



CAS DEPARTMENT MANAGERS PRESENTATION



Fair Labor Standards Act (FLSA)

- What is it?
 - The law that governs minimum wage and when employees are entitled to overtime for hours worked over forty in a workweek
 - What is the test for determining whether an employee is entitled to overtime?
 - Two prongs: duties and salary
- What are the changes:
 - Change to the salary test \$47, 476.00 (\$913 per week)
 - Salary test will now change every three years
- How will this impact my employees?
- How will this impact my budget?
- When will these changes take effect?



Grievance Contact Information

- UA grievances call Bill Brady at 6-2305
- OA Grievance call Annie Bentz at 6-2972
- GTFF grievance call Peter Fehrs 6-2998
- SEIU grievance call Wes Fowler 6-2965
- Grievances involving sex discrimination, including sexual harassment, domestic violence, dating violence gender based stalking and pregnancy discrimination: call Darci Heroy at 6-8136
- Involving all other forms of discrimination call AAEO at 6- 3121



Important Information

- If an employee or student wants to confidentially discuss his or her options, the employee can contact the ombudsperson at 6-3691.
- If students want to confidentially discuss their options relating to an incident of sexual misconduct they can contact the ombudsperson at 6-3691, the Sexual Violence Support Services center at 6-8194, the Counseling Center at 6-3227 or the University Health Center at 6-2770.

Safety Concerns

- What should I do if I believe that one of my employees is a safety threat to myself or others?
- First, call human resources and ask to speak with the person listed on the first slide as the point of contact for the relevant employment group. If you cannot reach someone, you can always call the General Counsel's office at 6-3082.
- Human resources can help assess appropriate next steps, which may include immediate measures like putting an employee on administrative leave or may include corrective measures like issuing a letter or reprimand. Human resources may also decide to ask the BETA team to perform a risk assessment regarding the underlying behavior.

ADA Concerns

- Once you are aware that an employee has a disability and is experiencing workplace problems because of that disability, you should contact AAEO so that the university can initiate the interactive process under the ADA. You should also contact AAEO if an employee requests an accommodation due to a disability. AAEO can be reached at 6-2971.
- If you have any questions regarding whether AAEO should start the interactive process, call 6-2971.
- Common requests that may implicate the ADA process: requests for a new chair, requests for time off, or requests for an alternative schedule.

Pregnancy Discrimination Act

- Pregnant women are entitled to accommodations to the extent those types of accommodations are available to other employees.
- Some pregnant women may also be disabled for purposes of the ADA.
- If a pregnant woman asks for a workplace accommodation, contact AAEO so that it can work with the employee to determine what accommodations are appropriate. These requests include but are not limited to requests for an alternate work schedule, work from home, light duty and time off.
- Do not deny a pregnant women a workplace accommodation without contacting AAEO.

Laws Relating to Records:

- ***Subpoenas & Summons***

- OGC (6-3082)

- ***FERPA***

- Registrar's Office (6-2935)
- OGC (6-3082)

- ***Public Records Law***

- Public Records Office (6-6823)

Subpoenas & Summons

- A legal writ commanding a person to do a specified act.
- If you are subpoenaed in your capacity as a UO employee, we can help!
- You may have to help us search for and provide responsive records.
- Disobedience → Contempt

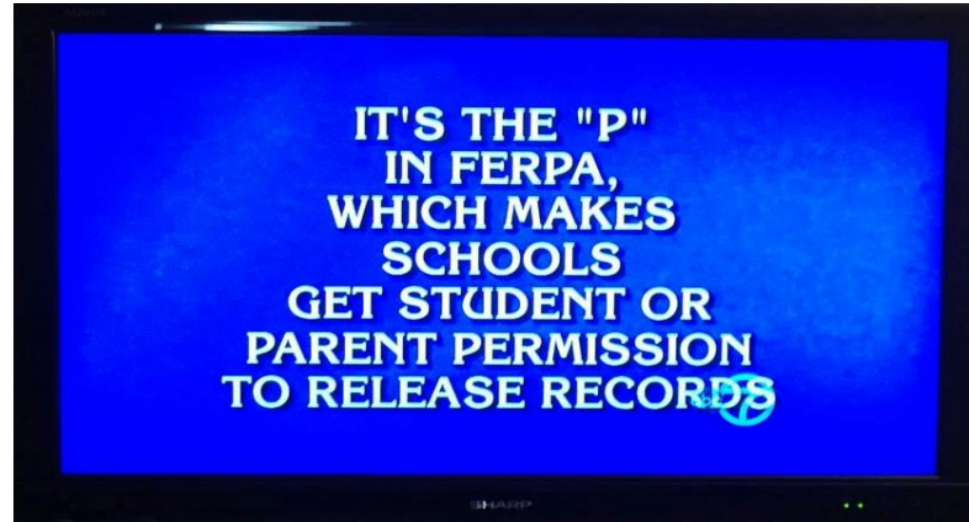


Mike gets his very first subpoena

Subpoenas

- **UO Subpoena:**
 - If you receive a subpoena relating to your duties or activities at UO, please send it to OGC ASAP.
 - Decline to accept service unless specifically authorized. OR Explain you lack authority. Call OGC to discuss.
 - Do not give permission to allow service by email or fax.
 - Note date, time, and method of receipt (e.g., via hand delivery, by mail, by email) and whether or not any payment or promise of payment was included with the document.
 - Do not respond or turn over records prior to consulting OGC.
- **Non-UO Subpoena:** If the matter is unrelated to work at UO, you do not need to contact OGC.

FERPA



- Family Educational Rights and Privacy Act of 1974
- Protects privacy of students' education records.



FERPA: Student's “Big 4”

- UO students have the right to:
 - (1) **Control** disclosure of their “education records”
 - (2) **Inspect and review** their “education records”
 - (3) **Seek to amend** their “education records”
 - (4) **File complaints** with USDOE re: alleged failures by schools to comply with FERPA.

FERPA: Faculty's “Big 4”

- (1) Education Records are **broadly defined**;
- (2) Err on the side of **protecting the record**;
- (3) You and your UO colleague may be “**school officials**” under FERPA who are permitted to share the record. Ask OGC.
- (4) When you believe you need to disclose:
 - **Seek prior written consent** of student; **or**
 - Ask Registrar or OGC if exception applies.

FERPA: “Education Record” (Details)

- **Education Record = all records that are:**
 - (1) Directly related to a student; *and*
 - (2) Maintained by UO (or by agents o/b/o UO)
- **“Record”**
 - Any information recorded in any way, including handwriting, print, electronic media, video, audio tape, film, microfilm/fiche.
 - But **not** information that is not “recorded” (i.e., personal knowledge), or sole possession records.
- **“Student”**
 - Any individual who is or has been **in attendance** at UO
 - Applicants aren’t students until they accept & “**attend**”
 - ‘Til death do us part.

FERPA Consent vs. Exception

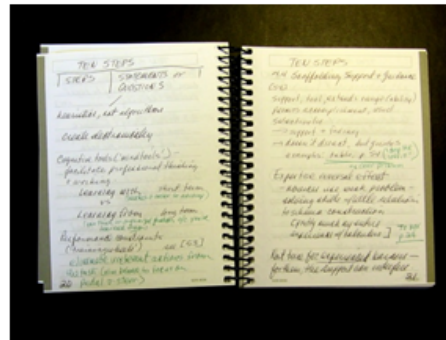
- “**Directly related**” = **personally identifiable**
- “**Disclosure**” = to release, transfer, *permit access to*
 - Does not include providing to author
- Education records shall not be disclosed absent
 - (1) **prior written consent** by student; OR
 - (2) under an **exception** to FERPA
- **Consent** must be signed, dated, and specify:
 - (a) the records that may be disclosed;
 - (b) the purpose for which they may be disclosed;
 - (c) the persons to whom they may be disclosed.

FERPA Exceptions

- **Exceptions to prior written consent (examples):**
 - Directory information (UO Policy 571-20)*
 - School Officials
 - Health & Safety Threats
 - Law Enforcement records
 - Exclusive Employment records
 - To Comply with Judicial Orders and Lawfully Issued Subpoenas
- **Cannot re-disclose without meeting independent exception!**

Public Records

A Public Record Is...



... and more!

What is a Public Record?

- Definition of a Public Record
 - Any writing that contains information relating to the conduct of the public's business . . . **prepared, owned, used or retained** by a public body regardless of physical form or characteristics.
 - **“Writing”** = Handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, files, facsimiles or electronic recordings.

Who is Subject to the PRL?

- **“Public Bodies”** = UO and YOU!
- **Public Bodies must respond** to PRRs by either complying with or denying the request.
- **How quickly?** Depends. PRL considers:
 - specificity of the request;
 - volume of records requested;
 - staff available to respond to the records request;
 - difficulty of determining whether any of the records are exempt from disclosure.

Exemptions in the PRL

- **Conditional Exemptions**
 - Exempt certain types of information from disclosure “unless the public interest requires disclosure”:
 - Trade Secrets
 - Public Safety Plans
 - Security Measures
- **Unconditional Exemptions**
 - Confidentiality interests outweigh public disclosure interests.
 - Internal Advisory Communications
 - Personal Privacy
 - State or Federal Law

Help: Someone Wants My Records!

If you are contacted by someone wishing to make a public records request, direct them to the PRO ASAP.

- Emailed? Forward email to pubrec@uoregon.edu
- US mail? Scan request and email it to pubrec@uoregon.edu. Campus mail the original.
- Do not contact or provide documents to the requester directly. Please follow the process!
- If you have further information regarding what is being requested, please let the PRO know!
- We are here to help!

Help!: PRO Wants My Records!

If you are contacted by the Public Records Office:

- **Communicate!** Talk with the PRO about what records you have — and what records you don't have
- **Estimate your time in hours;**
- If you have questions, or concerns, let the office know!
- **Your work is front-end work:** You are only being asked to gather records, not review them, the PRO and OGC will determine what is exempt.
- **Err on side of more:** If you think it might be responsive, send it. When in doubt send it anyway, the PRO can make that determination.
- **Duty:** It is our legal duty as a public body to make public records available to the public. Default is disclosure.