

**R905-1. Purpose:** To outline the Commissioner's Office policies with respect to employee relations and employee organizations.

## R905-2. References

- 2.1. Utah Code §53B-1-106 (Appointment of Commissioner's Staff)
- 2.2. Policy and Procedures R141, Duties of the Commissioner of Higher Education

## R905-3. Policy

**3.1. Shared Responsibility:** Commissioner's Office personnel at all levels share responsibility to promote and preserve a physical environment and intellectual climate conducive to successful performance of the Commissioner's Office mission.

**3.2. Obligations of Administrators to Employees:** Under the direction of the Commissioner, administrative officers should:

- 3.2.1. Satisfy all applicable legal requirements, including but not limited to the Affirmative Action Program and nondiscriminatory employment policy of the Commissioner's Office.
- 3.2.2. Assure respect for the dignity of each employee and encourage interpersonal cooperation and support.
- 3.2.3. Appoint competent supervisors who are concerned for the needs and career development of employees within their areas of responsibility.
- 3.2.4. Inform employees about the progress of the Commissioner's Office and whenever possible give advance notice of changes that would affect his or her job.
- 3.2.5. Provide clear and accepted channels for the consideration of suggestions, complaints or grievances.
- 3.2.6. Provide the maximum job security which fair treatment and good planning can provide.
- 3.2.7. Provide fair and competitive compensation and benefits consistent with appropriated and available funds.
- 3.2.8. Maintain safe working conditions.
- 3.2.9. Provide the opportunities and help needed by employees to advance and achieve commensurate with ability.

**3.3. Obligations of Employees:** Commissioner's Office employees are expected to:

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<sup>1</sup> Adopted July 19, 1983, amended March 18, 2005.

3.3.1. Render satisfactory performance in their assigned positions, consistent with established job requirements and Commissioner's Office standards.

3.3.2. Observe established practices and procedures in the performance of assigned responsibilities, and in the presentation of suggestions, complaints, or grievances to Commissioner's Office supervisors and officials. Whenever feasible, interviews with Commissioner's Office officers should be arranged by appointment.

3.4. **Interpretation of Policy and Procedures:** Questions relating to any aspect of Commissioner's Office personnel practices, or to the interpretation and application of this policy relating to Employee Relations and Organizations, and any proposals for changes therein, should be addressed to the supervising Associate Commissioner.

3.5. **Official Neutrality toward Employee Organizations:** The Commissioner's Office neither encourages nor discourages the establishment of employee organizations for lawful purposes. In accordance with this policy of neutrality:

3.5.1. Every employee is recognized to have the right to join, or to refuse to join, an employee organization. For the purpose of this policy, "employee organization" includes a labor union or association.

3.5.2. Commissioner's Office administrators and supervisors may not intentionally either reward or penalize, or threaten or promise to reward or penalize, an employee for joining or refusing to join an employee organization.

3.5.3. Commissioner's Office administrators and supervisors will meet and confer on matters of Commissioner's Office business with individual employees or groups of employees, and, upon invitation by employees, with representatives of employee organizations, upon the same non-preferential terms and impartial conditions.

3.5.4. A Commissioner's Office administrator, supervisor, or employee enjoys the right of freedom of expression, and thus is free to express his or her personal opinions and views regarding employee organizations and Commissioner's Office policy with respect to them, provided the expression (a) is not accompanied by and does not employ any form of intimidation, coercion, or inducement to secure assent to the personal views expressed, and (b) does not include or imply a representation that the person is authorized to express those views for or on behalf of the Commissioner's Office or any officer of the Commissioner's Office unless he or she is in fact authorized so to do; A deliberate violation of the requirements of this rule, or a deliberate misrepresentation of facts with the intent to discredit the Commissioner's Office may be treated as misconduct on the part of any officer or employee of the Commissioner's Office.

3.6. **Organizational Activities in the Office of the Commissioner of Higher Education (OCHE):** OCHE facilities and services are available to an employee organization and its members and guests, to the same extent and upon the same impartial terms and conditions as they are available to other non-office organizations, subject to applicable scheduling requirements and to reasonable job performance rules. In accordance with this policy, OCHE supervisors are expected to assure compliance with the following requirements:

3.6.1. An employee organization and its members are subject to Regents policies R251, Campus Speaker and R253, Campus Discipline, to the extent they may be applicable.

**3.6.2.** Use of OCHE facilities and meeting rooms for meetings of an employee organization will be permitted on a non-preferential basis consistent with general OCHE policies, provided such meetings are not scheduled for times or in locations that will interfere with or disrupt normal working arrangements of persons invited or expected to attend or of other persons who may be affected thereby. Organizational meetings not open to all interested persons should not be scheduled in OCHE facilities, except as authorized by the R251 speaker policy.

**3.6.3.** OCHE bulletin boards, services, equipment, or materials and supplies, including office mail services, reproduction equipment, printing facilities, telephones, vehicles, stationery and other office supplies, are not to be employed for the private purposes or for the benefit of an employee organization or its members, except to the extent that general OCHE policies permit such use on an approved cost reimbursement or fee basis.

**3.6.4.** An OCHE employee, or the representative of an employee organization, may not solicit memberships, dues, or contributions for an employee organization or for a purpose or program sponsored by an employee organization, during the regular working time of the person to whom the solicitation is addressed, nor at any place or by any method which tends to interfere with performance by other employees of their assigned work or otherwise disrupt the peaceful and orderly conduct of OCHE business.

**3.6.5.** By written request to the human resources office, an employee may arrange to have dues or other contributions to an employee organization withheld from paychecks on an authorized payroll deduction basis in accordance with and subject to uniform university policies applicable thereto.