

Support Staff Grievance

Issued: October 11, 2018

POLICIES

Responsible Official: Vice President for Finance and Administration

Responsible Office: Human Resources

Policy Statement

It is the policy of Austin Peay State University to provide an effective procedure for resolution of problems arising from the employment relationship or environment.

Purpose

The purpose of this policy is to establish the process regarding support staff grievances and/or complaints at APSU in compliance with T.C.A. § 49-8-117.

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Definitions

Support Staff

Employees who are not faculty, executive, administrative or professional staff. Student workers and graduate assistants are not included in the definition of employee.

Grievance

A complaint about one (1) or more of the following matters:

- Demotion, suspension without pay or termination for cause;
or
- Work assignments or conditions of work which violate statute or policy and result in punitive action being taken against the employee. Any grievance by support staff employees that does not involve punitive action taken against the employee will be processed under APSU Policy 1:017 Grievance and Complaint Procedures for Employees.

Employment Action

Any action described under Grievance.

Procedures

Grievance Procedure

- A. Time for Filing
1. A grievance must be initiated within fifteen (15) workdays after the employee receives notice or becomes aware of the action which is the basis for the grievance.
 2. The administrator considering the grievance at each step shall issue a written decision with specific reasons stated for the decision.
 3. If the employee is not satisfied with the decision at any step, he/she must carry the grievance forward to the next step within fifteen (15) workdays after receiving the written decision.
 - a. If the employee does not carry the grievance forward within fifteen (15) workdays, the grievance procedure shall be terminated and the grievance disposed of in accordance with the last written decision.
 1. For purposes of this procedure, the term “workdays” refers to Monday through Friday.
 4. Any party involved in the grievance proceeding may request an extension of any deadline set forth in the policy. The University shall establish procedures for consideration of extension requests.
 5. If an extension of any deadline is not provided and fifteen (15) workdays of any step have been exhausted, the grievance will be considered closed. Human Resources will notify all parties in writing of the closed status.
 6. Once a grievance is initiated, the grievant may not later present the same grievance again in an attempt to gain a more favorable outcome.
- B. Testimony, Witnesses and Representation

1. At every step, the employee may testify and present witnesses and materials in support of his/her position.
 - a. The testimony of an employee, given either on his/her own behalf or as a witness for another employee, will not subject an employee to retaliatory action.
2. At every step, the employee may be accompanied by a representative as defined by the University, which may also specify the parameters of participation by the representative during the hearing process.
 - a. At the discretion of the grievance panel chair, additional employees from the unit may be allowed to attend the grievance panel hearing conducted as the final step.

C. Steps of Review

1. Step 1-- Supervisor or Administrator Instituting Employment Action:
 - a. Within fifteen (15) workdays after the employee receives notice or becomes aware of the action which is the basis for the grievance, the employee completes a Grievance Form (which may be obtained from Human Resources), submits it to Human Resources and provides a copy to his/her supervisor or the administrator instituting employment action. While a particular form is not required to file a grievance, the employee must make it clear that she/he intends to utilize the grievance procedures for resolution of the employment action.
 - b. Within fifteen (15) workdays after receipt of the grievance, the supervisor or administrator initiating the employment action and the employee meet and discuss the grievance in a face-to-face meeting.
 - c. If the supervisor or administrator was not the one who recommended the original employment action, the supervisor or administrator will make a recommendation to the administrator who made the original employment action.
 - d. Any changes from the original employment action must be approved by the President, as appropriate, before being communicated to the employee.
 - e. Within fifteen (15) workdays after the face-to-face meeting, the supervisor or administrator must communicate the decision in writing to the grievant with specific reasons stated for the decision.

- f. If the supervisor or administrator fails to respond or if the decision is not satisfactory to the employee, the employee may carry the grievance forward to Step 2.
2. Step 2--Next Higher Level of Management:
 - a. Within fifteen (15) workdays after receiving the written decision at Step 1, if the employee is not satisfied with the result of Step 1, the employee must notify Human Resources that he/she wants further review.
 1. Human Resources schedules a face-to-face meeting to occur within fifteen (15) workdays after receiving notice that the employee wants further review of the next level administrator.
 - b. Within fifteen (15) workdays after the face-to-face meeting, the next level administrator issues a written decision that includes specific reasons for the decision.
 - c. Any changes from the original employment action must be approved by the President before being communicated to the employee.
 - d. If the President is the next higher level of management, a designee may be assigned in Step 2. The designee will be assigned by the President. The designee may not work in the unit of the grievant.
 3. Step 3--Hearing:
 - a. Within fifteen (15) workdays after receiving the written decision at Step 2, the employee can request a grievance hearing before a grievance panel of employees.
 - b. The employee must notify Human Resources in writing whether he/she wants a hearing before a grievance panel.
 - c. Alternatively, the employee may request a hearing under APSU Policy 1:007 Uniform Procedures for Cases Subject to the Uniform Administrative Procedures Act (Cases Subject to UAPA), if applicable.
 - d. If the employee requests a hearing before a grievance panel, the President selects the grievance panel members, convenes the hearing and arranges for the grievance to be heard.
 - e. The grievance panel may include non-exempt staff employees, exempt staff employees, or a combination of both exempt and non-exempt employees.

- f. The grievance panel members representing the unit where the employee works may not serve on the grievance panel.
 - g. Every effort should be made to include minorities, i.e. ethnic minorities and women, in the composition of the committee.
 - h. The grievance panel shall hear the grievance within fifteen (15) workdays, if practicable, after the date on which the employee submits his/her written request to Human Resources.
 - i. The written recommendation of the grievance panel or commission is subject to review by the President.
4. Step 4—Review by the President:
- a. The written recommendation of the grievance panel will be forwarded to the President.
 - b. Within fifteen (15) work days, if practicable, the President or a designee will notify the grievant of the final decision.

D. Grievances which are processed through the grievance committee and upon which the President has made a decision are appealable to the Board of Trustees only where the grievance falls within the parameters set out in APSU Policy 1:010 Appeals and Appearances Before the Board.

Non-Retaliation

- A. No employee shall retaliate or discriminate against another employee because of the latter employee's filing of a grievance or complaint.
- B. In addition, no employee shall coerce another employee or interfere with the action of another employee in the latter employee's attempt to file a grievance or complaint.
- C. Administrative, academic and supervisory personnel should also be informed that they are responsible for ensuring that the employee is free from retaliation, coercion and/or discrimination arising from the employee's filing of or intent to file a grievance or complaint.

Responsibility for Implementation

- A. The President, as appropriate, or his/her designee has ultimate responsibility for implementation of the grievance and complaint procedures.
- B. Administrative, academic, and supervisory personnel are responsible for insuring that they inform and make available to all employees information concerning their right to file a

grievance or complaint and their right to be protected from retaliation.

Maintenance of Records

- A. Copies of written grievances, and accompanying responses and documentation should be maintained in the Office of Human Resources for at least two years after the date of the employment decision.
- B. If a finding adverse to the grievant is made, the finding shall be maintained in the grievant’s personnel file.
- C. The institution shall provide an annual report summarizing grievance activities of the previous year to the Board of Trustees.
- D. The University shall include information regarding the grievance procedure in employee orientations.

Related Forms

APSU Employee Grievance Form https://www.apsu.edu/files/human-resources/griev_frm.pdf

Revision Dates

APSU Policy 5:009 – Rev.: October 11, 2018
APSU Policy 5:033 (previously 5:059) – Rev.: February 2, 2017
APSU Policy 5:033 – Rev.: November 18, 2015
APSU Policy 5:033 – Rev.: May 2, 2006
APSU Policy 5:033 – Rev.: October 31, 2003
APSU Policy 5:033 – Issued: July 11, 2002

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
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Approved

President: signature on file
