



SOUTHERN UTAH UNIVERSITY
Policies and Procedures

Policy # 8.4
Date Approved: 07/27/90
Date Amended: 07/01/98
Reviewed w/no Changes:
Office of Responsibility: VP Fin
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SUBJECT: EMPLOYMENT GRIEVANCES

- I. **PURPOSE:** To provide an effective means of insuring fair treatment for nonfaculty staff members in seeking to resolve work-related grievances.

- II. **DEFINITIONS**
 - A. **Staff Member** - An employee in a nonfaculty position who receives compensation for work or service from funds controlled by the University, regardless of the source of funds, the duties of the position, the amount of compensation paid, or the percent of time worked.

 - B. **Employment Grievance** - A grievance concerning interpretation or application of personnel policies or practices; working conditions; employee-supervisor relationships; or other personnel matters.

 - C. **Final and Binding Decision** - A final administrative decision. The complainant cannot take the matter any further administratively.

- III. **POLICY**
 - A. Problems or complaints involving a claim of discrimination on the basis of race, color, national origin, religion, sex, age, disability, or veteran's status should be processed as provided in Policy and Procedures.

 - B. Employees are encouraged to consult with their supervisors or department heads when they have problems concerning the application of personnel policies, working conditions, and other personnel matters.

 - C. The Human Resources Director or designee will serve in an advisory capacity with respect to procedural questions which may be asserted by either the complainant or the supervisor. The designated human resources representative will monitor the employment grievance procedure, giving particular attention to the avoidance of unreasonable delays at each level of the process.

 - D. Employees shall be provided the opportunity to discuss any problems relating to these matters and other grievance rights with the human resources officer.

 - E. The resolution of any employee grievance shall be in accordance with appropriate University policies and campus regulations. Any resolution of a grievance that involves an exception to University policy requires the prior approval of the President.



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- F. No supervisor shall directly or indirectly threaten to use his/her authority to discourage an employee from using the grievance process.
- G. An employee shall not be denied his/her right to file a grievance, nor shall his/her employment status be jeopardized for doing so.
- H. Reasonable time off with pay during scheduled working hours must be provided to the employee, the employee's representative, or any witnesses called to testify, for time spent in proceedings leading to resolution of the complaint. Time spent by the employee or representative in such activities outside scheduled working hours is noncompensable.
- I. Time limits provided for the conduct of the grievance procedure may be extended by mutual agreement between the Human Resources Director or designee and the aggrieved employee. Time limits stated refer to normal work days.
- J. An employee may be represented at any or all levels of the formal grievance procedure by a person of the employee's choice. If an employee chooses to be represented, he/she must notify the Director of Human Resources of the identity of the representative at least three (3) days prior to the grievance hearing.

IV. PROCEDURE

- A. Informal Review
 - 1. Every effort shall be made by all persons involved in a grievance to resolve their differences in an informal manner at the lowest level of supervision.
 - 2. An employee who has a question concerning the interpretations or application of personnel matters is encouraged to exercise his/her right to discuss the matter with his/her supervisor.
 - 3. An employee may exercise his/her right to discuss, on an informal basis, any employment problems or grievance rights with the human resources officer.



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4. The complaint should be presented orally by the staff member to his or her immediate supervisor within five (5) days of the event prompting the grievance. If the matter cannot be prudently discussed or resolved with the immediate supervisor, an exception to this procedure may be approved by the Director of Human Resources.
5. If a grievance cannot be resolved through informal discussions, and if it appears serious enough to the employee to require a more formal review, the formal hearing procedure established by the University shall be followed.

B. Formal Review

1. A formal complaint may be filed by a staff member when the issue cannot be resolved through informal discussions.
2. The following steps and time limits are to be observed by the aggrieved staff member and by administrative personnel in processing a formal review of the complaint:

STEP I

When a mutually satisfactory agreement cannot be reached between the staff member and his or her immediate supervisor, the grievance should be reduced to writing by the aggrieved staff member and referred to the next level of supervision within five (5) days of the last informal review or discussion. A written decision by the second level supervisor should be given to the aggrieved staff member within five (5) days of receipt of the written grievance. Copies of the written grievance and decision should be forwarded to the Human Resources Director.

STEP II

If the second level supervisor's decision resulting from Step I is not satisfactory to the aggrieved staff member, he or she should personally review the case with the Director of Human Resources or designee within five (5) days of receipt of such decision. The Director of Human Resources or designee shall within seven (7) days of the personal review with the aggrieved employee prepare a written summary of the issues, and a proposed solution will be deemed



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acceptable by the staff member and his or her supervisor unless written notice to the contrary is received by the Director of Human Resources within seven (7) days of the date the proposed solution was presented to the staff member and supervisor.

STEP III

If either party to the grievance is not satisfied with the solution proposed by the Director of Human Resources, as per Step II, the dissatisfied party shall respond to the Director of Human Resources in writing within seven (7) days, setting forth the reasons why the proposed solution is not acceptable. The Director of Human Resources shall then within three (3) days refer the case to the Employee Relations Review Committee. The Employee Relations Review Committee shall schedule hearings on the case within a reasonable time and all parties to the complaint shall be notified and have the right to be heard by the Committee.

Within twenty (20) working days after the conclusion of the hearing, the Committee shall submit a written report of its findings and recommendations to the cognizant Provost, Vice President, or President's staff-level member.

STEP IV

The cognizant Provost, Vice President, or President's staff-level member shall, within ten (10) working days, take one of the following actions:

- (1) Ratify the Committee's findings and conclusions.
- (2) Return the report to the Committee for reconsideration or clarification, in which case:
 - a. The Committee shall (1) reconvene and review the specific matters, materials, and issues as requested by the cognizant Provost, Vice President, or President's staff-level member, and (2) issue and forward to the cognizant Provost, Vice President, or President's staff-level member a report of its findings



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and conclusions relating to the specific matters referred by the cognizant Provost, Vice President, or President's staff-level member for further consideration.

- b. The cognizant Provost, Vice President, or President's staff-level member shall consider the additional information, findings and conclusions of the Committee and make a decision within ten (10) working days of receipt of the additional information, or return it to the Committee as provided in paragraph (2)a. above.
- (3) Reject all or parts of the Committee's findings and conclusions, stating reasons therefore.

Notification of the final and binding decision shall be communicated to all parties concerned, including the Director of Human Resources, the department head, the aggrieved employee's immediate supervisor, and the staff member.

3. If any steps provided for in Section IV are impractical for any reason, the Director of Human Resources may prescribe an alternative process which, to the maximum practicable degree, will assure to the aggrieved staff member the fair and adequate consideration of the problem or complaint; provided, however, that the employee's right to a hearing before the Employee Relations Review Committee shall not be denied or abridged.