

**RULES AFFECTING**  
**CLASSIFIED AND ADMINISTRATIVE/PROFESSIONAL STAFF**  
**SECTION FOURTEEN**

**14.0 GRIEVANCES AND APPEALS**

A. Grievance Procedure

Senior Managers are not eligible to file formal grievances under this Section.

1. A grievance is defined as a dissatisfaction which occurs when a Regular status Classified or Administrative/Professional employee considers that a policy or practice concerning employment conditions has been applied in an unjust or inequitable fashion, or creates a hindrance to effective operations. (Suspensions, disciplinary demotions, and dismissals should be pursued not as a grievance, but as an appeal in accordance within the Appeal Procedures prescribed in this Section.) Grievances should first be discussed informally with the supervisor. All efforts should be made to resolve the problem as soon as possible. The Director of Human Resources is available to consult with staff members in resolving unlawful discrimination, grievances, and appeals.
2. In the event informal discussions with supervisory personnel and/or the Director of Human Resources have been unsuccessful or impractical in resolving a grievance, the formal steps in the Grievance Procedure shall be as follows:
  - a. The employee shall file a written grievance with the immediate supervisor (or, if desired, with the supervisor's superior) with a copy to the Director of Human Resources. (If the Director of Human Resources determines before a full investigation is conducted that there is a possibility of unlawful discrimination, the Director may recommend that the action which caused the grievance be suspended, pending further investigation.)

- b. The written grievance must be filed within 15 workdays of the incident causing the grievance and shall include a full statement indicating the basis for the grievance and, if possible, the solution that the employee seeks. The grievant and/or supervisor taking the action may seek advice of the Director of Human Resources.
- c. The supervisor who receives the grievance shall consider the facts and, within 30 workdays, provide the employee with a written response outlining what actions will or will not be taken to resolve the grievance. Copies of the supervisor's response to the employee shall be sent to the Director of Human Resources.
- d. If the grievance is not resolved at the first level to the satisfaction of the employee, the employee shall have the right to submit a copy of the original grievance, and response, to the next level. This must be done within 30 workdays of receipt of the reply at the first level.
- e. The second level supervisor shall follow the procedures prescribed in paragraph (c) above.
- f. If the grievance is not resolved to the employee's satisfaction at the second level of supervision, the employee shall have the right to submit a copy of the original grievance to the succeeding levels of administration. In each instance, the grievance shall be given to the next level within 30 workdays of receipt of the lower supervisor's response. And in each instance, the supervisor shall consider the facts and provide the employee with a written reply within 30 days, and send copies to the Director of Human Resources. If a grievance reaches the President, that decision is final.
- g. A grievance pertaining to any item that is not under control of the immediate supervisor may be submitted to the Director of Human Resources within 15 workdays of the incident giving rise to the grievance. The grievance shall be submitted in writing identifying the particular facts and policy giving rise to the complaint and shall state the relief sought. The Director will render a decision within 30 workdays. That decision may be submitted by the grievant to the Executive Vice President, whose decision is final.
- h. The employee may be accompanied by any employee of his/her choosing at any stage in the grievance procedure. Upon either

party's request, and with agreement of the other party, the time limits established for taking action may be extended up to ten workdays. Failure of any supervisor to respond within the established time limits will cause the Director of Human Resources to meet with that person in an attempt to resolve the grievance.

- i. Insofar as possible, all matters of grievance shall be reviewed during the aggrieved employee's normal working hours without loss of pay.

B. Appeal Procedure –*Applies only to Classified employees hired prior to November 17, 1997; those hired on or after that date have no appeal available.*

1. Suspensions, dismissals, or disciplinary demotions (a disciplinary demotion includes an employee's inability to perform satisfactorily at the current job classification level) will occur only for reasonable cause, and only upon confirmation by the Director of Human Resources that policies and procedures have been followed.
2. An eligible Classified employee who has successfully completed the assessment period may appeal any instance of suspension, disciplinary demotion, or dismissal by filing with the Director of Human Resources a statement describing absence of reasonable cause for the action taken or describing how policies or procedures were not followed, and suggesting the solution the employee seeks. The Appeal must be filed within 15 workdays of the incident causing the appeal.
3. The Director of Human Resources will, within 5 workdays of receipt of the Appeal, notify the Chair of the Personnel Council, whose responsibility it is to assemble an Appeal Board comprised of individuals whom the chair deems to not have conflict of interest. The Appeal Board will include:
  - a. One employee selected by the appellant, one person selected by the Personnel Council from the Classified staff, one person selected by the Personnel Council from the Administrative/Professional staff, one person selected by the Personnel Council from the faculty, and one employee selected by the four above.
  - b. The five individuals above will select a chair.

- c. The Director of Human Resources will be present at all deliberations without vote for the purpose of providing advice and interpretations to all parties regarding policy and procedure.
4. The Appeal hearing is not a judicial forum; it is an administrative procedure. The purpose of the hearing is to afford the appellant an opportunity to establish that reasonable cause for the disputed action was absent, or that the action taken was contrary to policy or procedure. The appellant may be accompanied by one ULV employee of his/her choosing; that person has no role in the hearing.
5. The Appeal Board will convene and deliberate at the earliest possible time, and will, within 10 workdays of reaching its conclusion, transmit its decision to the appellant, the supervisor, the Personnel Council, and the Director of Human Resources.
6. If either party is not satisfied with the decision of the Board, an appeal may be made within 5 working days to the Executive Vice President, whose decision will be final.
7. Any Classified or Administrative/Professional employee may appeal any instance of alleged unlawful discrimination by contacting the Director of Human Resources who will investigate and render an opinion within fifteen days.