



Monitoring Report
EL-03
January 13, 2022

I hereby present my monitoring report on the **Executive Limitations Policy EL-03: Treatment of Employees** according to monitoring report schedule (BPD-04). I certify that the information contained in this report is true and represents compliance with a reasonable interpretation of all aspects of the policy unless specifically stated otherwise.

Signed 
Leah A. Barrett, President

Date 10 January 2022

The President shall not cause or allow a workplace environment that is unfair, disrespectful, unsafe, disorganized, or otherwise interferes with employees' ability to do their jobs.

INTERPRETATION

Whether a person is being treated fairly or with respect, or whether a person feels organized, is a matter of perception, so asking employees is a reasonable way to assess it. Northeast Community College administered the PACE Climate Survey in Fall 2020 allowing employees to rate their perceptions of working conditions. Therefore, I interpret a workplace environment that is:

- A. Not unfair to mean a 75% positive response or higher on the employee climate survey to the question: "The institution and leadership are open to the ideas, opinions, and beliefs of everyone."
- B. Not disrespectful to mean a 75% positive response or higher on the employee climate survey to the question: "There is respect among employees at this institution."

- C. Not disorganized to mean a 75% positive response or higher on the employee climate survey to the question: “Positive work expectations are communicated to me.”
 - 1) A reasonable benchmark of 75% aligns with the national average for similar institutions. An expectation of 100% on a survey would not be reasonable because surveys measure perception, not fact.
- D. Several studies have found correlation between use of sick leave and stressful working conditions <https://www.thehrdirector.com/business-news/health-and-wellbeing/stress-biggest-cause-of-absenteeism/> and <https://www.rcinet.ca/en/2015/10/05/workplace-stress-means-employees-take-more-sick-days-off/>. Therefore, I interpret a workplace environment that is not unsafe to mean the average sick leave per person is below average for our industry. The Bureau of Labor Statistics National Compensation Survey analysis shows that workers use on average, four (4) sick leave days per year. <http://www.paid sick days.org/research-resources/latest-research.html>

EVIDENCE

- A. An 85% positive response or higher on the employee climate survey to the question: “The institution and leadership are open to the ideas, opinions, and beliefs of everyone.”
- B. An 80% positive response or higher on the employee climate survey to the question: “There is respect among employees at this institution.”
- C. An 87% positive response or higher on the employee climate survey to the question: “Positive work expectations are communicated to me.”
- D. The College’s average annual sick leave per person per year is 1.5 days and the industry average is 4 days per year. A 96% positive response on the employee climate survey to the question: “My institution has provided information regarding policies in the event I or someone in my care becomes sick.”

... the President shall not:

- 1. Allow employees, or those seeking to be employees, to be without current, enforced, written human resource procedures that clarify expectations and working conditions provide for effective handling of grievances, and protect against wrongful conditions.**

The following table provides interpretation of each policy condition and a description of the evidence to support compliance.

Policy Condition	Interpretation	Evidence
<p>Current, written documentation that clarifies expectations and working conditions and their enforcement</p>	<p>There are written human resource policies and procedures in place, reviewed at least every five (5) years, that address terms of employment, expected hours of work, compensation and benefits, leaves, absenteeism, access to personnel records, emergency procedures, employee evaluation processes, progressive discipline, job classification, criteria for accessing employee professional development funds, and procedures for fair hiring practices.</p> <p>All Human Resources Policies and Procedures are publicly accessible on the College’s website: https://northeast.edu/about-us/policies “Human Resources - 7000” category.</p>	<p>Review of relevant HR policies and procedures conducted in 2017-2021 confirmed all noted policies and procedures are in place and were last reviewed in 2017-2021.</p> <p>Continuous and ongoing review of policies and procedures will be conducted; potential, necessary revisions will be made due to changes in future federal and state labor laws. An internal matrix is used and followed to ensure policies and procedures are reviewed and implemented based on the five (5) year review schedule.</p> <p>Our legal counsel confirmed the policies and procedures are consistent with legislation in May 2021. Review of revision dates confirmed there have been no substantive changes since then.</p> <p>This content is consistent with the industry norms for human resource policies and procedures, according to our legal counsel and affiliation with the Society of Human Resource Management (SHRM) and the Colleges & University Professional Association – Human Resources (CUPA-HR).</p>
<p>Clarifies expectations and working conditions</p>	<p>If at least 90% of employees agree that the handbook is clear, then the few who do not agree likely do so due to factors other than clarity.</p>	<p>92% of employees in an anonymous survey agreed that expectations and working conditions as described in the employee handbook are clear.</p> <p>Job descriptions are reviewed annually to ensure expectations and working conditions are still current based on each position.</p> <p>A newly developed performance management program is being implemented for all employees in spring 2022 to integrate job description reviews through an HRIS software system, PeopleAdmin.</p>

Policy Condition	Interpretation	Evidence
Enforcement	<p>All employees have signed an agreement to adhere to all policies and procedures. This provides documented proof employees know about and have agreed to abide by the policies and procedures.</p>	<p>Review of HR files in 2019 confirmed 100% had a signature on file indicating agreement to the policies and procedures. Any employee onboarded to the college is required to sign this agreement prior to starting their position.</p> <p>Employee perception and observation are also ways to assess enforcement. This is a reasonable level to achieve, as there will always be a small number of people whose perceptions are negative.</p> <p>All employees sign the agreement form as a part of their onboarding paperwork 91% of employees on an anonymous survey agree with the statement, "The policies in the Employee Handbook are applied fairly and consistently."</p>
Effective handling of grievances	<p>There are written policies and procedures describing how to register a grievance, including details of the process and deadlines, and the process provides for a fair hearing and legal counsel confirms they are consistent with the principles of natural justice or procedural fairness. This information is stated in AP-7710.0 Employee Grievance Procedures:</p> <p>https://necweb.azureedge.net/documents/policies/AP77100.pdf</p>	<p>Review of policies and procedures on May 2021 and December 2021 confirmed all noted details are present. Our legal counsel reviewed the policies and procedures regarding grievances on December 2021. Additional evidence is noted below.</p>
Protects against wrongful conditions	<p>Internal and external legal counsel experienced in labor relations and Title IX federal and state laws, confirms written policies and procedures provide clear guidelines explaining employees' options if they are unfairly treated by a supervisor, or unfairly disadvantaged in comparison with others who are related to a supervisor. Wrongful conditions include unfair treatment, nepotism, discrimination, and harassment.</p> <p>Applicable procedures: AP-1010.0 Nondiscrimination https://necweb.azureedge.net/documents/policies/AP10100.pdf AP-1010.1 Harassment https://necweb.azureedge.net/documents/policies/AP10101.pdf Applicable procedures continued:</p>	<p>On May 2021 the AVP-HR reviewed the Human Resource policies and procedures related to unfair treatment and wrongful conditions with a Title IX Consulting Firm, ATIXA.</p> <p>There are clear written guidelines explaining circumstances that are not acceptable, the steps to be taken if an employee encounters such situations, including details of the process, and the consequences. This is reasonable as knowledge of the process to follow is a crucial part of protection.</p> <p>The reporting process provides an option to submit a complaint without complaining directly to the immediate supervisor. This is reasonable as it is important for an employee to be able to submit a complaint without fear of retaliation.</p>

	<p>1020.0 Equal Opportunity https://neccweb.azureedge.net/documents/policies/BP1020.pdf</p> <p>1030.0 Freedom of Speech https://neccweb.azureedge.net/documents/policies/BP1030.pdf</p> <p>BP-7121 Nepotism https://neccweb.azureedge.net/documents/policies/BP7121.pdf</p> <p>Source: Harassment and Nondiscrimination for all Faculty, Students, Employees, and Third-Parties https://neccweb.azureedge.net/documents/titleix/Harassment-Nondiscrimination-IP2P.pdf</p>	
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...the President shall not:

1.1 Permit Employees to be without adequate protection from harassment and bias.

INTERPRETATION

I interpret adequate protection from harassment and bias to mean the organization has policies procedures in place to address harassing conduct and holding employees accountable at the earliest possible stage, before the conduct becomes so “severe and pervasive, and/or objectively offensive.” Source: Procedure AP-1010.0 Harassment

<https://neccweb.azureedge.net/documents/policies/AP10100.pdf>

This is reasonable because inadequate protection from harassment and bias for employees could result in severe consequences it can have for the victims and those who witness it. Additionally, workplace harassment and/or bias can have a direct effect on the College in terms of increased absenteeism, lower productivity, higher employee turnover, loss of morale, and the potential costs of fighting or settling harassment lawsuits.

EVIDENCE

- A. Internal review of applicable policies and procedures in May 2021 confirmed they are consistent with all legal requirements (see section #1).
- B. Internal review of applicable policies and procedures in May 2021 confirmed they include descriptions of unacceptable circumstances and a detailed reporting process. (see section #1)

- C. Internal review of policies and procedures on May 2021 confirmed a process to submit a complaint other than to an immediate supervisor is present.
Source: Harassment and Nondiscrimination for all Faculty, Students, Employees, and Third-Parties
<https://neccweb.azureedge.net/documents/titleix/Harassment-Nondiscrimination-IP2P.pdf>
- D. Review of HR files on harassment confirmed there was one substantiated complaint in the reporting period (Year 2021), and appropriate discipline was applied consistent with the progressive discipline procedures AP-7322.0 Progressive Discipline for Non-Faculty Employees <https://neccweb.azureedge.net/documents/policies/AP73220.pdf> and AP-7322.1 Progressive Discipline for Faculty Employees <https://neccweb.azureedge.net/documents/policies/AP73221.pdf>
- E. Campus Climate Surveys are administered regularly to attain feedback and metrics related to a safe and secure work environment. The newly formed Engagement Team reviews priorities and develops action plans to improve the culture and environment. This Team also recommends the dates in which Climate Surveys will be launched.
- F. Maxient Software for misconduct, harassment and/or discrimination reports will be implemented in spring of 2022 for an effective, efficient process when responding to reports. Awareness of prohibited forms of conduct and information on how to use the College's reporting system.
- G. Annual harassment prevention and Title IX training is administered to all employees through the Learning Management System, SafeColleges.
- H. A new, additional campus climate survey for employees will be developed and administered in the spring of 2022 for Harassment and Discrimination for additional compliance as it relates to Title IX federal and state laws. The survey will be launch annually going forward. This survey is a necessary component of the annual State of Nebraska Legislative Report for Title IX subject to §85-608.
 - a. https://nebraskalegislature.gov/FloorDocs/107/PDF/Agencies/Northeast_Community_College/761_20210917-111503.pdf

...the President shall not:

1.2 Permit employees to be uninformed of the performance standards by which they will be assessed.

INTERPRETATION

Compliance will be demonstrated when a random sample of human resource electronic files for 150 unclassified employees confirms 100% acknowledgement that they aware of their supervisor's specific, measurable performance expectations for the coming year regarding 1)

department goals, 2) behavioral goals, and 3) performance goals. This is reasonable because according to the American National Standards Institute, Inc., departmental, behavioral, and performance goals which are specific and measurable “describes the minimum effective standard for performance goal setting”. A sample of 150 of our 385 employees is reasonable, because it allows us to be confident that the result is within 10 points of the sample result 95 times out of 100.

EVIDENCE

An internal review of a random sample of 150 employee records conducted December 2021 verified that 100% of the sampled performance records contained the employee acknowledgement above.

...the President shall not:

2. Allow conditions or practices inconsistent with a trusting, cooperative, and collaborative workplace environment.

INTERPRETATION

85% of employees on an anonymous confidential survey agree with the statement, “A spirit of cooperation exists at the institution” and “The structure of the institution allows for collaboration.” Asking employees for their perceptions anonymously is most likely to provide a valid response. 85% is reasonable because if a person disagrees with something, there may be a tendency to criticize the workplace environment even though there is trust, cooperation, and collaboration.

EVIDENCE

On the most recent employee survey conducted fall 2020, 87% of respondents replied positively to the statements, “A spirit of cooperation exists at the institution” and “The structure of the institution allows for collaboration.”

...the President shall not:

3. Permit workplace conditions which do not comply with current collective bargaining agreements.

INTERPRETATION

College policies and procedures related to workplace conditions are the same for all employees whether they are in collective bargaining agreement or not.

EVIDENCE

Not applicable – please see above wrongful conditions in section #1.

...the President shall not:

4. Retaliate against any employee for non-disruptive expression of dissent.

INTERPRETATION

85% of employees on an anonymous confidential survey agree with the statement, “institutional policies govern activities at the institution.” Asking employees for their perceptions anonymously is most likely to provide a valid response. 85% is reasonable because if a person disagrees with something, there may be a tendency to criticize the process even though it was fair.

EVIDENCE

On the most recent employee survey conducted fall 2020, 91% of respondents replied positively to the statement, “Institutional policies govern activities at the institution.”

...the President shall not:

5. Allow employees to be unprepared to deal with emergency situations.

INTERPRETATION

I interpret employees to be not unprepared to mean:

- A. There are written emergency management procedures and protocols available to all employees, which include detailed instructions for handling threats such as fire, weather-related emergencies, security-related emergencies such as bomb threats, physical violence by a hostile person, or cyberattacks. Access to written instructions is a reasonable first step in being prepared.
- B. Annual safety and emergency-related training is administered for all employees to provide the basic background knowledge and information of necessary actions when there is an emergency, or disruption of college operations.

- C. There are fire and emergency response drills conducted on an annual schedule to conform to standards required by law. Having actual safety trainings and drills provides “practice” and adds to preparedness should a real situation occur.
- D. An 85% positive response rate on an employment survey to the question: “The Institution’s work environment meets occupational, safety and health concerns.” Asking employees for their perceptions anonymously is most likely to provide a valid response. 85% is reasonable, because if a person disagrees with something, there may be a tendency to criticize the work environment and health and safety practices.

EVIDENCE

- A. Written emergency management procedures and protocols are available to all employees on the Northeast website: <https://northeast.edu/about-us/risk-and-safety-information>
- B. Virtual safety and cybersecurity emergency training is administered twice a year to ensure employees understand and agree to campus safety and security protocols. Compliance is demonstrated if there is a 100% virtual safety and cybersecurity emergency training completion in a calendar year. In 2021, there was 70% completion of safety and emergency preparedness trainings and 55% completion of cybersecurity training. In 2022, there will be pre-scheduled break-out sessions at each in-service, which will allow employees to designate time to complete the required trainings. Additionally, the Human Resources office will collaborate with the Director of Safety and Emergency Preparedness and Director of Security and Technology Services to provide supervisors with email notifications of their direct reports’ training incompletions. Accountability by coaching is projected to increase these percentages.
- C. The Director of Safety and Emergency Preparedness follows an annual, internal fire and emergencies response drill schedule. Due to the Covid-19 pandemic, the College was not at full on-campus capacity for the entire year. Therefore, the drills were not able to be conducted adequately. The plan is to resume the drill schedule for 2022 assuming the majority of in-person working and learning continues.
- D. Compliance is demonstrated if 85% of employees on an anonymous confidential survey agree with the statement, “the institution’s work environment meets occupational, safety and health concerns.” Asking employees for their perceptions anonymously is most likely to provide a valid response. 85% is reasonable because if a person disagrees with something, there may be a tendency to criticize the work environment and health and safety practices. On the most recent employee survey conducted fall 2020, 98% of respondents agreed with the statement “the institution’s work environment meets occupational, safety and health concerns.”