

UNIVERSITY OF CENTRAL ARKANSAS
BOARD POLICY

Policy Number: 521

Subject: Staff Grievance Procedure

Date Adopted: 12/91 Revised: 05/94, 08/95, 12/12, 08/13

1. Purpose:

A grievance procedure is established to provide employees with a prompt review, impartial consideration and an equitable disposition of their grievances. Any employee who presents a grievance or complaint in good faith and in a reasonable manner shall be free from restraint, interference, discrimination or reprisal.

This procedure is intended to encourage employees to discuss problems with their supervisors, thereby providing a basis to talk over matters of mutual interest, to explain, to reach agreement, to make adjustments if necessary, and to foster better understanding between employees and supervisors.

2. Policy:

It is the policy of this institution that all employees be given the opportunity, through established steps and procedures, to resolve in a timely manner complaints or grievances which they believe adversely affect their employment or working conditions.

It also is university policy that reasonable efforts be made to settle complaints or grievances as quickly as possible. Direct contact on a one-to-one basis between supervisor and employee is encouraged and the grievance procedure is not intended, nor will it be allowed to become a barrier to the supervisor/employee relationship.

Employees should submit only grievances made in good faith, expressed in reasonable terms, containing causes for the grievance, corrective action desired and sufficient information upon which decisions can be based.

Access to this procedure does not create any expectation of continued employment, but provides an avenue of review and resolution of internal situations.

3. Definitions:

- a. EMPLOYEE - an individual who is a full-time employee who occupies a regular salaried position and who works a minimum of 1,000 hours per year. This policy shall not apply to employees who are on initial new hire probationary status.
- b. GRIEVANCE - a complaint by an employee regarding an adverse impact on his or her employment; including, but not limited to, annual leave, sick leave, compensatory time, suspension, promotion, demotion, disciplinary actions, discrimination or any other work-related problem except compensation and conditions which are beyond the control of agency management or are mandated by law. A grievance must contain a statement in ordinary and concise language of facts showing that the council has jurisdiction of the claim and that the grievant is entitled to relief.
- c. RESPONDENT(S) - person or persons against whom the grievance petition is filed.
- d. GRIEVANCE OFFICER - director of affirmative action.
- e. STAFF GRIEVANCE COUNCIL POOL OF CANDIDATES - a pool of 25 candidates selected by the Staff Senate, 10 of which must hold administrative or managerial positions with responsibilities that include hiring and evaluating personnel. The pool of candidates must be selected by January 31st, and July 31st, each year;
- f. STAFF GRIEVANCE COUNCIL - an ad hoc council appointed to review the grievance petition, determine whether to hear the grievance, and issue a recommendation thereon to the university president.
- g. WORKING DAY – any day that the university is open for business.

4. Procedure:

The entire grievance procedure shall be completed within 30 working days after the employee files a written grievance, unless an extension is agreed to by all parties involved.

It is recognized that supervisors and employees have frequent discussions of work-related problems or disagreements. These candid conversations are generally healthy and helpful to both participants and this grievance procedure is not intended to inhibit these exchanges. Before filing a written grievance, an employee is encouraged to discuss with his or her immediate supervisor the employee's problem in order to reach a satisfactory solution to the problem.

Under special circumstances, the grievance officer has the authority to modify, waive or otherwise change the grievance procedure in order to fulfill the intent of the procedure, provided such modification, waiver or change is agreed to by the grievant and the respondent(s). The grievance officer shall prepare a statement stating the justification for,

and the details of, any variation from the stated procedure and obtain signatures of the grievant and the respondent(s).

The grievance process shall be confidential. The records of the grievance shall be maintained in a separate case file and shall not become a part of the employee's personnel file.

If the grievant and respondent are required to meet pursuant to this policy, the meeting can be waived upon the mutual consent of the parties, and the parties can advance to the next step in the grievance policy.

a. Step 1:

To initiate this grievance procedure the grievant must secure a "Staff Grievance Petition" from the associate vice president of human resources and submit the completed grievance petition in writing to the immediate supervisor within three working days of the occurrence of the grievable matter. The grievant shall also send a copy of the grievance to the grievance officer and to the respondent(s), if different from the immediate supervisor.

The immediate supervisor shall meet with the grievant within two working days from the time the supervisor received the grievance petition. The supervisor shall submit a written response to the grievant, with a copy to the grievance officer, within one working day after the conclusion of the meeting. If the immediate supervisor is unavailable, the next supervisor in the chain of command shall be substituted, unless all parties agree to a brief extension and approval of the extension is obtained from the appropriate vice president(s).

b. Step 2:

If the grievant is not satisfied with the results of Step 1, the grievant shall have one working day, after written response is received, in which to submit a copy of the original grievance petition, the supervisor response and a written statement to the next higher level of management stating the reasons for the dissatisfaction, with a copy to the grievance officer. The next higher level of management shall meet with the employee within two working days after receiving the grievant's written statement. The manager shall submit a response in writing to the grievant, with a copy to the grievance officer, within one working day after the conclusion of the meeting. If the manager in question is unavailable, the next supervisor in the chain of command shall be substituted unless all parties agree to a brief extension of time and the extension is approved by the appropriate vice president(s).

c. Step 3:

If the individual hearing the grievance at Step 2 is not the vice president of the division in which the grievant is employed, the grievant, if not satisfied with the response rendered at Step 2, shall have one working day from the date written response is received to submit a written request for a meeting with the vice president. The vice president shall meet with the grievant within two working days from the receipt of the request. If the vice president is unavailable, the parties may agree to a brief extension of time, or the vice president may designate someone to act on his or her behalf. The vice president may require the grievant to set forth the nature of the dissatisfaction with the response in the previous steps, in writing, prior to the meeting. The vice president shall submit a response in writing to the grievant, the grievance officer and to each subordinate manager involved within one working day following the conclusion of the meeting.

d. Step 4:

If not satisfied with the results of Step 3 the grievant shall have one working day to submit a written request to the grievance officer for a hearing before the Ad Hoc Grievance Council. The grievance officer will submit the matter to the Ad Hoc Grievance Council and the respondent(s) within three working days after receiving the grievant's written request for a hearing by the council. The respondent(s) shall submit a written response to the grievant's vice president within one working days after receiving notification that the matter has been submitted to the council.

- i. The ad hoc council shall consist of the following members, all of whom shall be full-time employees of the university:
 - five staff personnel chosen at random by the grievance officer, president and president-elect of the Staff Senate from the Staff Grievance Council pool of candidates selected by the Staff Senate; at least two of the members must hold administrative or managerial positions with responsibilities that include hiring and evaluating personnel;
 - one chair person, appointed by the president, who shall be non-voting; and
 - the grievance officer and the associate vice president of human resources, who shall be non-voting and serve only in an advisory capacity.

No member of the ad hoc council shall be an employee of the grievant's or respondent's work unit or office, nor shall any member be a supervisor or manager to whom the grievant or respondent(s) reports in the conduct of his usual work affairs. No employee may serve as a council member in connection with any grievance in which such employee may have a personal involvement, a conflict of interest, or the appearance of a conflict of interest.

The council acts as a body and not as individual members. The council shall not discuss the case outside the grievance hearings and their own deliberations. Individual council members shall not collect evidence or receive any other documents or information relevant to the case. All such items must be presented to the council acting as a body or to the grievance officer.

- ii. The grievance officer shall ensure that all appointments to the council are completed within three working days from the receipt of the grievant's written request.
- iii. The council will receive a charge of its responsibilities from the president. Five of the six members present shall constitute a quorum for transaction of business. A decision must be reached by a majority vote with the number of yes, no, and abstention votes being recorded without designating the person who cast each vote.
- iv. The council shall review the grievant's original written petition and all documents generated by the grievant and the managers at Steps 1, 2, and 3. The respondent(s), if different from the managers, shall submit a response to the grievance. The vice president will be responsible for submitting these materials to the grievance officer for transmission to the council.
- v. Should the council find that the petition does not state good cause for a grievance, or is otherwise outside the council's jurisdiction, the grievance shall be dismissed.
- vi. If the grievance is not dismissed, the council shall hear from the grievant, the grievant's supervisor, the managers who heard the case at Steps 2 and 3, the respondent(s) (if different), and any other persons having relevant information regarding the subject matter of the grievance. The council shall solicit any other evidence it deems appropriate. Any and all oral testimony, witnesses and documentary evidence that the council determines to be necessary and relevant to make a proper determination shall be accepted. All responsibilities for questioning witnesses, securing evidence and determining the order of proof shall be vested in the council. The hearing shall be recorded, and the tape shall become a part of the case file. Council deliberations shall not be recorded, but the council shall state its findings in the written recommendation to the president.
- vii. Strict judicial rules of evidence shall not be applied. The council may receive all evidence that it determines to be relevant and material to the issues before the council.
- viii. The right of the grievant and the respondent(s) to be present at all testimony and review all evidence presented is guaranteed. The grievant and the respondent(s) shall not have the right to cross-examine witnesses.

- ix. The grievant and the respondent(s) may be accompanied by an advisor or attorney, but this person shall only be allowed to function in an advisory capacity. The grievant and the respondent(s) personally shall make all requests, presentations and responses to questions. The university counsel may also be present but shall act only in an advisory capacity to the council.
- x. A final written report of the findings and recommendations of the council shall be presented to the president within 25 working days from the initial filing of the petition, unless an extension is agreed to by all parties involved. A copy of the council's recommendations shall be sent to the grievant, the respondent(s), the grievant's immediate supervisor (if different), and appropriate vice president(s) (if different).
- xi. The president shall make the final decision after considering the recommendation of the council. The president shall inform the grievant, the respondent(s), the grievant's immediate supervisor (if different), and appropriate vice president(s) (if different) in writing of a decision within five working days from the date of receipt of the recommendation from the council.

5. Documentation:

All documentation relating to an employee grievance shall be maintained by the grievance officer. No information relating to the grievance shall become a part of any employee's permanent personnel record. However, such records shall be maintained in hard copy for at least five years.