GRIEVANCES OF STAFF EMPLOYEES

A. Purpose

This policy establishes procedures that staff employees may use to bring complaints to the attention of management.

B. Persons Affected

This policy applies to all staff employees in regular and temporary positions.

C. Policy

It is the policy of The University of Texas-Pan American to meet the requirements of state and federal law and to encourage fair, efficient, and equitable solutions for problems arising out of the employment relationship. This policy shall be applicable to complaints concerning wages, hours of work, working conditions, performance evaluations, merit raises, job assignments, reprimands, the interpretation or application of a rule, regulation or policy, unlawful discrimination on any basis, or allegations that the termination of a probationary or temporary employee was for an unlawfully discriminatory reason. Such complaints shall not be processed through the Discipline and Dismissal Appeal Procedure for classified staff employees (Reference *Handbook of Operating Procedures (HOP)* Section. 7.7.2). Such complaints shall be considered on an informal basis in order to allow prompt correction or explanation of the subject of the complaint.

Retaliation is prohibited under this policy and the Texas Government Code Section 554.002. No employee shall be penalized, disciplined, or prejudiced for exercising the right to make a complaint or for aiding another employee in the presentation of that complaint, provided that such action is taken in good faith.

D. Definitions

1. *Regular Staff Position*. A full-time and/or part-time non-faculty position that entails employment for at least 20 hours per week for a period of at least four and one-half (4 ½) months. It does not include temporary staff positions.

2. *Temporary Staff Position*. A position that is not defined as a Regular Staff Position and includes positions requiring student status as a condition for employment.

3. *Grievance*. A statement of complaint arising from the employment relationship together with a recommendation for resolution of the complaint that is identified as a grievance.

4. *Department Head*. A university department chair, dean, director, division vice president, or the President as applicable to eligible employee.

E. <u>Responsibilities</u>

1. Employees are responsible for complying with this policy and its procedures.

2. Supervisors, department heads, deans, directors, vice presidents and/or administrative equivalents are responsible for responding to employee grievances in accordance with this policy and its procedures.

F. <u>Procedure for Bringing a Grievance</u>

1. Step One - Presentation to Supervisor

   The employee shall informally present the complaint to his/her supervisor for discussion, consideration, and resolution within five (5) working days from the date of the action which is the subject of the complaint. If the supervisor is the subject of the complaint, the employee may address the complaint to the appropriate department head or administrative equivalent under procedures in Subsection F.2.

2. Step Two - Presentation to Department Head

   If the supervisor does not satisfactorily resolve the complaint within five (5) working days as stated in Subsection F.1, the employee may present the complaint in writing within five (5) working days to the appropriate department head or administrative equivalent for consideration and action. The written complaint should be clearly identified as a grievance, contain a concise statement that explains the specific complaint, and contain the employee's recommendation for attaining a sufficient remedy of the complaint. A written decision shall be mailed to the employee within five (5) working days of receipt of the complaint.

3. Step Three - Presentation to Appropriate Dean, Director, or Administrative Equivalent-Appeal

   If the employee is not satisfied with the decision of the department head or administrative equivalent under Subsection F.2., a written appeal stating why the appealed decision is incorrect may be made to the appropriate dean, director, or administrative equivalent within five (5) working days of the date of the appealed decision. A written decision shall be mailed to the employee within ten (10) working days of the date of the appeal.

4. Step Four - Presentation to Appropriate Vice President or Administrative Equivalent – Final Appeal

   Complaints not satisfactorily resolved by the dean, director, or administrative equivalent under Subsection F.3. may be appealed in writing to the appropriate vice president or administrative equivalent for the employee's department within five (5) working days of the date of the appealed decision. The appeal shall state why the appealed decision is not correct. Within a reasonable time, not to exceed thirty (30) working days following receipt of the appeal, a written decision shall be mailed to the employee. **This decision is final**.

   Note: If the supervisor is also the department head, dean or director, the employee shall proceed to the next appropriate level in relation to the department head, dean or director under Subsections F.2. through F.4.

   Note: In unusual circumstances, the Assistant Vice President for Business Affairs/Director of Human Resources may grant an extension to the response time period required under Subsections F.2. through F.4. The circumstances shall be limited to the official's absence due to scheduled vacation leave, sick leave, or holiday leave as deemed necessary in furtherance of university business during the time in which a response is required.

5. Documents Related to Grievance

   The written complaint and all decisions or responses related to the grievance shall be forwarded to Human Resources for inclusion in the employee's personnel file.

G. <u>Review</u>

The Divisional Head for this policy is the Vice President for Business Affairs, and this policy shall be reviewed every five years or sooner if necessary by the following Stakeholders:

1. Assistant Vice President for Business Affairs/Director of Human Resources – Senior Reviewer
2. Staff Senate Chair