Policy Title: Staff Grievance Policy

Current Policy Number: PER 5.03

Date effective if known: May 2004

Date Revised: April 2008

Submitted to HRAC: April 17 & August 14 2008  HRAC Approved: September 18, 2008

Date Approved

The following Project Team Members(s) are responsible for the accuracy of the information contained in this document:

Harvey Johnson  
Malinda Durbin  
Donna Ernst

I. PURPOSE:
To provide the resolution of a concern for an employee who believes that a condition of employment is unjust, inequitable or a hindrance to effective operations or performance.

II. DEFINITIONS:

Retaliation: an adverse employment action taken against an employee because he or she utilized the grievance process or was a witness in a proceeding.

Mediation: a process where impartial third parties help people in dispute to resolve a conflict but do not have the power to impose a binding solution.

III. POLICY

I. POLICY STATEMENT
Any staff employee who believes that a condition of employment is unjust, inequitable or a hindrance to effective operations or performance may initiate a grievance after first attempting to resolve the problem through informal discussion with the employee’s immediate supervisor. This policy does not address:

- Disciplinary actions
- Unlawful discrimination
- Performance appraisals

(For information on these policies see http://louisville.edu/hr/policies/PER501..html  
http://louisville.edu/hr/policies/PER502.html and http://louisville.edu/hr/policies/PER213.html)

II. RETALIATION
The Affirmative Action/Employee Relations Office will investigate any reported retaliation against any person who is party to the grievance process under these guidelines. Anyone who feels he or she is being or has been a victim of retaliation should contact the Affirmative Action/Employee Relations Office at 852-6538.
Retaliation is a serious violation that can subject the offender to discipline independent of the merits of the issues surrounding the grievance.

Examples of retaliatory actions may include but are not limited to:

- employment actions such as unjustified denial of promotion, change in job assignment or work hours, or transfers;
- other actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references, or increased surveillance; and,
- any other action such as verbal assault or unfounded disciplinary actions that are likely to deter reasonable people from pursuing their rights.

III. GENERAL PROCEDURES
The employee shall first discuss the concern with their immediate supervisor regarding the issue(s) believed to be unjust, inequitable, or a hindrance to effective operations or performance. If the concern is not resolved through informal discussions with the employee's immediate supervisor, the following procedures shall be followed in initiating the grievance (unless VI. below applies).

A. The employee shall file a written grievance with the immediate supervisor, with copies to the Associate Vice President for Human Resources and the Director of Affirmative Action/Employee Relations, within ten workdays of the incident causing the grievance. The written grievance shall include a full statement indicating the basis for the grievance and the solution the employee seeks.

B. The immediate supervisor who receives the grievance shall respond to the grievance in writing within ten workdays of receiving the grievance. The response shall outline and explain the actions that will or will not be taken to resolve the grievance. Copies of the response shall be sent to the Associate Vice President for Human Resources and the Director of Affirmative Action/Employee Relations.

C. If the employee is not satisfied with the immediate supervisor's response to the grievance, the employee shall submit copies of the original grievance and the supervisor's response to the director or department head/chair. If the employee continues to be dissatisfied with the response to the grievance, copies and all responses shall be submitted to the vice president/dean, whose decision shall be final. If the employee reports directly to a vice president or dean, that employee who is dissatisfied with the response to the grievance may use these procedures to submit the grievance to the Provost, whose decision shall be final. If the employee reports directly to the Provost, that employee who is dissatisfied with the response to the grievance may use these procedures to submit the grievance to the President, whose decision shall be final.

1. In every instance except the President/Provost/vice president/dean, (See VII. STAFF GRIEVANCE REVIEW COMMITTEE) the director, department head/chair who receives the grievance shall provide the employee with a written response within ten workdays of receipt of the grievance materials and shall send a copy of the response to the Associate Vice President for Human Resources and the Director of Affirmative Action/Employee Relations.

2. The director, department head/chair who receives the grievance shall provide the employee with a written response within ten workdays of receipt of the grievance materials and shall send a copy of the response to the Associate Vice President for Human Resources and the Director of Affirmative Action/Employee Relations.
3. If at any step in the process the employee does not receive a response, after 10 workdays, the employee may use these procedures to submit the grievance to the next level.

IV. PROCEDURES FOR GRIEVANCES OUTSIDE NORMAL REPORTING LINES
If an employee believes he or she has a grievance regarding a university-wide policy or regarding a matter that is outside the employee’s normal reporting line, the employee shall attempt to resolve the grievance through informal discussion with the Associate Vice President for Human Resources or his or her designee. As an alternative, the employee may approach his or her immediate supervisor regarding the matter; the immediate supervisor may then approach the Associate Vice President for Human Resources or his or her designee on behalf of the employee if the supervisor chooses to do so. If the matter is not resolved through informal discussions, the following procedures shall be followed in initiating the grievance.

The employee shall file a written grievance with the Associate Vice President for Human Resources, with a copy to the Director of Affirmative Action/Employee Relations, within 10 workdays of the incident causing the grievance. The written grievance shall include a full statement indicating the basis for the grievance and the solution that the employee seeks.

The Associate Vice President for Human Resources shall respond to the grievance in writing within ten workdays of receiving the grievance and shall send a copy of the response to the Director of Affirmative Action/Employee Relations.

If the employee is not satisfied with the response to the grievance, the employee shall submit copies of the original grievance and the response to the Vice President for Business Affairs within five workdays of receipt of the response.

The Vice President for Business Affairs shall respond to the grievance in writing within ten workdays of receiving the grievance materials and shall send a copy of the response to the Associate Vice President for Human Resources and the Director of Affirmative Action/Employee Relations. The response of the Vice President for Business Affairs shall be final.

V. MEDIATION
The university encourages employees to resolve work-related disputes through open, direct communication in the airing of differences. However, when direct communication fails but parties in a dispute believe that the differences may be reconciled, the university provides impartial services to facilitate mediation. Mediation Services offers stages of guided intervention to find agreement before reaching the level of a formal grievance proceeding.

Employees who seek assistance through Mediation Service retain full rights to pursue a grievance under university. Filing a grievance ends the mediation process.

Participation in the Mediation Service process suspends the timeline for initiating a grievance until (1) one or more of the disputants have withdrawn from the process, (2) one of the disputants files a grievance in the case or (3) the mediator certifies in writing that the dispute remains unresolved after exhausting the stages of the mediation process. After any one of those eventualities, the disputant has 10 work days to suspend the mediation and re-start the formal grievance proceeding. The written grievance must be filed with the immediate supervisor, with copies to the Associate Vice President for Human Resources and the Director of Affirmative Action/Employee Relations. The written grievance shall include a full statement indicating the basis for the grievance and the solution that the employee seeks.

To initiate the mediation process, please see mediation procedures at:
VI. STAFF GRIEVANCE OFFICER
The Staff Grievance Officer is available to consult with staff members in each step of the grievance process, including the initial formulation of the grievance statement. The Staff Grievance Officer cannot serve as an advocate for or representative of staff members, but may work closely with staff members, departments, and the Human Resources Department to seek equitable resolutions of all grievances. A staff member may provide copies of all grievance materials to the Staff Grievance Officer if the staff member chooses to do so.

The current staff grievance officer can be found by going to the Staff Senate Web page: http://louisville.edu/staffsenate/contact.html.

VII. STAFF GRIEVANCE REVIEW COMMITTEE
If the grievance reaches the level of the President/Provost/vice president/dean, the employee may make a written request to the Staff Grievance Review Committee to review and prepare a factual summary of the grievance and a recommendation to the President/Provost/vice president/dean. The President/Provost/vice president/dean shall issue a final decision within ten workdays after receipt of the summary and recommendation from the Staff Grievance Review Committee.

A. The employee shall make any such request for review to the Associate Vice President for Human Resources or his or her designee within ten workdays of receipt of the response from the level of supervision immediately below the President/Provost/vice president/dean. The request shall be in writing and shall include copies of the grievance and all responses to the grievance. The Associate Vice President for Human Resources or his or her designee will refer the request to the Staff Grievance Committee and notify the President/Provost/vice president/dean of the action taken.

B. The Staff Grievance Review Committee shall submit the grievance materials, its factual summary of the grievance, and its recommendations to the President/Provost/vice president/dean within 20 workdays of receipt. The Staff Grievance Review Committee shall provide a copy of its summary and recommendations to the employee, the employee’s supervisors, the Associate Vice President for Human Resources, and the Director of Affirmative Action/Employee Relations. The President/Provost/vice president/dean shall issue a written response to the grievance within 10 workdays of receipt of the Committee’s review and recommendations. The response shall be provided to the Committee, the employee, the employee’s supervisors, the Associate Vice President for Human Resources, and the Director of Affirmative Action/Employee Relations.

VIII. EXTENSION OF TIME
Any person involved in the formal grievance process may contact the Associate Vice President for Human Resources or his or her designee and request in writing an extension of time in which to respond. The Associate Vice President for Human Resources or his or her designee may grant such an extension at his or her discretion and will notify all persons involved.