

UNIVERSITY OF NEW ORLEANS

Grievance Procedure for Classified Employees

Effective Date: June 26, 2012

SCOPE

This grievance procedure is an official, internal University procedure used to resolve classified employee complaints and other personnel actions that are not appealable to the Civil Service Director or to the Civil Service Commission.

PURPOSE

The University of New Orleans wants to develop and maintain a satisfied and efficient work force and a positive working environment for its classified employees. However, sometimes dissatisfaction arises in relationships between an employee and a co-worker or a supervisor. When this occurs, classified employees should have a method for voicing their concerns with their supervisor. It is the intention of the Classified Employee's Grievance Procedure to provide the classified employees a method to be heard and a venue for resolution of grievances. Complaints of harassment, discrimination or retaliation should be pursued in accordance with **AP-BA-32.2, Prohibiting Discrimination, Harassment, and Retaliation**. Under no circumstances will any employee be retaliated against or penalized for filing a grievance under this procedure.

AUTHORITY

Article X, Section 10 (A)(1) of the Louisiana Constitution of 1974, Louisiana Dept. of Civil Service Rule 3.1(m), and Chapter III, Section XIV of the Bylaws and Rules of the Board of Supervisors of the University of Louisiana System.

PROCEDURE

When an employee feels he/she has been treated unjustly, he/she has the right to use the grievance procedure without fear of coercion, discrimination or reprisal because of this action. Only those grievances that cannot be appealed to the Civil Service Director or Commission shall be processed through the University's Grievance Procedure for Classified Employees.

It is incumbent upon every supervisor to provide their employees with an opportunity to be heard in accordance with Grievance Procedure for Classified Employees. It is the responsibility of the employee to complete the Classified Employee Grievance [Form](#) and submit it to the appropriate supervisory level. The employee will also be responsible for following up with the designated respondent and preparation of the Classified Employee Grievance Form at each step during the process.

GRIEVANCE PROCESS

Employee's problems should be resolved at the lowest supervisory level and at the earliest possible opportunity. If a grievance is settled outside this grievance process, a memorandum shall be placed in the supervisory file held by the employee's supervisor.

It is often beneficial to both the grievant and the University to try to resolve problems unofficially before resorting to a formal grievance forum. However, if the employee is unable to resolve the issue, the employee can file a grievance using the following procedure. The Classified Employee Grievance Form will

be completed at each subsequent step for which the grievance or appeal is made by the classified employee.

First Step

All grievances should be presented in writing within five (5) working days from the date the employee first became aware of, or should have become aware of, the cause of such grievance.

The aggrieved employee should present the grievance to the appropriate supervisory level within his/her supervisory chain. The supervisor shall render to the employee a written response on the grievance within five (5) working days from the date the grievance was received by the supervisor.

The respondent shall date the form indicating when the employee and the respondent discussed the grievance. The employee shall indicate, on the grievance form, whether or not the employee is satisfied with the response and sign and date the form. A signed copy of the Classified Employee Grievance Form will remain with the respondent and the original copy of the form will be given to the employee. The supervisor shall provide to the Office of Human Resource Management, ATTN: EEO Coordinator a signed copy of the grievance.

Second Step

If the employee is not satisfied with the decision in the First Step, or if a decision is not rendered within the prescribed time limit, the employee may within five (5) working days present the grievance in writing to the appropriate section, division, or budget unit head. The latter shall investigate; afford the employee an opportunity to present his viewpoint; and furnish the employee a written statement of his findings and recommendations. Such statement shall be furnished within ten (10) working days of the receipt of the written grievance.

The respondent shall attach a written response to the Grievance Form, and sign and date the form. A copy of the grievance form and all written responses will be held with the respondent and the original grievance documents will be given to the employee. The employee shall indicate whether or not the employee is satisfied with the response, sign and date the form. The supervisor shall provide to the Office of Human Resource Management, ATTN: EEO Coordinator, a signed copy of the grievance. If the employee is not satisfied with the response, it is the responsibility of the employee to forward the grievance documents to the University's Delegated Appointing Authority in the Third Step.

Third Step

In the event that the decision of the section, division, or unit head at the Second Step does not satisfy the employee, or if the second step response is not provided within the prescribed time limit, the employee may present the written grievance documents to the University's Delegated Appointing Authority within five (5) working days of receipt of the response in Second Step, or within five (5) working days following the date the Second Step response was due.

The Delegated Appointing Authority shall conduct a hearing, an investigation if deemed appropriate, **OR** a review of the first and second step responses, and will issue a written decision within fifteen (15) working days following the date the grievance entered the third step. **This is the final step in the University's classified employee grievance process.**

GENERAL PROVISIONS

- If an employee experiences any form of “Harassment” as defined in the University’s *Administrative Policy AP-BA-32.2 Prohibiting Discrimination, Harassment and Retaliation Policy*, the employee should follow the procedures under that policy rather than use this grievance process. If the harassment is by anyone in the employee’s chain of command, the employee should skip this grievance procedure and notify any of the following University representatives:
 - The employee’s immediate supervisor or next supervisory level if complaint is due to actions of the employee’s immediate supervisor;
 - The Equal Employment Opportunity Officer;
 - The Assistant Vice President for Human Resource Management;
 - Dean or Department Head;
 - Vice President
 - Other University Official.

- The Delegated Appointing Authority may designate a hearing officer or a grievance committee to hear a grievance.
- Grievances may be consolidated due to similar or related circumstances and/or more than one employee with a grievance covering the same issue.
- The collection of evidence will be done in a manner that is cost-effective and least disruptive to the University’s business operations.
- During the grievance process, the person against whom the grievance complaint is made shall have the opportunity to provide a statement.
- Grievance rights do not relieve an employee of the responsibility to do the assigned job duties.
- No employee may use his/her position to coerce, attempt to coerce, or influence in any improper manner, a member of the committee or any person involved in the grievance process. Any classified employee who uses his/her official position to coerce, or influence in any improper manner any person involved in the grievance process shall be subject to disciplinary action.
- All documentation related to any grievance must be maintained in the Office of Human Resource Management. This includes copies submitted to the Office of Human Resource Management at each step of the procedure. Grievance documentation is not necessarily accessible to the general public.
- Each step of the Grievance Procedure must be initiated by the Grievant. If the Grievant fails to initiate in a timely manner any step of the Grievance Procedure, the grievance is abandoned.
- The Grievance Procedure is intended as a means of resolving employee complaints internally.
- The Grievant cannot be represented by a person of his/her choosing at any step of the Grievance Procedure. Therefore, the presence of legal counsel or other outside internal or external representation is not appropriate and shall not be allowed.
- The provisions contained in the Grievance Procedure are subject to change, amendment or withdrawal by UNO at any time.

DISMISSAL OF GRIEVANCES

The Delegated Appointing Authority may at any time dismiss a formal grievance under the following situations:

1. The action is appealable to the Director of Civil Service or to the Civil Service Commission.
2. The grievant does not work for the agency.
3. The person against whom the grievance is filed does not work for the agency.
4. The grievance has not been made in the required manner or within the prescribed period.

5. A decision on the grievance would be ineffective or moot.
6. The remedy requested cannot be granted.
7. The appointing authority has determined the grievance to be frivolous.
8. The grievance is being used to impede the efficient operation of the agency.
9. The grievant did not appear for the grievance hearing.

When an Appointing Authority or Delegated Appointing Authority dismisses a grievance, he or she shall notify the grievant and any supervisor or section head who received the grievance.

AREAS OUTSIDE THE SCOPE OF THIS PROCEDURE

Areas not covered by the University's Grievance Procedure for Classified Employees are employment actions which are appealable to the Civil Service Director or Commission:

- An allocation or reallocation decision – Rule 5.3;
- The rejection of an application – Rule 7.5;
- A determination that an applicant lacks the minimum qualifications – Rule 7.5;
- Performance and Planning Reviews - Chapter 10 of the Civil Service Rules (www.dscs.state.la.us/default.htm);
- Reassignment of a permanent employee for disciplinary reasons;
- Suspension without pay, reduction in pay; involuntary demotion or dismissal of a permanent employee;
- Non-disciplinary removal of a permanent employee;
- Layoff of a permanent employee;
- An employment action/decision that discriminates against an employee because of his or her political or religious beliefs, sex, or race
- An employment action/decision that violates a Civil Service Rule or the Civil Service Article (Article X, Part 1 of the state constitution).

Complaints about letters of warning, reprimand, or counseling are handled by written responses and not through the grievance process.

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