

GRIEVANCE PROCEDURES FOR CIVIL SERVICE EMPLOYEES

This procedure has been developed for the purpose of providing an orderly and impartial means whereby a Civil Service employee may seek resolution of a dispute concerning the interpretation and/or application of the Board of Trustees Regulations and/or policies established by the University. Employees shall not be subjected to any reprisals because of their use of this procedure.

This procedure applies to all civil service employees, including “prevailing wage” employees. Employees covered by a collective bargaining agreement with the University are provided contractual grievance procedures; however, they may elect to use this procedure in lieu of the contractual one.

The employee may be accompanied by an advocate other than an attorney.

If an employee covered by this procedure seeks resolution of the grievance in any other forum, whether administrative, judicial, or contractual, the University shall have no obligation to proceed with the grievance.

Definitions

Grievance: A dispute concerning the interpretation and/or application of the Board of Trustees Regulations and/or the University’s Internal Governing Policies and Procedures. Decisions that are within the discretion of the supervisor or management, such as assignment of work, approval of vacations, or judgments concerning the quality of work (as well as traditional or regular, or customary management functions) shall not be grievable. However, if an employee disputes the decision of the supervisor on grounds of illegal discrimination or harassment such dispute shall be handled by the Office of Civil Rights in accordance with this procedure or other applicable University policies.

Grievant: An employee, or group of employees, who submits a grievance in accordance with this procedure.

Respondent: The person initially responsible for interpreting or applying the policy, regulation, or procedure which is in dispute by the grievant.

Director of Employee & Labor Relations: The Director of Employee and Labor Relations or the Assistant Director of Employee and Labor Relations upon such delegation by the Director.

Grievance Committee: The Civil Service Council shall select five non-negotiated civil service employees. The President shall select three from the list of five to serve as regular committee members. The remaining two shall serve as alternates. The regular committee of three shall elect its own chair.

Day: A regularly scheduled work day, exclusive of emergency closings and University recognized holidays. Time limits imposed upon the steps of this procedure shall not include the day of presentation or the day of receipt of the grievance at the previous step.

Appropriate Vice President: The Vice President in the affected area or the President, or designee, in the President’s area.

Procedures

Grievances will be processed in the following order and within the stated time limits. Time limits may be extended for compelling reasons which shall become a part of the written record upon the mutual agreement of the grievant and the respondent.

If the grievant wishes to appeal the action taken at one step, the grievant may present the grievance to the next higher step, provided the time limits are met. If the respondent fails to make a determination within the stated time limits and has not requested a time extension, the grievant may present the grievance to the next higher step.

Step 1 – Informal Procedure

An employee who has a grievance which is reviewable under this procedure shall initially attempt to resolve the grievance by meeting informally with the respondent within ten days of the incident which is the subject of the grievance or within ten days of knowledge of the incident.

The respondent has an obligation to effect an informal resolution of grievances as they arise.

The respondent shall meet with the grievant and present a decision within ten days of the presentation of the grievance.

Step 2

If the grievance cannot be resolved through the informal procedure, the grievant shall present the grievance, in writing, on a Grievance Form (available in the Department of Employee and Labor Relations) to the respondent's department head within five days of the decision issued at Step 1.

The respondent's department head shall record a written response on the Grievance Form and present the response to the grievant within ten days of the date of presentation of the grievance.

Step 3

If the grievance is not resolved at Step 2, the grievant shall submit the Grievance Form to the Director of Employee and Labor Relations or designee within five days from the date of the Step 2 response. The Director of Employee and Labor Relations or designee shall review the grievance and make a written recommendation to the appropriate Vice President within ten days of receipt of the grievance. The Director may call upon resource persons to aid in deliberations.

The appropriate Vice President shall review the grievance documentation and the recommendation of the Director and issue a written decision regarding disposition of the grievance to the grievant, respondents, and Director of Employee and Labor Relations within ten days of receipt of the Director's recommendation.

Step 4

If the grievance is not resolved at Step 3, a grievant may submit the Grievance Form to the Chair of the Civil Service Council Grievance Committee within five days from the date of the written response issued at Step 3, or the Grievant may opt to proceed directly to Step 5.

The Grievance Committee shall review the grievance and make a written recommendation to the appropriate Vice President within ten days of receipt of the grievance. The Grievance Committee may call resource persons as needed. Resolutions offered by the Grievance Committee shall not amend, change or nullify any Board of Trustees Regulations and/or policies established by the university and/or any Collective Bargaining Agreements.

The appropriate Vice President shall review the recommendation of the Grievance Committee and issue a written decision regarding disposition of the grievance to the grievant, respondents, Director of Employee and Labor Relations, and the Grievance Committee Chair within ten days of receipt of the recommendation.

Step 5 – Appeal Procedure

Step 5 shall be considered strictly as an appeal. The grievant and respondent may not introduce new information in support of or against the grievance. The grievant may appeal the decision to the President within five days from the date of the response issued at Step 4. The President, or a designee, shall review the grievance and render a final written decision to the grievant, appropriate Vice President, Director of Employee and Labor Relations, Grievance Committee Chair, and the respondent within ten days of receipt of the grievance. The President may call on resource persons as needed.

The decision of the President shall be final.

Modifications to this procedure, other than minor nomenclature changes, shall be discussed with the Civil Service Council prior to implementation.

Approved: Date: December 3, 2003
Louis V. Hencken, President