

**Classified Employee Grievance Policy****Effective 8/5/2024****Policy Statement**

It is the policy of the University to develop and maintain a satisfied and efficient workforce. 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 the Civil Service Commission shall be processed through the agency grievance procedure.

**Purpose**

Northwestern State University wants employees to be happy in their work. Sometimes dissatisfaction arises in the relationship between employees or between employees and their supervisor. If this occurs, employees should feel free to discuss a complaint with their supervisor. If, however, classified employees are not satisfied with the supervisor's decision, then they may use the Northwestern State University grievance procedure, which follows.

If a grievance is settled orally with the immediate supervisor, a memorandum record of the grievance will be prepared, provided the employee is represented at that step. It is incumbent upon every supervisor to provide his/her employees with an opportunity to be heard in accordance with this policy.

An employee who files a grievance shall not be retaliated against.

**Applicability**

This policy applies to all Classified Employees only.

**Policy Procedure****First Step**

1. All grievances should be presented within fourteen (14) calendar days from the date the employee first became aware of, or should have become aware of, the cause of such grievance.
2. The grievant will present the grievance to the immediate supervisor; and if possible, it should be settled at that level.
3. The immediate supervisor must provide a written response to the employee on the complaint within seven (7) calendar days.

*If the immediate supervisor does not have the authority to resolve the grievance, then the supervisor should indicate so in the response. **An employee may skip the grievance step that involves an individual in the employee's supervisory chain, if the grievance has to do with harassment by that individual.***

*The employee should not disrupt their work schedule to present a grievance to the supervisor. They will arrange a meeting at a time that is mutually convenient. The supervisor will be expected to give this meeting prompt attention.*

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## **Second Step**

1. If the grievant is not satisfied with the first step response, or if a response is not provided within the prescribed time limit, the grievant may present the grievance in writing to the appropriate section, division, or unit head. This shall occur:
  - a. Within seven (7) calendar days following the date the employee received the supervisor's response, or
  - b. Within seven (7) calendar days following the date the supervisor's response was due, if the supervisor fails to respond within the prescribed time limit.
2. The section, division, or unit head must investigate, afford the grievant an opportunity to present his or her viewpoint, and provide the grievant a written response containing findings and recommendations within fourteen (14) calendar days of receipt of the written grievance.

## **Third Step**

1. If the grievant is not satisfied with the second step response, or if the second step response is not provided within the prescribed time limit, the grievant may present the grievance to the appointing authority or the designated third step representative for the agency. If the grievant does not know who this is, the Human Resources Office can provide guidance. This shall occur:
  - a. Within seven (7) calendar days following the date the employee received the second step response, or
  - b. Within seven (7) calendar days following the date the second step response was due, if the second step response is not made within the prescribed time limit.
2. The appointing authority or designee must conduct a hearing, an investigation if deemed appropriate, OR a review of the first and second step responses, and must issue a written decision within 21 calendar days following the date the grievance entered the third step.

**This is the final step in the agency grievance procedure.**

## **Summary disposition of a grievance**

At any time after the filing of a written grievance, an appointing authority may dismiss the grievance on any of the following grounds:

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 dismisses a grievance, he or she shall notify the grievant and any supervisor or section head who received the grievance.

## **Grievances**

Health and safety concerns, personality disputes between supervisor and subordinates or among workers, perceived unfair treatment that does not rise to the level of discrimination, changes in work location or hours, requirements of supervisory plans are all concerns that can be grieved against. However, for many actions, the difference between whether the action is appealable or can be grieved against is why the employee is challenging the action.

### **General provisions**


- The grievance policy, procedure and forms are accessible on the university's website.
- The appointing authority may designate a hearing officer or a grievance committee to hear a grievance.
- Multiple grievances filed by an employee that involve similar or related circumstances may be consolidated.
- Separate grievances filed by two or more employees regarding the same issues may be consolidated.
- The agency has the right to collect evidence in a manner that is least disruptive to agency operations, and most cost-effective. If travel is necessary, the travel expenses of witnesses called to give a statement in a grievance shall be paid by the agency.
- In a grievance procedure, the person against whom the grievance complaint is made shall have the right to give a statement at the hearing.
- An employee who files a grievance may be granted appropriate time during work hours to be involved with the procedure; however, employees have no right to use excessive amounts of work time for their grievances. The employer has a responsibility to ensure that the effective and efficient operations of the work unit continue without disruption. Grievance rights do not relieve an employee of the responsibility to do the assigned job.
- The time and place of the hearing shall be specified by the appointing authority. The hearing is to take place during regular business hours at a place accessible to the grievant. No employee may use his or her position to coerce, attempt to coerce, or influence in any improper manner, any hearing officer or member of a grievance committee. Any classified employee who uses his or her official position to coerce, or influence in any improper manner any person involved in the grievance process shall be subject to disciplinary action.

### **Appeals to the Director of Civil Service**

- An allocation or reallocation decision
- The rejection of an application
- A determination that an applicant lacks the minimum qualifications
- A reviewer's decision concerning a Performance Evaluation System rating given to a permanent employee Appeals to the Civil Service Commission
- A reassignment of a permanent employee for disciplinary reasons (moving an employee, for disciplinary reasons, into a different position with a different job title that has the same pay level)

### **Appeals to the Civil Service Commission**

- A suspension without pay, reduction in pay; involuntary demotion, or dismissal of a permanent employee
- A non-disciplinary removal of a permanent employee
- A 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)

  
James T. Genovese  
President