

UNIVERSITY of HOUSTON
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

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UCC Certified

SECTION: Human Resources
Employee Relations

Number: 02.04.01

SUBJECT: Employee Grievances

I. PURPOSE AND SCOPE

This document describes the ~~informal and formal processes~~ grievance process for addressing non-faculty employee grievances handled by the University's Department of Human Resources (Human Resources).

Grievances based on allegations of discrimination and/or sexual harassment are handled by the University's Office of ~~Affirmative Action/Equal Employment Opportunity (OAA/EEOServices (EOS))~~ and not pursuant to this policy. ~~Non-disciplinary terminations (as defined in this policy) are not covered under~~ this policy.

Guidelines governing faculty grievances can be found in the ~~Faculty Handbook~~ Faculty Handbook.

Intimidation, harassment, coercion or reprisal in any form against any employee for presenting the grievance or for participating, or assisting another employee in the presentation of a grievance pursuant to this policy is strictly prohibited.

II. DEFINITIONS

~~A. Cabinet Officer: Vice President or other top official of the employee's department or division reporting directly to the President and serving as a member of the President's Cabinet.~~

~~B.A. Human Resources Representative: The Human Resources Generalist assigned to the college or division in which the grievable employment action occurred or his/her designee.~~

~~C.B. Regular Employee: A non-faculty, non-probationary university employee who is employed for at least 20 hours per week on a regular basis, excluding students employed in positions which require student status as a condition of employment. Referred to herein as "employee."~~

~~C. Grievable Actions: Only employment actions taken against regular, Grievant: A non-probationary staff employee who files a grievance under this policy.~~

~~D. Grievance: An employee's formal expression of disagreement or dissatisfaction with employee-related concerns, which include wages, hours of employment or conditions of work.~~

III. THREE LEVELS OF THE GRIEVANCE PROCESS

There are three levels to the grievance process as follows:

A. Level One – Meeting With Supervisor: Employees must discuss his/her issue(s) with his or her immediate supervisor or the next higher supervisory authority. This process is available for all employees ~~are subject to the Informal or Formal Grievance Procedures~~

~~and these grievable actions are limited to the following: terminations relating to wages, hours of employment or conditions of work, including work performance-related issues.~~

- ~~D. Level Two - Mediation Process:— The use of the Human Resources mediation process to promote understanding, reconciliation and settlement of a grievance. A regular employee can only use the Mediation Process to resolve grievances related to written reprimands, final reprimands, suspensions without pay, demotions, involuntary transfers to another job classification, and suspensions without pay-terminations.~~
- ~~E. Informal Grievance Procedure: The Informal Grievance Procedure has been established to resolve disputes regarding grievable actions as quickly as possible and is available to all non-faculty university employees, regardless of classification, hours worked or length of appointment. A grievant must always follow the Informal Grievance Procedure prior to seeking recourse through the Formal Grievance Procedure.~~
- ~~F. Formal Grievance Procedure: The Formal Grievance Procedure has been established to resolve those work-related issues that could not be resolved through the Informal Grievance Procedure. This procedure is available only to regular employees.~~
- ~~G. Grievance: A complaint brought by an employee against management regarding the terms or conditions of employment. See Grievable Actions (Section II.D).~~
- ~~C. Appeal Level Three - Hearing Panel Review: A group of three (3) staff members chosen by the HR Human Resources Representative or his/her designee who will attend the appeal hearing and render a decision as to whether the grievable employment action was arbitrary, unfair, or inconsistent with University policy and/or practice. The Appeal Panel hearing panel will consist of ~~one (two (2))~~ staff level ~~employeeemployees~~ from outside the grievant's department and ~~two (one (1))~~ management level employees from outside the grievant's department. The Hearing Panel Review will only address grievances for a regular employee related to suspensions without pay, demotions, involuntary transfers to another job classification, and terminations.~~

~~III. INFORMAL GRIEVANCE PROCEDURE~~

- ~~A. The Informal Grievance Procedure is available to all non-faculty university employees excluding students employed in positions which require student status as a condition of employment, regardless of classification, hours worked or length of appointment.~~
- ~~D. Non-Disciplinary Terminations – Involuntary terminations for a non-disciplinary reason to include: terminations of probationary employees; terminations due to lack of work or funds; terminations or demotions due to redesigning jobs; and changes in the organizational structure. See MAPP 02.04.06 (Reduction in Force)~~

~~IV. PROCEDURES AND RESPONSIBILITIES~~

~~A. Level One – Meeting With Supervisor~~

- ~~1. The first level in the grievance process is available to all employees.~~
- ~~2. An employee must initiate the Informal Grievance Procedure regarding the grievable action (or last of a series of grievable actions) grievance process by requesting a meeting with his/her supervisor and informally discussing to discuss the issues within five (5) working days of the action. An employee who fails to initiate the Informal Grievance Procedure forfeits grievance process will forfeit~~

his/her right to ~~utilize these~~ proceed to the next levels of the grievance process, if available.

3. ~~The meeting requested by the employee grievance procedures shall take place within five (5) working days of the employee's request for a meeting. Employees and supervisors engaged in the Informal Grievance Procedure grievance process should make reasonable efforts to resolve the issues central to the procedure efficiently and informally. The informal grievance is intended as an informal dispute resolution process expeditiously. This procedure should be conducted as an interest-based, collaborative problem-solving process between the employee and supervisor with the purpose of preserving the work relationship. A regular employee may only proceed to the Formal Grievance Procedure if he or she has first made reasonable efforts to resolve the problem or issue with the supervisor informally and is unable to do so. If the supervisor is not available during the time required for the meeting to take place or the grievant feels that they are unable to discuss the issue with their immediate supervisor, the grievant shall meet with the next higher supervisory authority or designee within the five (5) working day period referenced in this Section IVH. The supervisory authority who meets with the employee shall make a final decision at the meeting or within two (2) working days following the meeting.~~
4. ~~If the employee's grievance is not resolved at the first level of the grievance process and the employment action was a written reprimand, final reprimand, suspension without pay, demotion, involuntary transfer to another job classification, or termination, a regular employee may proceed to the second level in the grievance process, the Mediation Process. For all other employment actions, the first level in the grievance process is the final step.~~

B. Level Two – Mediation Process

1. ~~The second level in the grievance process is only available to a regular employee.~~
2. ~~The purpose of the Mediation Process is to open and/or improve dialogue between the supervisor and the grievant and to facilitate an agreement between the parties regarding the disputed matter.~~
3. ~~The employee must submit a written request for mediation to Human Resources within five (5) working days from the date of the employee's meeting pursuant to the first level in the grievance process. Human Resources will schedule the mediation within five (5) working days of the employee's request for mediation. The employee's written request for mediation should identify the employment action and expected outcome of the mediation. A regular employee who fails to initiate the first and second level in the grievance process forfeits his/her right to proceed to the third level in the grievance process, the Hearing Panel Review.~~

~~If the C. The meeting requested by the employee shall take place within five (5) working days of the occurrence of the employment action by which the employee feels aggrieved. If the supervisor is not available or refuses to meet during the five-day time frame, the next level supervisor in line will meet with the employee within the referenced five (5) day period to discuss the complaint.~~

4. ~~If a regular employee's complaint is not resolved through the Informal Grievance Procedure or if the employee's direct supervisor and next level supervisor are not available or refuse to meet with the employee within a five (5) working days, the~~

~~employee may choose to move forward with either the Human Resources Mediation Process or Formal Grievance Procedure. If the employee's grievance is not resolved during the Mediation Process and the employment action was a suspension without pay, demotion, involuntary transfer to another job classification, or a termination, the regular employee may proceed to the third and final level in the grievance process, the Hearing Panel Review. For all other employment actions, the Mediation Process is the final step in the grievance process.~~

C. Level Three – Hearing Panel Review

~~IV. FORMAL GRIEVANCE PROCEDURE~~

~~A.1. If a grievance is not resolved through the Informal Grievance Procedure mediation process, a regular employee may, but is not required to, proceed with the Formal Grievance Procedure a Hearing Panel Review.~~

~~B.2. In order to proceed with the Formal Grievance Procedure a Hearing Panel Review, the employee must complete the Informal Grievance Procedure, or attempt to complete the Procedure, with his/her direct supervisor or next level supervisor, and complete a written written, signed, Formal Grievance Hearing Panel Review Form, which may be obtained from the Human Resources Department. The Hearing Panel Review Form must be submitted by the employee to Human Resources within five (5) working days following the conclusion of the Mediation Process. The information supplied by the Grievant in the Formal Grievance Request grievant on the Hearing Panel Review Form must include, in detail, the reasons the employee believes the actions of the supervisor or person responsible for the grievable employment action were arbitrary, unfair, or inconsistent with University policy and/or practice, as well as the names of any witnesses who have knowledge of the grievable employment action and/or any relevant documentation. The Formal Grievance Request Form should be submitted to Within two (2) working days of receipt of the designated employee's Hearing Panel Review Form, the Human Resources representative either via hand delivery or U.S. Postal mail. A form sent via U.S. Postal mail must be postmarked no later than the fifth working day after Representative will notify the grievable action employee's supervisor and provide the supervisor a copy of the employee's Hearing Panel Review Form.~~

~~C. Upon receipt and review of the Formal Grievance Form and any supporting documentation, the designated Human Resources Representative will grant or deny the employee's Formal Grievance request. In order for a Formal Grievance request to be granted the designated Human Resources Representative must determine, based on the documentation and information provided by the employee, that it is more likely than not that the actions of the supervisor and/or person responsible for the grievable action were arbitrary, unfair, or inconsistent with University policy and/or practice. The designated Human Resources Representative must give his/her decision as to whether to grant or deny the employee's Formal Grievance request to the employee within ten (10) working days of receipt of the employee's Formal Grievance Form and documentation.~~

3. Hearing Panel Review Procedures

a. The hearing will be conducted within a reasonable period after receipt of the grievant's written appeal. The designated Human Resources Representative will send a notice confirming the date, time, and place of

the hearing to the grievant and members of the Hearing Panel no later than ten (10) working days prior to the hearing.

- b. No later than five (5) working days prior to the hearing the parties shall submit the following information to the designated Human Resources Representative; a summary of the party's position, a list of witnesses to be called during the hearing, and any documentation to be presented to the hearing panel. There will be a simultaneous exchange of this information between the parties, which will be facilitated by the designated Human Resources Representative. Any rebuttal information shall be provided to the designated Human Resources Representative within two (2) working days of the hearing, and the designated Human Resources Representative will facilitate the exchange of any such rebuttal information. Neither party is allowed to provide any documentation, or present any witnesses that were not provided to the designated Human Resources Representative by the deadlines referenced in this section.

~~D. If the designated Human Resources Representative grants the employee's Formal Grievance request, the Human Resources Representative will immediately notify the employee's supervisor and request the supervisor to submit a response, including any statements, documentation and/or the names of any witnesses that the supervisor feels support his/her actions, as well as the outcome the supervisor desires to see from the Human Resources Mediation Process and/or Appeal Panel Process.~~

~~E. The Formal Grievance Procedure involves two potential processes:~~

~~1. HUMAN RESOURCES MEDIATION PROCESS~~

- ~~1. The purpose of the Human Resources Mediation Process is to open and/or improve dialogue between the supervisor and the grievant and to facilitate an agreement between the parties regarding the disputed matter.~~
- ~~2. If the employee's complaint is not resolved through the Human Resources Mediation Process or if the supervisor refuses to participate, the employee may request to move forward with the Appeal Panel Process by notifying the designated Human Resources Representative in writing, using the Appeal Panel Process Request Form of this request within three (3) working days of the conclusion of the Human Resources Mediation Process.~~

~~2. APPEAL PANEL PROCESS~~

- ~~a. Upon receipt of the written appeal request, the designated Human Resources Representative will immediately begin the process of setting a hearing date with an Appeal Panel.~~
- ~~b. Prior to the Appeal Panel hearing, there will be a simultaneous exchange of this information between the parties, which will be facilitated by the designated Human Resources Representative. The employee may not provide any Any rebuttal information, documentation, or any other evidence of any kind to the Appeal Panel that was not shall be provided to the designated Human Resources Representative for review within two (2) working days of the hearing, and consideration in deciding whether or not to grant the employee's request to utilize designated Human Resources Representative will facilitate the Formal Grievance Procedure. exchange of any such rebuttal information. Neither party is allowed to provide any documentation, or present any witnesses that were not~~

~~provided to the designated Human Resources Representative by the deadlines referenced in this section.~~

- c. Both the grievant and the ~~grievant's supervisor~~respondent shall have the right to an advisor or ~~advice of~~ counsel of their choice who may provide advice and attend the hearing, but may not speak on behalf of the grievant, question witnesses or the hearing review panel, or provide an opening or closing statement. The parties must provide the designated Human Resources Representative with the names of any counsel that will be present at the hearing no later than five (5) working days prior to the hearing.
- d. The purpose of the ~~Appeal Panel~~hearing panel is to ensure that the action of the supervisor or other person responsible for taking the ~~grievable employment~~ action was not arbitrary or unfair and was consistent with University policy and practice.
- e. The designated Human Resources Representative will facilitate the ~~Appeal Panel~~ hearing. ~~The~~After a hearing panel is selected by human resources, the membership of the panel will be provided to the grievant and the ~~grievant's supervisor within five (5) working days of the receipt of the written appeal request by the designated Human Resources Representative.~~respondent. Both parties have the right to challenge one member of the ~~Appeal Panel~~hearing review panel for due cause. This challenge should be submitted by the challenging party in writing to the Executive Director of Human Resources or his/her designee within two (2) working days of the challenging party's receipt of notice of the membership of the ~~Appeal Panel~~hearing review panel. The Executive Director of Human Resources will determine the validity of the challenge. If the challenge is sustained, then another member of the ~~Appeal Board~~hearing review panel will be appointed ~~to the Appeal Panel~~.
- ~~f. The Appeal Panel hearing will be conducted within a reasonable period after receipt of the grievant's written appeal. The designated Human Resources Representative will send a notice confirming the date, time, and place of the hearing to the grievant and members of the Appeal Panel no later than ten (10) working days prior to the hearing.~~
- ~~g.f.~~ During the ~~Appeal Panel~~ hearing, all parties shall be afforded reasonable opportunity for oral opening and closing arguments and for presentation of relevant witnesses ~~and, cross examination of witnesses, and presentation of~~ relevant documentary evidence.
- ~~h.g.~~ The ~~Appeal Panel~~hearing review panel shall have the right to question any and all witnesses, and to examine documentary evidence presented; ~~and to summon other witnesses, as the Appeal Panel deems necessary.~~ Witnesses shall not be present during the testimony of any party or other witness.
- ~~i.h.~~ The date of the hearing must be adhered to except for unusual or extraordinary circumstances which must be presented in writing as soon as possible to the Executive Director of Human Resources.
- ~~j.i.~~ At the conclusion of the hearing, the ~~Appeal Panel~~hearing review panel shall deliberate in closed session.

j. The Appeal Panel hearing review panel members will convene to deliberate their findings and arrive at a decision majority recommendation as to whether to uphold or overturn the grievable employment action. The final decision recommendation shall be communicated to the Human Resources Representative who will communicate on the day of the hearing or within two (2) working days of the hearing. The Human Resources Representative will have two (2) working days after receipt of the hearing panel's decision to submit the panel's decision to the Vice President of that employee's division.

4. Vice President Action:

a. When an employee files a grievance against a Vice President, the Executive Director of Human Resources may assign the final decision to the grievant another Vice President from outside the employee's division.

b. Within five (5) working days from the receipt of the panel's decision, the Vice President will take action on the recommendation. He or she may accept the recommendation of the panel, enter a decision different from that of the panel, or return the case to the panel with instructions to rehear the case, conduct further deliberations, or answer specific questions.

c. If the case requires further deliberation or rehearing, the Executive Director of Human Resources will establish new time schedules and the supervisor communicate them to all members of the panel.

k-d. Otherwise, the Vice President will make a decision and forward it to the Human Resources Representative, who will notify the employee in writing upon receipt.

e. The Vice President's decision is final and not appealable.

V. POLICY TIMELINES:

The Executive Director of Human Resources may extend any deadlines contained in this policy based on extenuating circumstances.

VI. REVIEW AND RESPONSIBILITY

Responsible Party: Executive Vice President for Administration and Finance

Review: Every three years on or before August 31

VII. APPROVAL

Executive Vice President for Administration and Finance

President

Date of President's Approval: _____

VII. REFERENCES

UH System Administrative Memorandum [02.A.05 Employee Relations, Grievance and Appeal](#)
[02.A.05 Employee Relations, Grievance and Appeal](#)

REVISION LOG

Revision Number	Approved Date	Description of Changes
1	10/02/1992	Initial version (Originally a MAPP Policy and Procedure)
2	01/07/2000	Applied revised MAPP template. Integrated the policy and the procedure in to one document. Contents were revised to comply with current university policies and procedures regarding employee grievances
3	04/07/2008	In Section I, the formal procedure must be initiated in 10 working days of the grievance action. The definition of Grievance in Section II.C was redefined; the definition of Appeal Board was added. Sections III and IV were revised to reflect current operating practices. The responsible party changed from Human Resources to the Associate Vice President for Finance; the review period changed from July 1 st to August 31 st
Interim	03/30/2011	Interim designation based on Texas Workforce Commission audit in 04/2011. Applied revised MAPP template and new Revision Log. Section I was revised to remove specific details of the grievance process. Added Human Resources Representative and removed Post Dismissal Appeal terms from Section III, and reordered and redefined all other terms in the section. Section III and IV were rewritten to reflect current operating requirements. The responsible party changed from the AVP of Finance to the EVC/EVP of Administration and Finance
<u>4</u>	<u>TBD</u>	<u>Updated the Revision Log. Removed Cabinet Officer and Grievable Action from Section II; added Grievant. Removed Formal and Informal Grievance Processes. Added Section III on three levels of grievance process. Added Section III.D on Non-Disciplinary Terminations. Added Hearing Panel Review procedure in Section IV.C. Added Vice President Actions to Section IV.C.4. Added Section V. Policy Timelines. Removed Index Terms. This MAPP is being submitted for review and approval to remove the Interim designation</u>