

Revised: June 14, 1996

## **ADMINISTRATIVE MEMORANDUM NO. 26**

To: Vice Presidents, Deans, Directors, Department Chairs, and Other  
Administrative Officials

From: Salme H. Steinberg, President

Subject: Non-Negotiated Civil Service Grievance Procedure

Civil Service employees, excluding those with non-status appointments may pursue a grievance regarding questions of interpretation or application of Regulations established by the Board of Trustees or Rules and Procedures established by the University or State Universities Merit Board.

### **EXCLUSIONS**

- A. Employees who are subject to the terms of a collective bargaining agreement are excluded from filing a grievance under this procedure.
- B. An employee who wants to file a grievance regarding an allegation of discrimination on a legally prohibited basis--including subject matter covered by the Americans with Disabilities Act, must utilize the University Affirmative Action grievance procedure.
- C. A grievance may not be filed regarding any matter which would otherwise be subject to an appeal process through the State Universities Merit Board Statute or Rules.
- D. If prior to filing a grievance hereunder, or while a formal grievance is in progress, a grievant seeks resolution of the matter in any other forum, whether administrative or judicial, they thereby waive any right to proceed through the procedure set forth herein. This waiver does not apply in cases where the grievant has sought resolution of the matter by filing a complaint of illegal discrimination with the EEOC or through any other forum established by state or federal law to resolve complaints of discrimination prohibited on the bases specified by those laws.

### **DEFINITIONS**

**GRIEVANT** - A person who is employed in a status position and who is either probationary or who has attained status within that position.

**GRIEVANCE** - A question of interpretation or application of the Rules of the State Universities Merit Board, the Board of Trustees Regulations or Policies established by the University. Submissions which do not allege a violation of a specific Rule or Regulation shall be returned to the moving party without action.

**DAY** - An established work day of the University, Monday through Friday excluding holidays, shall be considered as a work day in the following procedure.

**STANDING GRIEVANCE REVIEW COMMITTEE** - This committee will be composed of three members, appointed by the University President, who will serve two year terms. The initial appointment of members shall be in accordance with the following: The Civil Service Council will recommend the names of 12 employees from whom the President will select two persons, one which will serve a one year term and the other to serve a three-year term. The A & P Council will recommend the names of six employees from whom one person will be selected by the President and who will serve a two-year term. Thereafter, when a term expires, the Civil Service Council or the A & P Council, whichever is applicable, will recommend the name of three employees for selection to the President. The committee will elect a chairman who shall be responsible for conduct of the grievance meetings and production of minutes. The committee may call witnesses or require the presence of persons with direct knowledge of the issues raised in the grievance. The Director of Personnel or his/her designee shall act in an advisory capacity related to Board Regulations, State Universities Merit Board Rules and Policies of the Universities.

**TIME EXTENSION** - any of the time limits contained herein may be extended, in writing, by mutual agreement of the parties at that step.

**ADVANCE STEP FILING** - any grievance which by its nature cannot be resolved at a lower step may be filed at a higher step provided the receiving party grants permissions for the filing.

**THE UNIVERSITY ENCOURAGES THE INFORMAL RESOLUTION OF ISSUES PRIOR TO INITIATION OF A FORMAL GRIEVANCE. TO THAT END, EMPLOYEES ARE ENCOURAGED TO DISCUSS THE ISSUE(S) WITH THEIR IMMEDIATE SUPERVISOR TO DETERMINE IF A RESOLUTION TO THE GRIEVANT'S CONCERNS CAN BE FASHIONED.**

## GRIEVANCE PROCEDURE

Step 1. The grievant shall reduce to writing the nature of their complaint, resolution requested and provide any relevant information in support of their grievance to their Department Head within 10 work days after learning of the action or circumstances giving rise to complaint. The Department Head or his/her designee will meet with the employee within 10 work days after receipt of the grievance and discuss the issues presented. The Department Head shall investigate the complaint and issue a response to the grievant within five work days following the meeting.

Step 2. If the grievant is not satisfied with the response given by the Department Head he/she may advance the grievance to the Standing Grievance Review Committee, with a copy to the Director of Personnel. The committee shall convene within 15 workdays to review the issues related to the grievance and then shall make a written recommendation to the University President. This recommendation is advisory only and may be accepted, modified or rejected by the University President. The University President will issue a decision on the grievance within a reasonable period of time following receipt of the committee=s recommendation. A copy of the University President=s decision shall be forwarded to the grievant, the Chairman of the Grievance Committee, Director of Personnel and the Department Head.



**CIVIL SERVICE GRIEVANCE FORM (NON-NEGOTIATED)**

DATE: \_\_\_\_\_ DEPARTMENT: \_\_\_\_\_

NAME: \_\_\_\_\_ SUPERVISOR'S NAME: \_\_\_\_\_

CLASSIFICATION \_\_\_\_\_

Date, Time, Place of occurrence \_\_\_\_\_

DESCRIPTION OF GRIEVANCE: (Describe all facts of the situation. Use reverse side if necessary).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Give specific Board Policies, Board Regulations and/or University Rules and Procedures, if applicable, believed to have been improperly applied or misinterpreted:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Specific corrective action desired:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EMPLOYEE SIGNATURE \_\_\_\_\_

DATE RECEIVED BY RESPONDENT \_\_\_\_\_

DATE OF STEP 1 MEETING \_\_\_\_\_