaint process for those complaints that do not have established processes like PPSM 70 and discrimination; and (3) clarify the role of available resources and employees involved in the complaint process, including Central Human Resources, Campus Shared Services, Departmental Human Resources, and management.

Compensation

During this reporting period, the Staff Ombuds Office heard concerns from non-represented employees regarding the fairness of pay they received compared with newly hired employees in positions with identical classifications. Typically, these employees had worked for the University for 5 or more years and were upset that their department hired new employees at higher salaries in order to meet current competitive market rates. This perceived disparity in pay impacted morale as existing employees felt resentful that they were not only paid less, but were expected to train new employees who did not have experience with Berkeley policies, practices, or procedures.

Employees who visited the Staff Ombuds Office reported that managers often explained that there were no resources to provide existing employees with equity increases. This message was difficult for employees to understand or reconcile in light of the perception that resources were available for the salaries of new employees.

Under University compensation procedures, employees who have concerns about pay equity need to work directly with their managers and seek management approval for increases to eliminate salary inequities. If a manager disagrees with an employee's request for an equity increase and the salary is within the minimum range for the classification, an employee is currently unable to obtain assistance from the Central Human Resources Compensation Unit or directly petition for review. Employees in these situations often reported that they had sought assistance from HR personnel serving the department who either supported management or acknowledged that an inequity existed but that he or she did not have the ability to influence management to conduct a compensation review.

The Staff Ombuds Office recommends that the Compensation Unit create an equity review program that would allow non-represented employees to directly petition the Compensation Unit or a neutral designated board for review of pay equity issues. Providing another avenue for review of these cases would demonstrate to employees that their request had received independent and objective analysis and consideration.

⁹ Information on how to file a complaint for discrimination is available at <http://hrweb.berkeley.edu/er/policies/other/discrimination>.

The Staff Ombuds Office recognizes that current staffing and budget constraints of the Compensation Unit may not allow it to expand its operations to create an equity review program or a neutral designated board. Alternatively, the Staff Ombuds Office recommends that employees be permitted to contact the Compensation Unit directly and that the Compensation Unit have the authority to engage, educate, and advise HR departmental personnel, business partners, or management about equity issues brought to its attention by employees.

Please note that if inequity in pay exists, an employee may not necessarily be able to receive an increase since the department may lack the funding to cover the salary adjustment. As a result, salary adjustments may need to be included in future phased budgetary planning. In addition, because of the existing decentralized equity process, employees with identical positions in different departments may find that approval of an equity increase is easier in departments with more resources. Therefore, the campus may additionally need to examine whether to create a centralized pool of equity funds. In the interim, existing compensation training for campus managers could include more information about the importance of addressing inequities through the budget process. Additionally, compensation training could cover the impact salary inequities can have on group morale and productivity.

Medical Leave and Reasonable Accommodation

This past year, the Staff Ombuds Office saw an increase in cases involving employees who had concerns about the way their medical leave, reasonable accommodation, and/or transition back to work was handled. Specifically, employees expressed concern that their managers did not know about Family Medical Leave Act (FMLA) requirements. Consequently, employees did not know they may be eligible or how to access leave options. For employees who took medical leave and then returned to work, some expressed concerns that they felt penalized for taking such leave. Examples of feeling penalized included removal of prior telecommute agreements, changes to schedule, increased monitoring, poor performance evaluations for problems that occurred while the employee was out on leave, or non-renewal of contracts.

Employees who came to the Staff Ombuds Office with concerns about their medical condition or disability did not know that procedures existed for providing reasonable accommodations for work restrictions related to medical conditions or disabilities. In addition, they were equally unaware that support resources such as Disability Management Services existed that could help to explain the process and provide confidential counseling.

Employees also struggled with deciding whether they should request an accommodation and were often afraid or embarrassed to reveal they had a medical condition or disability. For those employees who requested reasonable accommodation, some employees reported being upset that managers had asked inappropriate questions about their medical condition; while other employees who had revealed their medical condition, said they felt a lack of empathy from their managers.

Although the Staff Ombuds Office has a working knowledge of university policies, resources, and applicable laws, it encourages employees to contact subject matter experts in Human Resources or Disability Management Services. Currently, Human Resources offers a class to supervisors entitled “ADA/FMLA – What Every Supervisor Needs to Know” and a new workshop for Human Resource Generalists offered in two parts entitled “Family Medical Leave Administration Overview” and “Family Medical Leave

Administration Learning Lab.” Disability Management Services also offers a class to supervisors entitled “Disability Management: Understanding the Process.”

One of the challenges of training in this area is that managers and supervisors may not be motivated to attend until a problem arises. As a result, the Staff Ombuds Office recommends that training on these issues be required for managers and HR professionals or completion of these courses be assessed in performance evaluations. These courses could also include content on how to communicate appropriately and empathetically with employees about medical leave and accommodation. The Staff Ombuds Office recommends that Human Resources offer similar classes and workshops for all staff to learn about FMLA and reasonable accommodation. Increasing campus communication about these on-going educational opportunities and support resources would improve utilization, resulting in increased competency and awareness about FMLA, reasonable accommodation, and transitional work arrangements.

Disability Management Services provides support to managers and staff who have questions about reasonable accommodation. At the same time, CSS-HR has a Benefits and Leaves unit that could be enhanced by designating a subject matter expert who could provide specialized assistance and answer questions involving FMLA and medical leave for managers and staff.

New Work Lead Positions

With the increased flattening of the organizational structure, employees have expressed concerns about the difficulty of newly created work lead positions.¹⁰ In these work lead positions, individuals may have authority to direct the work of other employees or colleagues and perform other delegated supervisory duties; however, they do not have full supervisory authority and cannot hire, fire, sign performance evaluations, or perform other non-delegated duties. When work lead positions are created without clarity as to their role and function, confusion abounds. This causes difficulty for both the work lead and the team. Work leads expressed concern that they do not have the authority to perform their respective roles and are thus placed in a challenging position. At the same time, employees also expressed concern that work leads were “acting like their supervisors” without authority. They also felt it was unfair that management selected work leads without using an open process that enabled all interested staff to be considered.

The Staff Ombuds Office recommends that each work lead position have a written description that clearly identifies the role, responsibilities, and scope of authority and explains the differences in the supervisor and work lead duties. It is important that management communicate information about the role of these work lead positions at staff meetings and through written announcements and/or email so that employees and colleagues who engage with work leads are clear about their responsibilities and scope of authority. This would increase teamwork and collaboration and prevent many conflicts and problems that result from misunderstandings about the role of work lead positions.

¹⁰ A “work lead position” is a term commonly used by employees and managers to describe an individual who has been delegated supervisory duties to administer the work of a group. Most often this individual is selected from his/her peers by management to become the “work lead” of that group. Sometimes these individuals were former supervisors who became “work leads” during a departmental reorganization or restructuring.

Updates On Prior Recommendations

Following is a description of progress or action taken by lead offices to address systemic recommendations made in the Staff Ombuds Office's 2010–2012 Biennial Report. These short updates are provided by lead offices as well as information obtained by the Staff Ombuds Office about progress made.

Workplace Bullying

From 2008–2014, the Staff Ombuds Office has reported not only on the increased frequency of employees expressing concern about workplace bullying, but of the systemic gap existing in university policies, practices, and structures that make this problem difficult to manage effectively. As previously reported, addressing issues of civility and workplace bullying takes a concentrated, coordinated effort of multiple campus resources. Following is a description of progress made:

- Human Resources now interprets the Workplace Violence Prevention Policy to apply to incidents of workplace bullying that do not include violence or a threat of violence.
- The HR Policy and Practice Unit is currently working on a campus workplace bullying policy that more specifically addresses bullying behaviors.
- CARE Services will be incorporating bullying awareness and how to manage stress from those behaviors into its trainings and workshops.
- Equity & Inclusion is analyzing the results of the Campus Climate Survey¹¹ and will be providing this information to departments and divisions. This analysis may surface areas of concern, including possible incivility and exclusionary behavior in the workplace.

At the state level, California recently enacted AB 2053, which is a new law effective January 1, 2015 requiring employers to provide two-hours of classroom or other interactive training to all supervisors and managers to prevent “abusive conduct” in the workplace.

Integrated Conflict Management Systems

The Staff Ombuds Office recommended establishment of an Integrated Conflict Management System (ICMS). Integrated Conflict Management Systems are structured in ways that allow employees to easily find and access resources that will assist them in better managing and handling workplace conflict. The Office of Ethics Risk and Compliance Services' Enterprise Risk Management (ERM) unit did not have resources to devote to this recommendation, but will be submitting a proposal for funding of an ICMS initiative in the 2015 ERM Compliance Plan.

¹¹ General Campus Climate Survey results for UC Berkeley are available at <http://diversity.berkeley.edu/campus-climate>.

Changing Organizational Structure

Over the past several years, the university has experienced large-scale organizational change, which has come with both opportunities and challenges. Operational Excellence (OE) accomplishments are often highlighted in communications with staff. In addition to these communications, the Staff Ombuds Office recommended communications that express understanding of the challenge of organizational change and opportunities for staff to provide feedback, ask questions, and engage interactively in OE initiatives. The Staff Ombuds Office also recommended following up with staff to let them know how the feedback they provided was used in implementation. Following is an update on progress made towards these recommendations:

- Campus Shared Services created an “Appreciative Inquiry” work group, which provided ideas for feedback loops between management and staff and surfaced better ways to engage staff. In Spring 2014, the work group presented three specific ideas including (1) “coffee breaks” during which a small group of staff could chat casually with a senior leader; (2) “lunch & learn/brown bag sessions” given by senior leaders on topics of their choice; and (3) “office hours” for each leader, where staff will have a chance to pitch their specific ideas regarding innovation at CSS. The first two ideas have already been implemented.
- Campus Shared Services provided an Employee Engagement Survey to all staff in October 2013 and will be conducting another Employee Engagement Survey next year to identify the most pressing issues facing CSS staff.
- A new OE Operating Principles project was launched in October 2013, which provided an opportunity for departments to select employees to serve as Berkeley Catalysts. These Catalysts developed organizational improvement skills and partnered with leaders on projects to address a unit-specific challenge based on departmental survey results. Some of the unit projects provided opportunities for increased dialogue between staff and leadership about the challenges of organizational change.
- Several OE projects also provided opportunities for feedback in the implementation and operational phase through advisory committees, focus groups, surveys, and other feedback mechanisms.

Conclusion

While the data contained in this report is not an indication of the total number of employees experiencing conflict on campus, it provides useful information about some of the factors influencing workplace conflict and ideas to address them. The Staff Ombuds Office looks forward to discussing its data, systemic recommendations, and ways to enhance the work environment with the campus community and leadership.

Appendix A. Accomplishments & Activities

The Staff Ombuds Office works diligently to support the problem-solving and conflict resolution capacities of individual visitors to its office and the broader campus community. Outlined below is a summary of the Office's accomplishments during the 2012–2014 fiscal report period, covering July 1, 2012 – June 30, 2014.

Satisfaction with Ombuds Services

The Staff Ombuds Office provided Assessment of Services surveys to the 438 employees who had in-person appointments. Twenty-nine percent or 127 employees responded to the survey.

- 98% said the ombudsperson helped them identify and evaluate the options to address their concerns.
- 89% said they were better able to handle their issue following discussion with the ombudsperson.
- 85% said they developed skills or learned approaches that might help them resolve future problems.
- 96% said they would use ombuds services again or refer others to the Staff Ombuds Office for assistance.
- Many employees expressed the sentiment that if they had not used the Office they would have handled their situation less positively, leading to escalating conflict and more personal frustration and stress.



“Ombuds was able to provide several alternate perspectives I had not considered, and which were very helpful. An excellent resource!”

“I’m very appreciative for the service and think it put me on a good track to tackle my problem proactively and feel I am more prepared to face what’s ahead and come towards a resolution.”

“I feel like I walked away with understanding and tools that will not only improve the situation that brought me to the ombuds today, but will likely serve me well and improve my supervisory efficacy in the future for all staff I manage.”

Outreach

- The Staff Ombuds Office conducted targeted outreach to large departments and management teams including Campus Shared Services, University Health Services, and the Library, reaching 226 employees.
- The Staff Ombuds Office made 12 presentations at New Employee Orientation throughout the two-year reporting period, reaching 595 participants.
- The Office tabled at large venues such as the Annual Staff Summerfest, the Haas Business School Staff Professional Development Fair, and the Advising Network Community’s Advisor Resource Fair.

Campus Training

During this reporting period the Staff Ombuds Office presented 30 classes with a total of 525 participants. Participant evaluations averaged 8.8 out of a perfect score of 10. Core classes offered included:

- Workplace Civility: Respect in Action
- Email Civility
- Identifying and Addressing Workplace Bullying
- Collaborating Effectively in the Workplace
- Culture and Conflict Resolution
- Conflict Competency for Teams
- Dealing With Disputes and Disagreements



“The course helped me identify personal behaviors that discourage collaboration with my group.”

“In this course we not only reviewed and discussed conflict, but ways to manage it positively.”

“I was uncertain of how helpful this course would be for me. I think most people, including myself, feel they know this topic well. I found out what/how much I did not know.”

Connections to Other Campus Resources

- The most common referrals made by the Staff Ombuds Office were to CARE Services (25%) and to HR resources (39%), including Central Human Resources (Employee Relations, Labor Relations, Compensation, Learning + Organizational Development, Transition Services), Departmental Human Resource Managers, CSS-HR Business Partners, and Academic Personnel.
- The Staff Ombuds Office also made numerous referrals to Union Representatives, Career Counseling Center, Whistleblowing, Disability Management Services, and Office of the Prevention of Harassment and Discrimination (OPHD).
- The Staff Ombuds Office consulted with many campus entities concerned with staff issues including Vice Chancellors, key administrators, and campus service providers in Administration and Finance, Central Human Resources, Campus Shared Services, Operational Excellence Operating Principles, University Health Services, UC Police Department, Environmental Health and Safety, Office of Ethics, Risk and Compliance Services, Campus Counsel, Academic Personnel, Student Affairs, and the Division of Equity and Inclusion.
- The Staff Ombuds Office met with campus Staff Organizations and Communities of Practice such as the Chancellor’s Staff Advisory Committee (CSAC), Berkeley Staff Assembly (BSA), Council of Staff Organizations (CSO), as well as Black Staff & Faculty Organization (BSFO), Alianza, Asian Pacific American Systemwide Alliance (APASA), and the Berkeley Facilitators Network (BFN).

Appendix B: All Workplace Concerns

