

# CLASSIFIED EMPLOYEE'S GRIEVANCE POLICY

## **PURPOSE**

The University of Louisiana at Monroe wants to develop and maintain a satisfied and efficient work force and a positive working environment for its classified employees. However, sometimes dissatisfaction arises in relationships between an employee and a co-worker or a supervisor. When this occurs, classified employees should have a method for voicing their concerns with their supervisor. It is the intention of the Classified Employee's Grievance Policy to provide the classified employees a method to be heard and a venue for resolution of grievances. The grievance policy ([https://webservices.ulm.edu/policies/index.php?a=browse&budget\\_code=12300](https://webservices.ulm.edu/policies/index.php?a=browse&budget_code=12300)) and the grievance form ([www.ulm.edu/hr/policies/forms/grievanceformclassified.doc](http://www.ulm.edu/hr/policies/forms/grievanceformclassified.doc)) are accessible on the University's website.

## **PROCEDURE**

When an employee feels he/she has been treated unjustly, he/she has the right to use the grievance procedure without fear of coercion, discrimination or reprisal because of this action. Only those grievances that can not be appealed to the Civil Service Director or Commission shall be processed through the University's Classified Employee's Grievance Policy.

It is incumbent upon every supervisor to provide their employees with an opportunity to be heard in accordance with the Classified Employee's Grievance Policy. It is the responsibility of the employee to complete the Classified Employee's Grievance Form and submit it to the appropriate supervisory level. The employee will also be responsible for following up with the designated respondent and preparation of the Classified Grievance Form at each step during the process.

## **GRIEVANCE PROCESS**

Employee's problems should be resolved at the lowest supervisory level and at the earliest possible opportunity. If a grievance is settled outside this grievance process, a memorandum shall be placed in the supervisory file held by the employee's supervisor.

It is often beneficial to both the grievant and the University to try to resolve problems unofficially before resorting to a formal grievance forum. However, if the employee is unable to resolve the issue, the employee can file a grievance using the following procedure. The Classified Employee's Grievance Form will be completed at each subsequent step for which the grievance or appeal is made by the classified employee.

### **First Step**

All grievances should be presented in writing within five (5) working days from the date the employee first became aware of, or should have become aware of, the cause of such grievance.

The aggrieved employee should present the grievance to the appropriate supervisory level within his/her supervisory chain. The supervisor shall render to the employee a written response on the grievance within five (5) working days from the date the grievance was received by the supervisor.

The respondent shall date the form indicating when the employee and the respondent discussed the grievance. The employee shall indicate, on the grievance form, whether or not the employee is satisfied with the response and sign and date the form. A signed copy of the Classified Employee Grievance Form will remain with the respondent and the original copy of the form will be given to the employee. Since this is the first step in the formal grievance process, neither the supervisor nor the employee shall have representation.

### **Second Step**

If the employee is not satisfied with the decision in the First Step, or if a decision is not rendered within the prescribed time limit, the employee may within five (5) working days present the grievance in writing to the appropriate section, division, or budget unit head. The latter shall investigate; afford the employee an opportunity to present his viewpoint; and furnish the employee a written statement of his findings and recommendations. Such statement shall be furnished within fourteen (14) working days of the receipt of the written grievance. The aggrieved employee shall have the right, but shall not be required, to be represented by one individual of his choice during this step of the procedure.

The respondent shall attach a written response to the Grievance Form, and sign and date the form. A copy of the grievance form and all written responses will be held with the respondent and the original grievance documents will be given to the employee. The employee shall indicate whether or not the employee is satisfied with the response, sign and date the form. If the employee is not satisfied with the response, it is the responsibility of the employee to forward the grievance documents to the University's Delegated Appointing Authority in the Third Step.

### **Third Step**

In the event that the decision of the section, division, or unit head does not satisfy the employee, the employee may present the written grievance documents to the University's Delegated Appointing Authority within five (5) working days of receipt of the response in Step Two.

An investigation should be conducted by:

- (a) the Delegated Appointing Authority;
- (b) the agency personnel officer or other representative designated by the Appointing Authority; or
- (c) an agency grievance committee designated by the Appointing Authority.

In either of the latter two instances, a written recommendation shall be given to the Delegated Appointing Authority, who shall evaluate the case and shall issue a written decision notifying all interested parties, within twenty-one (21) working days following the date the grievance entered

the Third Step. If the investigation is conducted by the Delegated Appointing Authority, he/she shall issue a written decision to all interested parties within fourteen (14) working days following the investigation. **This is the final step in the University's classified employee grievance process.**

### General Provisions

- If an employee experiences any form of "Harassment" as defined in the University's *Anti-Discrimination and Harassment Policy*, the employee should follow the procedures under that policy rather than use this grievance process. If the harassment is by anyone in the employee's chain of command, the employee should skip this grievance procedure and notify any of the following University representatives:
  - The employee's immediate supervisor or next supervisory level if complaint is due to actions of the employee's immediate supervisor;
  - The Equal Employment Opportunity Coordinator (EEOC);
  - The Director of Human Resources;
  - Dean or Department Head;
  - Vice President.
- The delegated appointing authority may designate a hearing officer or a grievance committee to hear a grievance.
- Grievances may be consolidated due to similar or related circumstances and/or more than one employee with a grievance covering the same issue.
- The collection of evidence will be done in a manner that is cost-effective and least disruptive to the University's business operations.
- During the grievance process, the person against whom the grievance complaint is made shall have the opportunity to provide a statement.
- Grievance rights do not relieve an employee of the responsibility to do the assigned job duties.
- No employee may use his/her position to coerce, attempt to coerce, or influence in any improper manner, a member of the committee or any person involved in the grievance process. Any classified employee who uses his/her official position to coerce, or influence in any improper manner any person involved in the grievance process shall be subject to disciplinary action.
- All documentation related to any grievance must be maintained in the Human Resources Department. This includes copies submitted to the Human Resources Department at each step of the procedure. Grievance documentation is not necessarily accessible to the general public.

### Dismissal Of Grievances

The Delegated Appointing Authority may at any time dismiss a formal grievance under the following situations:

- The action is appealable to the Director of Civil Service or to the Civil Service Commission.
- Either the grievant or the person against whom the grievance is filed no longer works for the University.
- The grievance has not been made in the required manner or within the prescribed

- period.
- The remedy requested can not be granted or a decision would be ineffective or moot.
  - The grievance has been determined to be frivolous or is impeding the efficient operation of the University.
  - The grievant did not appear for the grievance hearing.

When the Delegated Appointing Authority dismisses a grievance, the grievant and any supervisor in receipt of the grievance shall be notified. If the grievance is dismissed due to the grievant or the person against whom the grievance is filed no longer works for the University, the final copy of the grievance documents will be sent to the Human Resources Department for file.

### **AREAS OUTSIDE THE SCOPE OF THIS POLICY**

Areas not covered by the University's Classified Employee's Grievance Policy are as follows:

- Employment actions which are appealable to the Civil Service Director or Commission:
  - An allocation or reallocation decision – Rule 5.3;
  - The rejection of an application – Rule 7.5;
  - A determination that an applicant lacks the minimum qualifications – Rule 7.5;
  - Performance and Planning Reviews - Chapter 10 of the Civil Service Rules ([www.dscs.state.la.us/default.htm](http://www.dscs.state.la.us/default.htm));
  - Reassignment of a permanent employee for disciplinary reasons;
  - Suspension without pay, reduction in pay; involuntary demotion or dismissal of a permanent employee;
  - Non-disciplinary removal of a permanent employee;
  - Layoff of an employee;
  - An employment action/decision that violates a Civil Service Rule or the Civil Service Article (Article X, Part 1 of the state constitution).
- Complaints about letters of warning, reprimand, or counseling are handled by written responses and not through the grievance process.
- Complaints regarding harassment, discrimination or retaliation are handled through the University's "Anti-Discrimination and Harassment Policy" ([https://webservices.ulm.edu/policies/index.php?a=browse&budget\\_code=12300](https://webservices.ulm.edu/policies/index.php?a=browse&budget_code=12300)).
- The above grievance procedure applies to all civil service employees except members of Local No. 2695 of the American Federation of State, County, and Municipal Employees, AFL-CIO. Union members should follow the procedure in the working agreement.

For more information regarding the grievance policy or procedure, contact the Human Resources Department at (318) 342-5140.