



# Staff Ombuds Office Biennial Report

2020  
-  
2022

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Neil Freese/UC Berkeley

## MESSAGE FROM THE DIRECTOR



Looking back at the past two years, it has been incredible to reflect on both the enormous societal and organizational changes Berkeley staff have endured throughout the pandemic. To ensure the health and safety of the campus community, the University temporarily transitioned to a virtual workplace, established COVID protocols, set vaccine requirements, and provided special COVID leave for all Berkeley employees. Staff continued to experience high levels of stress and anxiety as they worried about Covid transmission, especially high-risk populations and people of color who saw a disparate impact in their communities.

In addition, many employees faced unprecedented workload challenges as they supported this historic transition to a virtual environment, covered vacancies, and juggled parenting responsibilities for children whose schools or daycares had closed. As Berkeley staff rose to meet these extraordinary challenges, it provided the opportunity for the University to reexamine the way we work.

The Staff Ombuds Office Biennial Report gives voice to employee concerns and provides recommendations for systemic change that promote Diversity, Equity, Inclusion, Belonging and Justice (DEIBJ) in the workplace. Berkeley's commitment to social justice is one that employees look for in their own experience as well. Our report highlights issues that greatly impact employees who may feel marginalized or uncomfortable speaking up themselves. By analyzing the challenges these employees experience, we identify systemic solutions to enhance the lives of all Berkeley employees.

Sara Thacker  
Director & Ombudsperson  
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University of California, Berkeley

# Services



Conflict Coaching



Mediation



Group Facilitation



Resource Referrals



Systemic Analysis

CONFIDENTIAL

INFORMAL

IMPARTIAL

INDEPENDENT

*Ombuds help empower individuals and organizations to overcome disputes, conflicts and barriers that stand in the way of reaching their full potential.*

| **International Ombuds Association**

## STAFF OMBUDS OFFICE

# Cost Of Unaddressed Conflict

The Staff Ombuds Office asked employees who sought assistance how much time they spent handling their issue. Two hundred eight-five employees who responded said their workplace conflict or problem took significant time. This time, which is often unaccounted for, could include talking with a supervisor, HR, colleagues, friends, or family; researching options and information; or even worrying about the situation (n=285).

## Conflict takes up valuable time

51%  
couple of  
hours a week



14%  
one day a  
week



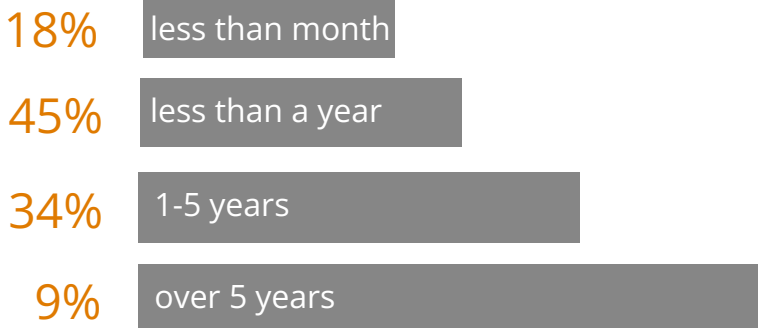
12%  
couple of  
days a week



24%  
more than half of  
the week



## Reach out early for support



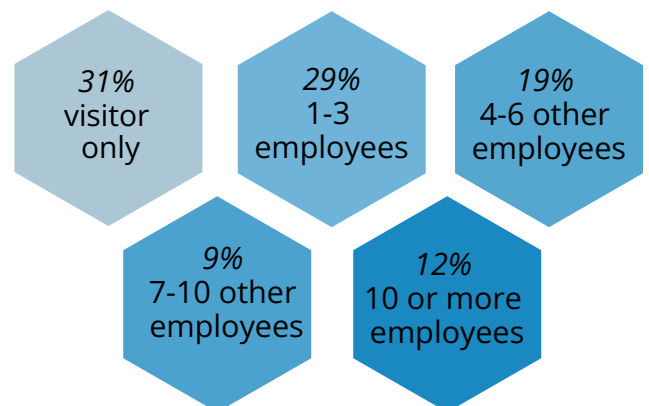
1 in 5 employees reach out for assistance within a month, however many more wait several months or even years to contact the staff Ombuds Office for support (n=296).

Because 93% of visitors said they were better able to handle their issue following the meeting with an Ombudsperson, reaching out early is encouraged.

## Conflict affects many



In **69%** of the cases, other employees were affected by the conflict situation (n=334).



Unaddressed conflict has significant costs for employees and the organization. When visitors reach out early, the resolution of their concern may be faster, more options may be available, and less people may be impacted.

# Utilization

**470**

Visitors  
Served

**61%**

survey  
response rate



**100%**

were comfortable  
discussing their  
problem and were  
treated with  
respect

**98%**

would return to  
the Ombuds  
Office or refer  
others

**976**

Appointments

**97%**

received help to  
clearly identify  
and evaluate  
options

**9**

Mediations

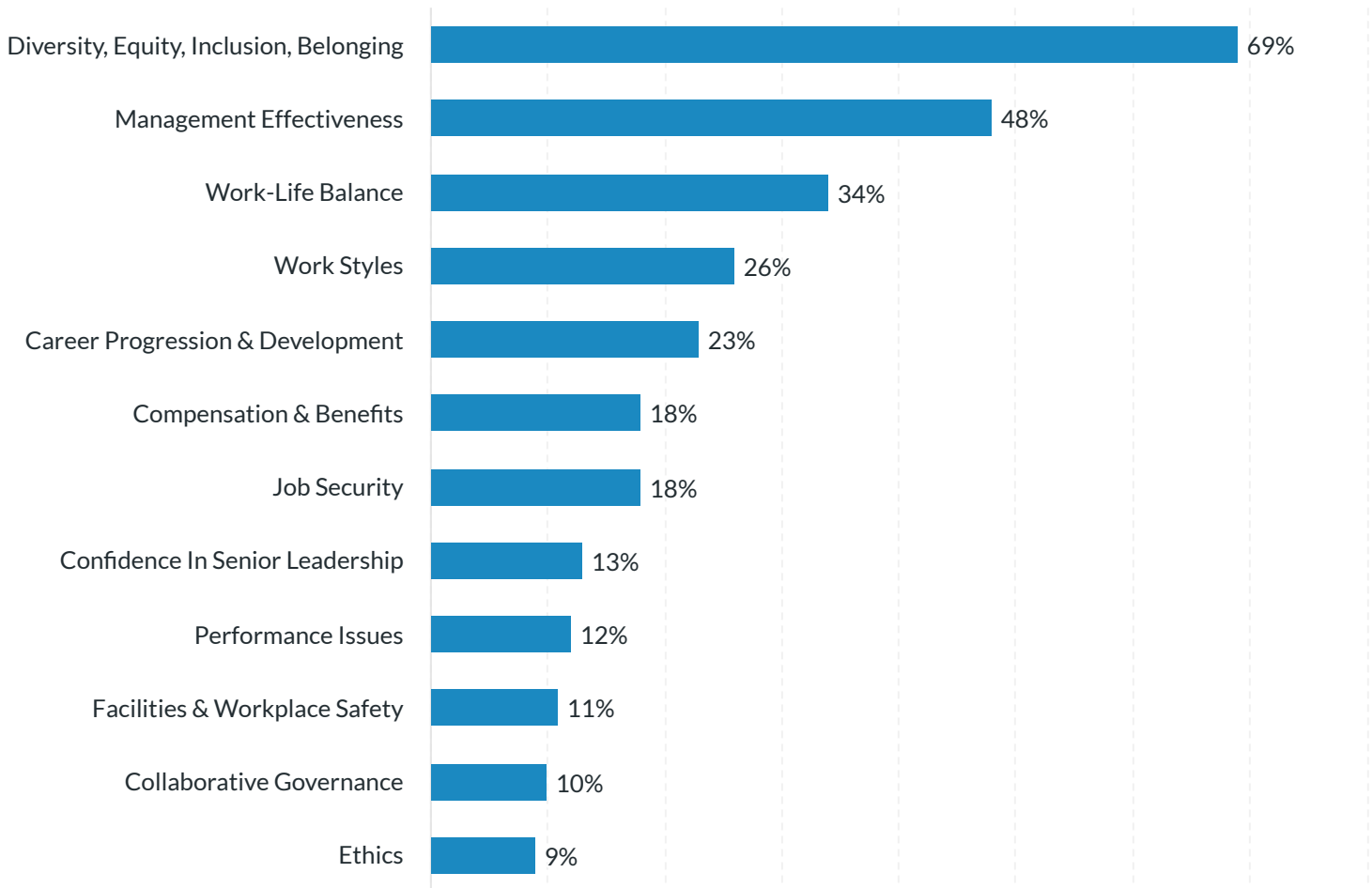
**93%**

were better able  
to handle their  
issues

## STAFF OMBUDS OFFICE

# Visitor Concerns

Between July 1, 2020 - June 30, 2022, the Staff Ombuds Office collected data from 470 employees who used its services. For the first time, the Staff Ombuds Office aligned its data collection categories with the Chronicle of Higher Education's Great Colleges to Work For survey. This survey helps institutions identify areas of significance for employee morale and workplace equity.



*"I greatly appreciate the listening approach and positive support for resolving differences."*  
~ Staff Ombuds Office Visitor

*"I am extraordinarily grateful for our Staff Ombudsperson who at this time has helped me consider, strategize, and problem solve a variety of issues over many years. Each time I have come to the Ombudsperson, I leave the conversation feeling empowered, heard, clear minded and more equipped to manage my concerns in a thoughtful and methodical way."*

~ Staff Ombuds Office Visitor

# STAFF OMBUDS OFFICE

## Demographics

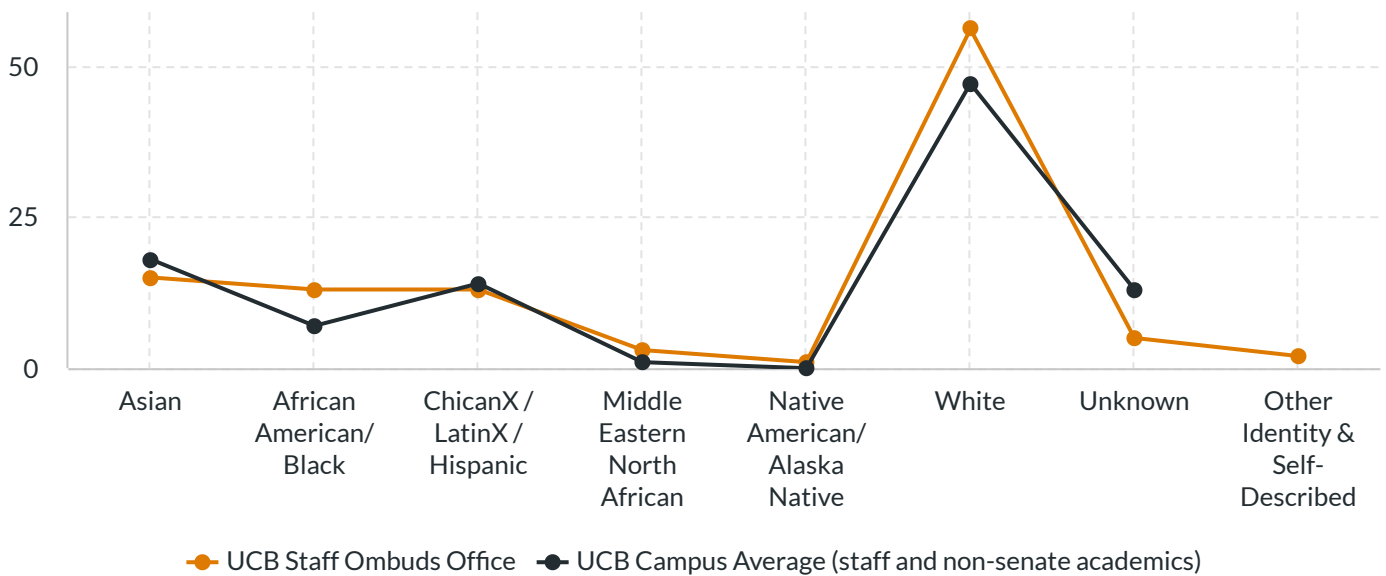
### Ethnicities\*

**77%**

of African American/Black visitors expressed concerns about **DEIB**, which is 8% higher than the average.

**44%**

of Asian visitors reported **work-life balance**, which is 10% higher than the average.



**100%**

of Native American and Native Alaskan visitors reported **DEIB** as a concern.

**27%**

of both LatinX/ChicanX/Hispanic visitors and Black/African American visitors expressed concerns about **career progression**, which is 4% higher than the average.

#### Native American and Native Alaskan Employee Top Concerns

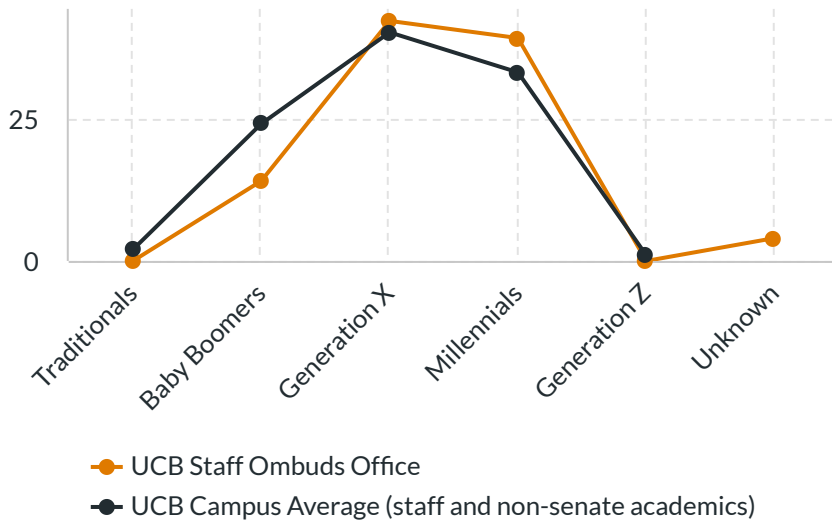
- DEIB
- Management Effectiveness
- Facilities & Workplace Safety
- Performance Issues, Ethics, Compensation & Benefits

#### Middle Eastern and North African Employee Top Concerns

- DEIB
- Management Effectiveness
- Work Styles
- Career Development and Work-Life Balance



# STAFF OMBUDS OFFICE



## Generations

### Baby Boomers

Unlike other generations, Baby Boomer concerns about **facilities and workplace safety**, including ergonomics and accommodations, made the top 5 list of concerns.

### Millennials

Lack of **work-life balance** was much more of a concern for Millennials (42%), which is 9% higher than the average for other generations.

## Gender

### Nonbinary

For nonbinary visitors, the top 5 issues included: DEIB, management effectiveness, work-life balance, career development, and work styles.

### Transgender

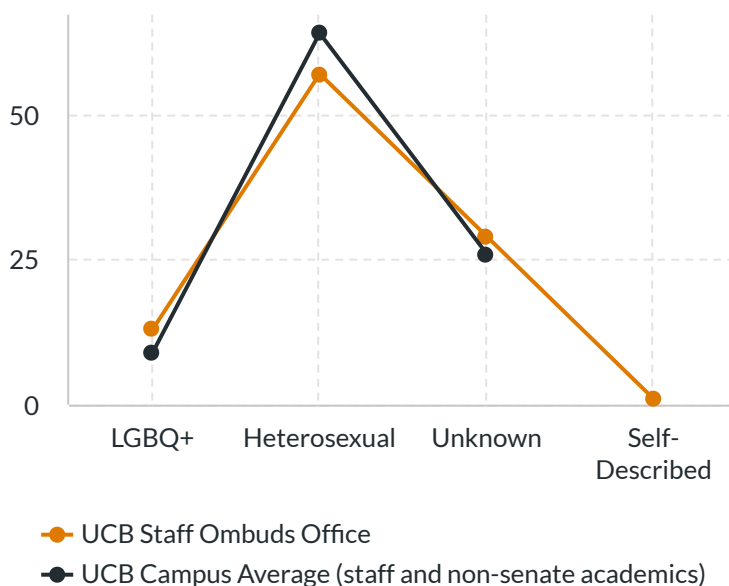
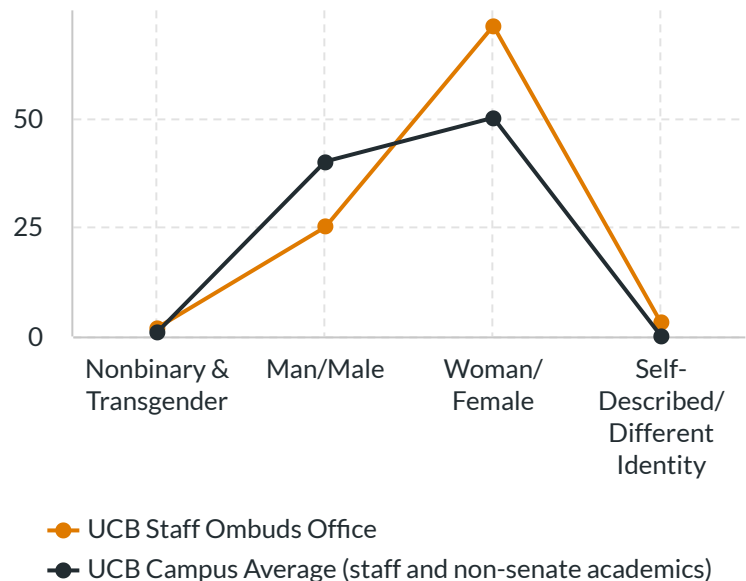
Transgender visitors constituted less than 1% of employees served, which mirrors campus benchmarks. In order to preserve confidentiality, these issues are not reported separately. Individuals who identified as Trans-Women or Trans-Men are also included in binary gender categories below.

### Women

37% of women raised concerns about a lack of **work-life balance** compared to 25% of men.

### Men

Conflicts rooted by **differences in work styles** ranked the 3rd most reported issues for men. It ranked 5th place for women.



## Sexual Orientation

### LGBQ+

32% of LGBQ+ visitors raised issues about a lack of **collaborative governance** compared to only 12% of heterosexual visitors. 31% of LGBQ+ visitors expressed concerns about their **career progression** while 23% heterosexual visitors did.

### Heterosexual

14% of heterosexual visitors had concerns about **facilities and workplace safety** versus 3% of LGBQ+ visitors.

# Top 3 Visitor Concerns

## Diversity, Inclusion, Equity, Belonging

- Demographic Diversity
- Respect and Treatment
- Discrimination
- Trust
- Morale
- ★ Pay Equity

## Management Effectiveness

- Accountability
- Change Management
- Cultural Competency
- Micromanagement
- Role Clarity
- ★ Performance Management
- Team Conflict Management
- Technical and Substantive Knowledge

## Work-Life Balance

- Workload
- Flexible Work Arrangements
- Excessive Stress

★ Read more about these workplace issues and Systemic Recommendations on pp. 17-22

## STAFF OMBUDS OFFICE

# DEIB & Management Effectiveness

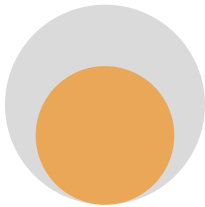
The Staff Ombuds Office is a safe space for both employees and supervisors to raise, address and overcome barriers to management effectiveness.

While the landscape for supervisors and employees has shifted during the pandemic, management continues to play a crucial role in promoting employee engagement and job satisfaction and building a sense of inclusion and belonging.

*78% of the visitors who raised management effectiveness also raised DEIB concerns.*

The Ombuds Office is uniquely positioned through the International Ombuds Association's Standards of Practice and Code of Ethics to provide additional insight and context to the barriers employees face to effective collaboration and promoting DEIB.

The data presented in this report serves as information to advance the University's efforts to develop its managerial pool and promote DEIB.



*48% of all cases involved concerns about managerial and supervisory effectiveness.*

One may assume that management effectiveness was more of a concern for individual contributors than supervisors.

In fact, approximately half of all supervisors and half of all individual contributors raised issues of management effectiveness.

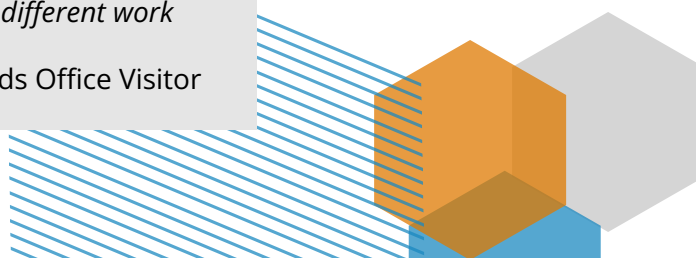
In cases involving evaluative relationships, approximately half of the visitors in supervisory positions raised concerns regarding their own supervisor and half raised concerns regarding people they supervise.

*"The Ombudsperson has been tremendously supportive and has helped me expand my vocabulary and understanding of how campus functions, including how I can more effectively communicate with my coworkers and my supervisor."*

~Anonymous Visitor

*"The Staff Ombuds Office is a great resource!! Adding humanity and kindness to what can seem an indifferent work place."*

~ Staff Ombuds Office Visitor



# STAFF OMBUDS OFFICE

## Respect/Treatment

63% of visitors to the Staff Ombuds Office expressed concerns about the lack of respect in the workplace.



Concern about workplace bullying significantly declined during the pandemic. Pre-pandemic 20% of cases included workplace bullying as an issue, between 2020-2022 that number decreased to 13%.



35% of Black / African American visitors reported concerns about discrimination which is higher than the average (22%) for other groups.



Some Black, Indigenous and People of Color visitors expressed an appreciation for remote work, because they experienced less microaggressions working virtually.



Disrespectful treatment and a lack of regard to differences remains an igniting factor in interpersonal workplace conflict.

At the same time, some full-time remote employees, especially new employees, struggled with feeling a sense of inclusion and belonging.

## Accountability

Many visitors talked about their supervisor's unwillingness or inability to hold another team member accountable for their lack of performance and/or disrespectful, exclusionary conduct.



Employees often raised concerns about management's silence when inappropriate comments and microaggressions are being made in the workplace or when other employees don't deliver on tasks.



Employees who attempted unsuccessfully to address such concerns with supervisors often felt gaslit or racelit, which is a form of gaslighting that denies the presence of racial bias.



In several cases supervisors expressed a lack of empowerment and technical knowledge on how to hold an employee accountable.



When employees observe inequality in performance expectations or disrespectful behavior is left unaddressed, morale and engagement significantly declines, directly impacting employees' sense of fairness and equity in the workplace.

*"The framing of what I'm experiencing, the language offered to effectively communicate and the feeling of having someone support me in responding was a game changer."*

~ Staff Ombuds Office Visitor

## Role Clarity

Lack of role clarity often resulted in visitors taking on duties outside of their position and exacerbated conflicts over the appropriateness of tasks or assignments.



22% of the visitors said they don't have an up-to-date job description that accurately reflects their job duties.



Visitors shared concerns about a lack of clarity over who is responsible for taking on parts of the work of a vacant position.



Employees often feel disempowered to advocate for sustainable and fair workload when they don't have an updated job description.

## Change Management

Concerns about change management centered around lack of transparency, communication, and ability to provide input prior to organizational change.



In several cases employees expressed that they were not provided with a rationale behind a decision or change. In many situations employees disagreed with the rationale regarding remote work, especially when a lack of consistency was observed between how this change was implemented in other departments.



Employees were concerned about finding out new information from co-workers instead of management, which resulted in additional stress and speculation between co-workers.



Many employees expressed that the transparency in decision-making and timely communication regarding to changes makes decisions feel overall more fair.



*"Ombuds office became an invaluable workplace resource for me. I am learning so much each time we communicate. When I hear a colleague struggles at work I always share my experience with the ombuds office and encourage them to give them a call. I believe it is an incredible resource that improves our collectivity and work life immensely."*

~ Staff Ombuds Office Visitor

## Micromanagement

Managing remote employees gives new opportunities as well as challenges in the workplace. Some concerns about micromanagement were linked to new remote work environments.



## Trust

Visitors expressed concerns about a lack of trust in supervisors, members of their teams, as well as supervisees. Low levels of trust involved credibility, reliability, and psychological safety.



*"The Ombudsperson's excellent ability to untangle situations without judgement and facilitate communication are gifts to our community. Thank you!"*

~ Staff Ombuds Office Visitor

# STAFF OMBUDS OFFICE

## Demographic Diversity

Employees who worked in areas with low demographic diversity, especially racial diversity, often felt excluded.



19% of Black / African American visitors raised concerns about a lack of demographic diversity in the workplace compared to the average (11%).



Race, gender and age are the primary characteristics that visitors expressed concerns about a lack of diversity in their workplace.



In several cases employees expressed a disappointment in not seeing their identities represented in University leadership.



Lack of diversity have numerous affects in the workplace including decreasing employees' sense of belonging, their willingness to speak up and their contribution to innovative ideas.

## Cultural Competency

Employees look to campus leaders, managers, and supervisors to feel included and to have a sense of belonging in the workplace. Some visitors expressed concerns about their supervisor's lack of cultural competency.



In some cases concerns were raised about supervisors not being aware of the racial history of the United States, not following current world or national news, and not being aware of power dynamics and means of oppression.



Many supervisors expressed a commitment to DEIB. At the same time many felt inadequate and uncertain on how to demonstrate cultural competency, and make their employees feel more heard, seen and included.



Lack of cultural competency is often a privilege people have. Learning how to speak up, and offer support is an essential skill for managers to promote DEIB in the workplace.

*"I am telling everyone I know to use the ombuds services, especially around racism and bias in the office. There is so much."*

~ Staff Ombuds Office Visitor

## Work-Life Balance

### Workload

Supervisors and supervisees alike struggled with excessive workload demands. Employees who reached out to the Staff Ombuds Office regarding their workload (19%) looked for ways to create a more manageable and equitable workloads.



Women, Asian, and Millennial visitors were overrepresented in concerns about workload.



Supervisors struggled to hold boundaries around workload when they were not provided with resources to hire, resulting in situations where employees were doing much more with much less.



Employees shared that when staff shortages occur and when management approaches them to take on extra work and responsibilities, they don't feel empowered to say no or to ask for additional help or compensation.



High performing employees felt they should not sacrifice quality or service when instructed to do less.

Employees in these situations often report excessive levels of stress and burnout. Hard working and high potential employees decide to leave their position or the organization.

### Flexible Work Arrangements

Flexible work arrangements remain a key factor for many in remaining in their jobs, achieving work-life balance and pursuing equity and belonging in the workplace.



Working parents, particularly women shared that they have struggled during the pandemic balancing work and caregiving. In these cases, access to flexibility was a deciding factor between being able to remain employed and leaving the workforce.



Full-time remote employees struggled with establishing boundaries between work-life and home-life, which often resulted in feelings of burnout.



The Staff Ombuds Office heard many concerns about supervisors' lack of understanding the difference between flexible work arrangement (FWA) and reasonable accommodation.



Management's lack of knowledge regarding to policies might limit employees options to promote a healthy work-life balance.



# Systemic Recommendations

The Staff Ombuds Office provides a safe, confidential place for employees to discover problem-solving strategies to address workplace problems. In addition to supporting individual employees, the Staff Ombuds Office analyzes each situation to determine whether the source of the conflict may be located at least in part in any organizational policies, practices, structures and/or culture.

As part of this systemic issue analysis work, the Staff Ombuds Office provides recommendations to relevant campus stakeholders and leaders for consideration. These systemic recommendations advance diversity, equity, inclusion, and belonging for all Berkeley staff and are vital in achieving Berkeley's strategic plan -- to provide a healthy campus climate that fosters equity of experience and a place where all members of the campus community feel safe, welcomed, and included.

It is important to note that the recommendations provided by the Staff Ombuds Office are a starting point and we encourage other campus resources, staff organizations and leaders to identify systemic solutions that address the root cause of workplace problems that often have a disparate impact on employees who are marginalized, disempowered, or vulnerable.



Problem Awareness



Root Cause Analysis



Systemic Recommendations



Organizational Impact

## STAFF OMBUDS OFFICE

# Advancing DEIBJ

The national reckoning for racial justice after the killing of Breonna Taylor and George Floyd in March 2020 as well as continued systemic racism and violence targeting communities of color prompted many organizations to expand efforts to promote Diversity, Equity, Inclusion, Belonging and Justice (DEIBJ).

During the past two fiscal years, many UC Berkeley schools and departments created or extended resources to working groups, task forces, committees, or sub-committees to improve DEIBJ for staff, faculty, and/or students. The Staff Ombuds Office heard from many employees who served to support DEIBJ initiatives within these groups. In analyzing its data, the Staff Ombuds Office identified several common concerns from these employees.

**Expectation to Serve.** BIPOC (Black, Indigenous, People of Color) staff members are often asked to serve and felt that they are expected to serve on these DEIBJ initiatives.

**Recognition.** While staff members, especially BIPOC staff, bear the burden of this DEIBJ work and put in extra hours, they often felt their contributions go unrecognized and are not valued as much as other substantive work. This work also takes a significant emotional toll on BIPOC employees who not only experience racism, but are also tasked with combatting racism in our campus communities.

**Selection Processes.** Selection processes for some DEIBJ committees or groups are non-existent, inconsistent, and/or do not use substantive criteria.

**Group Structures.** DEIBJ committees or groups do not include management and/or group members do not have enough structural power to implement change. While members of these committees and groups were responsible for improving DEIBJ, they lacked the authority to be effective.

**Management Accountability.** Management failed to create implementation plans or respond to DEIBJ recommendations and/or departmental climate survey concerns.

**Inclusion of Staff Issues.** Some DEIBJ committees or groups focused only on DEIBJ for students and faculty. Because staff are an important part of the campus community, members felt that staff DEIBJ issues should also be considered and prioritized.

**Coordination of DEIBJ Work.** Many employees who worked on DEIBJ efforts noted that there was a lack of coordination across campus of DEIBJ work. While many staff members worked on similar initiatives, they were not able to easily utilize or leverage the work of other DEIBJ subject matter experts.

**DEIBJ Education and Awareness.** Staff members often expressed concern that there was a lack of DEIBJ education and awareness among employees, including management and faculty involved in these initiatives. Some employees felt there was a lack of understanding of intersectionality (how inequities based on overlapping identities contribute to social structures of oppression).

The Staff Ombuds Office recognizes that these experiences are not representative of all employees who engage in the extraordinary work to advance DEIBJ throughout our campus communities. It highlights these concerns as opportunities for growth to increase engagement and support the structures that advance campus DEIBJ. In that spirit, the Staff Ombuds Office provides the following systemic recommendations for consideration by campus leaders and stakeholders:



Create an **honorarium program** to recognize staff who significantly contribute to DEIBJ initiatives outside of their regular job duties.

Create **best practices for selection processes** for DEIBJ groups and committees, including objective criteria, sample questions, and guidance for nomination processes.

Create **best practices for DEIBJ group structures**, including group membership, decision-making, and management accountability.

Ensure leaders create **DEIBJ performance goals** to implement the initiatives and action plans developed.

**Include staff DEIBJ issues** in the scope of DEIBJ committee work.

Select a **centralized campus framework** for DEIBJ that can be adapted and tailored at the department level.

Collect and **publish a centralized list** of DEIBJ committees, councils, working groups, and task forces, including points of contact.

Create a **shared drive** to allow for easier exchange of DEIBJ educational materials and work products across campus.

Create **training for all DEIBJ committee or group participants** and/or require DEIBJ training as part of the criteria for participating in DEIBJ groups.

## STAFF OMBUDS OFFICE

# Advancing Performance Management

During the past two fiscal years, the campus rolled out the new Achieve Together performance management program, which requires supervisors to check-in with their employees three times per year about their performance and document these conversations in an electronic database. Developed by People & Culture, this program addresses many problems employees previously experienced by providing ongoing feedback; ensuring that the appropriate supervisor engages in the performance management process even when they are no longer in the role at the end of the fiscal year; providing an opportunity to correct misunderstandings and obtain clarity; creating dynamic goals that change with business needs; and establishing performance criteria beyond Goal Achievement. See [2018-2020 Staff Ombuds Office Biennial Report](#), Progress on Prior Recommendations, pp. 13-14.

According to a September 2021, Achieve Together campus survey, in response to the question "As a direct report, I was satisfied with my overall Achieve Together experience in the prior year.":

- 16% percent of employees strongly agreed
- 46% somewhat agreed
- 24% somewhat disagreed
- 14% strongly disagreed

These strong survey responses from 1,625 employees (a 30% survey response rate) demonstrate general satisfaction with the Achieve Together process.

The Staff Ombuds Office recognizes the significant advancements made with Achieve Together. At the same time, new challenges that have emerged in the performance management process. Through its casework, meetings with staff organizations, administrative groups, and campus leaders, the Staff Ombuds Office has heard extensively from staff members who expressed the following concerns:

### Opportunities for Growth

The six Achieve Together (AT) check-in questions do not include a question about opportunities for growth or improvement. Many supervisors felt that including a question about these opportunities could help support them in providing constructive feedback. Because the AT questions are directed to the employee to provide input, supervisor feedback about employee performance was not always shared during check-ins. As a result, end-of-the-year rating came as a surprise for some employees, especially employees who had anticipated receiving the highest ratings.

### Achievement Criteria

Employees did not understand how two AT check-in questions related to the Achieve Together Criteria. For example: (1) "What do you like best about your work?" did not seem to elicit answers that addressed Goal Accomplishment. (2) "In what ways does your work connect to our overall strategy and/or mission?" did not seem to elicit answers that addressed Job Mastery.

### Disparate Focus on Goals

The Achieve Together form is not structured in a way that aligns with the merit/calibration process that includes evaluation of five Achievement Criteria (Collaboration, Goal Accomplishment, Inclusion & Belonging, Innovation, & Job Mastery). Half of the Achieve Together online check-in form is for comments on Goal Accomplishment, which constitutes only 20% of the overall annual rating.

### Supervisor Support

An important part of the Achieve Together check-in is for supervisors to ask their employees "What can I do to better support your success?" While this question is extremely helpful for many employees, it posed problems for others. Visitors often expressed concerns that supervisors did not follow through on the feedback provided and that mechanisms did not exist in the Achieve Together process that would ensure this feedback would be addressed.

### Evaluation of Supervisor Performance.

Visitors often shared that it was difficult for higher level managers to discover when a supervisor was failing to perform or adhere to the Achieve Together criteria. The Achieve Together process made it difficult for employees to have performance issues of their supervisor addressed since no mechanism exists for this feedback to be received.

### Documentation.

One of the greatest sources of conflict was confusion about the Conversation Notes section of the Achieve Together form. In this section of the form, both supervisors and employees have a separate space to document the conversation that took place. When a supervisor either failed to accurately document the conversation or chose to include information that was not shared during the check-in conversation, this eroded trust and became a source of tension or conflict that did not previously exist.

## STAFF OMBUDS OFFICE

**No Recourse for Nonadherence.** Employees felt there was no recourse if their supervisor did not adhere to the Achieve Together process by asking the six AT check-in questions or accurately documenting the conversation.

### **Rating Scale.**

The Staff Ombuds Office heard many more complaints from high performing employees about the new performance management system than from low performing employees. High performing employees expressed great dissatisfaction with the new ratings scale that changed the prior 1-5 point scale of Unsatisfactory, Needs Improvement, Meets Expectations, Exceeds Expectations, Exceptional to the new 1-3 point scale of Needs Improvement, Well Done, and Stand Out. Many high performing employees who previously "Exceeded Expectations" received "Well Done" ratings, which lowered their morale and engagement. They felt that the new "Well Done" rating category did not provide a way to recognize their achievements. Interestingly, the performance of these employees did not change; however, they felt that their performance was viewed as average and not as valued due to the new ratings scale that eliminated the "Exceeds Expectations" category.

### **Rating Disclosure.**

Because ratings are not required to be disclosed during the three Achieve Together check-ins, many high performing employees had expected to receive "Stand Out" ratings and were surprised to receive "Well Done" at the end of the year.

**Signatures.** Some employees expressed concerns that their supervisors had added or edited written notes and comments in the Achieve Together after the employee had finalized their portion of the review. As a result, employees did not have an opportunity to address these supervisor remarks in the Achieve Together form. In the previous performance management system, employees signed after supervisor comments were finalized so they could acknowledge that they had read the review and could provide a rebuttal or addendum as needed.

**Time.** Covering all six Achieve Together questions in 30 minutes or even an hour was challenging for both supervisors and supervisees. Many employees, especially employees struggling with workload or supervisors who had numerous direct reports, felt that preparing for and documenting three conversations took an excessive amount of time. While the tone of the Achieve Together process was to check in with employees to help support and coach them for success, many employees experienced the process as formal and focused on documentation.

In analyzing the root cause of workplace conflict, the Staff Ombuds Office believes that many of the above concerns could be prevented or addressed through structural changes to the Achieve Together form. In brainstorming possible systemic solutions, the Staff Ombuds Office provides the following recommendations for consideration:



- **Include a growth mindset question** that supports supervisors in providing feedback on opportunities for performance improvement.
- Revise questions and structure the form to **directly relate to the Achievement Criteria.**
- Structure the form to **provide equal weight to all five Achievement Criteria.**
- **Eliminate the double documentation** of the Achieve Together conversation by both supervisors and supervisees. Give supervisees the responsibility of documenting their answers to the five Achieve Together questions as a self-assessment. Feedback from supervisors can be included in the Supervisor Comments section of the form.
- **Provide managers with access to their direct reports' Achieve Together form of their supervisees.** This will allow managers to understand how supervisors who report to them can better support employees and illuminate opportunities for supervisory growth and development.
- **Add the ability for employees to comment on supervisor performance,** including performance management. With this feedback, managers will have more information to better assess supervisory skills.
- **Increase the ratings point scale** to allow more gradience for achievement.
- **Add ratings boxes for all check-in conversations** so employees know where they stand in assessing their performance throughout the year.
- **Modify the signature approval process** so that supervisors must approve and finalize their portion of the review first before going to employees for approval and finalization.

## STAFF OMBUDS OFFICE

# Advancing Pay Equity



In its [last report](#), the Staff Ombuds Office provided several systemic recommendations to address pay inequities. Since its publication in 2020, issues of pay equity have only exacerbated due to the rising cost of housing and inflation over the past two years. For some staff, pay inequity at Berkeley was so severe that they needed to take on second jobs in order to support themselves. Some staff also believed long-term managers and faculty were out of touch with the cost of living, especially the cost of housing in the Bay area. According to the Housing and Urban Development Office of Policy Development and Research, a salary of \$106,000 is the low-income limit for a family of 4 in Alameda County.

Issued by UC President Drake, the 4.5% salary increase for policy-covered staff at all UC campuses effective July 1, 2022 was a welcomed reprieve from these escalating costs. Unfortunately, the Consumer Price Index shows that inflation over the past year for the San Francisco-Oakland area rose 5.7%, taking away any real salary gains for staff. While the obvious systemic solution is to provide more resources to correct pay inequities, the Staff Ombuds Office has identified several process and policy issues that create barriers for staff to achieve pay equity.

### Exclusion of Staff in the Compensation Process

Outside of the annual merit or across the board salary increases, staff typically increase their compensation through (1) an equity increase or (2) a reclassification of their current position to a higher level with a corresponding increase in pay. Employees who came to the Staff Ombuds Office regarding issues of pay equity often felt they did not receive a fair or comprehensive analysis because they were excluded from the process.

According to Berkeley's salary placement guidelines, an employee's placement in the first, second, third, or fourth quartile is dependent upon their level of experience. This experience should include an employee's entire work history. Many employees reported that they did not have the opportunity to provide their resume or share information about their entire work experience, which would help inform the salary analysis and result in a higher salary recommendation.

In addition, employees seeking reclassifications of their positions also reported they were excluded from the process. Employees were not contacted by Compensation to confirm the duties of their position and felt significant duties were not included by managers who had submitted the job descriptions. Under Compensation's Reclassification Process, Compensation Consultants carefully review the materials submitted and may even contact campus experts in the field to obtain their perspective and assessment of the position; however, there is no requirement to speak to the employee who currently holds the position impacted by the review. Employees felt this exclusion was not fair and did not give them an opportunity to fully participate and inform the process, a key component of due process.

### Stipend Processes that Compensates Employees for Additional Duties

Staff shortages and the resulting extra workload during the pandemic, coupled with the difficulty to hire as part of the "great resignation" left many employees in the position of having to take on a large volume of additional work without any additional compensation. Under PPSM 30, employees can only receive a stipend for temporarily assigned duties if that work is considered higher-level work (i.e. duties of a position in a higher salary grade). If the temporarily assigned work covers duties that are in the same or lower salary grade, employees are ineligible for a stipend. Many employees expressed that these stipend policies were inequitable and felt exploited when they were assigned the workload of a colleague who had departed. Employees whose work schedules were overloaded with lower salary grade duties also expressed a loss of morale because they did not have enough time to do work in their salary grade for which they were hired and were passionate about.

In order to address these inequities, the Staff Ombuds Office recommends that restrictions limiting stipends to higher-level work and 15% cap be removed. Instead, the Staff Ombuds Office encourages the University to adopt a more equitable policy that provides stipends for significant additional workload that rewards the extraordinary contributions of staff.

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## Excessive Process Delays and Retroactive Pay

Employees reported that they experienced significant delays in receiving reclassifications, sometimes up to a year or more. In addition, many employees did not know they could request retroactive pay. Approval for retroactive pay seem to vary significantly from department to department and delays in approving reclassifications only exacerbated existing inequities.

It is important to note that an employee starts to count the time that it takes for a reclassification to be approved from the time they ask their supervisor until the time it is processed. The Compensation unit does not start to count process time until it has received all materials it needs from management to conduct the review. This results in a very different perception between employees and the University of processing time.

## Tenure in Title Requirement

If employees have been performing higher level duties above their classification for years, once reclassified, their pay is based on the amount of years of "tenure in title." As a result, this experience is not counted towards establishing their salary in the next highest grade. Furthermore, it is unclear how "tenure in title" impacts salary placement for new employees who have not held the same title in the Berkeley classification system, but have substantial experience in the skills needed to perform the job for which they were hired.

## Exclusion of Direct Supervisors in the Compensation Process

While complaints of exclusion of direct supervisors from the Compensation process was rare, the Staff Ombuds Office was surprised to hear of instances where direct supervisors were excluded from participating in the process for salary increases for staff they supervised. These supervisors had the most knowledge and information about expertise and job duties of their staff yet higher-level management was consulted by Compensation instead.

## Consistent Application of the Compensation Process

Throughout the years, the Staff Ombuds Office has heard managers and employees describe very different ways in which they have engaged in the Compensation process and various levels of transparency. Inclusion and transparency in these processes often hinges on an employee's manager rather than on established guidelines. To advance Berkeley's strategic plan to provide a campus climate that fosters equity of experience, the Staff Ombuds Office recommends that protocols be established to ensure that employees are included in the initial request for a salary review, kept apprised of the status, and have access to the salary analysis provided to management.

The issue of pay equity is not new. Following is a summary of the systemic recommendations the Staff Ombuds Office has provided throughout the years, including fiscal years 2020-2022.

### 2018-2020

- Promote Equal Pay Day
- Increase Awareness of Unconscious Bias in Salary Negotiations
- Educate Managers & Publicize Enforcement Mechanisms regarding Laws and Policies that Support Pay Equity
- Create a Transparent Review Process

### 2012-2014

- Create an Equity Review Program that Allows Employees to Directly Petition the Compensation Unit (or Alternatively a New Equity Review Board).
- Allow Employees to Directly Consult with the Compensation Unit regarding Pay Equity.

### 2020-2022 NEW

- Include Employee Engagement and Participation as a Necessary Step in the Compensation Review Process
- Require Retroactive Pay for Reclassifications to the Date Employees Submitted a Request to Management
- Ensure Employees' Actual Experience Not Just "Tenure in Title" is Considered in Salary Placement
- Ensure Direct Supervisors Are Consulted in the Compensation Review Process
- Allow Stipends for Significant Additional Workload: Eliminate 15% Cap and Restrictions that Provide Stipends Only for Higher Level Work
- Establish Communication Protocols to Increase Transparency and Foster Equity of Experience in the Compensation Process

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# Progress on Prior Recommendations

### Office for Civil Rights & Integrated Conflict Management Systems

Beginning in 2020, the Office for Prevention of Harassment and Discrimination (OPHD) began handling all staff complaints of discrimination for all protected classes. This new structure provides a more streamlined approach where staff now have a single point of contact for all discrimination complaints and helps to provide a conflict management system that supports diversity and the various intersectional identities of employees.

Previously, both OPHD and Central Human Resources handled investigations of staff discrimination complaints. OPHD handled sexual harassment and discrimination on the basis of sex; while Central Human Resources handled discrimination based on all other protected classes.

The new structure adopted in 2020 advances prior Staff Ombuds Office systemic recommendations to provide more integrated conflict management systems. See [2010-2012 Staff Ombuds Office Biennial Report](#). The Staff Ombuds Office looks forward to additional organizational changes that promote integration and more streamlined systems.



### Opportunity to Leverage Berkeley Resources

In its [last report](#), the Staff Ombuds Office recommended that Berkeley faculty and academic units that promote Diversity, Equity, & Inclusion worldwide, bring this expertise to the Berkeley workforce. One example of such an effort was the partnership between central Human Resources and the Center for Equity, Gender, and Leadership (EGAL) in the Haas School of Business to create the People & Culture Inclusive Leadership Academy.

### UC Systemwide Abusive Conduct Policy

Effective January 1, 2023, the University of California Office of the President issued the [Abusive Conduct in the Workplace](#) policy, which applies to all UC employees, including 227,000 faculty and staff across this UC system. "I ask that locations join me in committing to the prevention of abusive conduct in the workplace by expanding the competency of University employees (staff, academic, and student employees) and leaders at all levels to recognize, address, and discipline violations of this Policy in an equitable manner that acknowledges that each individual in our community has the right to work in a respectful environment," wrote UC President Michael Drake in the policy's issuance letter.

The Staff Ombuds Office has been a long-time advocate for systemic change and policies to address workplace bullying. In 2010, the Staff Ombuds Office became the first office in the UC system to propose adoption of a bullying prevention policy. See [2008-2010](#) and [2010-2012](#) Staff Ombuds Office Biennial Reports. In 2016, Berkeley became the first campus in the UC system to issue a [Workplace Bullying Prevention Policy](#) for staff. Since that time, other UC campuses have adopted abusive conduct or workplace bullying prevention policies of their own, including UC Merced (2017); UC San Francisco (2019); UC Riverside (2021); UC Davis (2021). Passage of this policy is a historic moment for the University of California and confirms systemwide commitment to ensuring that abusive conduct is not tolerated in the workplace.



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