

Definition of Grievance

It is important for all employees to be able to differentiate between what is a bona fide grievance and what is not.

A "grievance" means a dispute concerning terms and conditions of the employment arising from any administrative decision which the employee claims is in violation of rights under, or a failure to apply, established University personnel regulations, policies, or practices, or which results from a misinterpretation or misapplication thereof.

An item that would not be considered as a "grievance" would be an employee not receiving what he/she wanted or thought he/she deserved as a salary.

Procedures

I. Informal Consultation

A. Supervisor and Employee Responsibilities

1. An employee who has a request or complaint shall discuss the request or complaint with his/her immediate supervisor in an effort to settle the same. The employee must do this personally.
2. If the immediate supervisor and/or employee, after full discussion, feels the need for aid in arriving at a resolution, he/she may, by agreement, invite the Human Relations Officer or such other additional University or employee representative as may be necessary and available to participate in further discussions. Such additional participants shall act as "resource" personnel but shall not relieve the immediate supervisor and the employee from the responsibility for resolving the problem.
3. The above procedure, if followed in good faith by both parties, should lead to a fair and prompt solution of most daily employer-employee problems; however, if a request or complaint is not satisfactorily resolved, the employee may put it in writing and file it promptly as a "formal" grievance.

II. Formal Filing of Grievance

A. Procedural Steps

Settlement Step 1

To be considered formally, a grievance must be filed with the employee's immediate supervisor. The employee must complete a "Grievance Form" available from the Human Relations Officer and submit the completed form to his/her immediate supervisor.

The employee must answer the following questions on the form:

What specific right has been violated?
What is the University policy or state/federal law that guarantees it?
What are the pertinent facts which may aid in arriving at a prompt and definitive resolution?
What efforts have already been made to settle this matter?

The employee is free to ask and receive the assistance of the Human Relations Officer in preparation and transmission of his/her grievance form.

The immediate supervisor will review the informal decision he/she earlier gave the employee. The supervisor may change, modify, or affirm his/her earlier decision. If the supervisor changes the decision in a way to effect an informal agreement with the employee, he/she shall indicate "Resolved at Step 1" on the grievance form and return it to the employee.

If, however, the supervisor affirms or modifies his/her earlier decision in a manner not acceptable to the employee, the supervisor shall indicate "Not Resolved at Step 1" on the grievance form and shall forward the grievance to the employee's second-level supervisor (next level of supervision) within two (2) working days after date received.

Settlement Step 2

The second-level supervisor shall consider and answer the grievance in writing not later than ten (10) working days following the date of its receipt.

The second-level supervisor should proceed in the following ways:

Consult with the supervisor involved.
Ascertain all the pertinent facts.

Examine carefully the policies involved, if any, and make a determination of the appropriateness of the issue for grievance.

Discuss the matter with the employee; and if the complaint is not a grievable issue, the employee should be so notified.
If feasible, settle the matter within the framework of existing University policy to the satisfaction of the employee and

his/her supervisor.

The second-level supervisor shall indicate on the grievance form the disposition of the grievance at his/her level (Resolved at Step 2, Not Resolved at Step 2, or Not a Grievable Issue). The second-level supervisor shall sign and date the form and hand deliver it to the employee, who will sign and indicate date received. If a mutually agreeable settlement is not reached at Step 2, the employee may within three (3) working days submit the grievance to his/her Vice Chancellor after informing the second-level supervisor that he/she is doing so. (NOTE: If the second-level supervisor is a Vice Chancellor or the Chancellor and a settlement is not reached in Step 2, the Vice Chancellor should proceed immediately to implement Step 4.)

Settlement Step 3

The appropriate Vice Chancellor shall review the employee's grievance and respond to it within five (5) working days after receipt. If the grievance is resolved at Step 3 to the satisfaction of the employee, the Vice Chancellor shall indicate so on the grievance form and return it to the employee. Otherwise, the Vice Chancellor shall indicate that the matter has not been resolved at Step 3 and shall promptly refer the matter to a Grievance Committee (Step 4) for further investigation and impartial determination of the facts.

Settlement Step 4

The appropriate Vice Chancellor shall refer the complaint to a Grievance Committee comprised of three (3) non-academic employees of the University: one will be selected by the aggrieved employee, one by the appropriate Vice Chancellor, and the third selected by the Human Relations Officer. All members of the Grievance Committee must be full-time regular appointed employees of the University. If requested by the aggrieved employee, the Human Relations Officer will appear with and assist the aggrieved employee in presenting the facts of the grievance before the Committee.

The Committee will submit a statement of its findings and recommendations to the Chancellor of the University for a final decision on the matter.

The employee and members of the Grievance Committee will be allowed regular pay for the time spent in grievance conferences held during normal working hours.