

University Staff Personnel Rules Grievances

Provost's Administrative Staff: Approved December 9, 2014
 University Staff Council: Approved December 10, 2014
 Chancellor Leavitt: Approved December 19, 2014

UNV 1.0. Grievances by University Staff.

A grievance in this section is a formal statement by an employee which alleges unfair treatment or dissatisfaction with aspects of working conditions within the University and which are outside his/her control. The term "grievance" is used in two senses here. It denotes first the distress or dissatisfaction caused by perceived unfair treatment or violation of rights or in general unsatisfactory working conditions. It also denotes a formal appeal for relief from such distress or dissatisfaction. A grievance differs from a complaint in that it focuses upon the effects experienced by the grievant rather than upon the alleged misconduct of another. A grievance seeks relief for the grievant rather than punishment of another individual. The following chart summarizes these general conditions.

	Grievance	Complaint
Nature	alleges unfair treatment or dissatisfaction with aspects of working conditions	objection to perceived misconduct and seeks disciplinary action against another employee
Focus	relief	sanction; can lead to dismissal from employment for another employee
Rules	UW Oshkosh University Staff Personnel Rules Chapter TBD	UW Oshkosh University Staff Personnel Rules Chapter TBD

UNV 1.1. General Considerations.

University staff with the expectation of continued employment may appeal certain working conditions, discipline, layoff, or dismissal. A grievance must allege that an employee has been, or is being, adversely affected by an improper application, interpretation or violation of a specific law, University rule, policy, practice or procedure. A grievance may be denied if it fails to allege a grievable issue. Matters related to wage, hours of work, types of fringe benefits, performance evaluations, and other conditions of employment are non-grievable actions. If the grievance concerns any of the discrimination or harassment sections in GEN 1.2.(1) through (8), the grievance is made according to the process outlined in that section of this Handbook.

Prior to filing a grievance, a university staff member is encouraged to seek resolution with his/her immediate supervisor utilizing informal discussion, collegial interaction and existing structures to resolve conflicts and to remedy personal and professional concerns whenever possible. If the immediate supervisor is not a department head, he/she shall notify the department head of the grievance and ensuing discussions. When these do not provide a satisfactory resolution, the formal procedure below should be followed. The purpose of this procedure is to resolve conflicts arising from grievances from university staff members under UPS Operational Policy GEN 14.

UNV 1.2. Grievance Procedures.

- (1) If the university staff member is not satisfied with the resolution of the problem after informal discussion and consultation, he/she may file a written grievance indicating the results of the informal discussion and consultation and containing the information required in the section below identifying the form of grievances.
 - (a) Grievances shall be filed on a form provided by the employer and shall contain the information identified below. All documents submitted in support of a grievance shall accompany the grievance through all steps of consideration.
 - 1. The identity of the grievant, and his/her original signature and date. Group grievances must be signed by each grievance group member.
 - 2. The action being grieved.
 - 3. Evidence to support the grievance. Such evidence may include materials predating the action leading to the grievance. Also indicate the names of other persons who may be able to provide evidence related to the grievance, together with a general description of the evidence to be provided.
 - 4. The specific university work rule, University or Department policy, procedure, or practice or a law which is alleged to have been violated, if known.
 - 5. The employee responsible for the action resulting in the grievance.
 - 6. Relief sought.
 - (b) If two or more university staff members have a grievance with identical specifications, the grievances may be filed jointly.
 - (c) A grievant may be assisted by a representative of his/her choosing in person, by telephone, or by teleconference. After an employee has filed a grievance, the employee may designate a representative in writing. A representative may not file a grievance on behalf of an employee. The representative and grievant shall receive all written decisions.
 - (d) The grievant and the management designee can agree in writing to extend a time frame for filing or responding.
 - (e) UW-Oshkosh is prohibited from retaliating against a grievant, representative, witness, or potential witness.
- (2) Grievances shall be pursued in accordance with the following steps and time limits.
 - (a) Dismissal appeals will begin at Step Two, as outlined below, and may proceed to Step Three.
 - (b) Layoff and discipline grievances will begin at Step One and may proceed no further than Step Two.
 - (c) Working condition grievances may be processed through Step One only.

	STEP ONE	STEP TWO		STEP THREE
		STEP 2A	STEP 2B (employed on June 30, 2015)	
DISMISSAL		X	X	X
LAYOFF	X	X	X	
DISCIPLINE	X	X	X	
WORKING CONDITIONS	X			

- (3) Step One: If attempts to resolve a matter through discussion between an employee and supervisor are not successful, a grievance may be filed.
- (a) Grievances shall be filed with the employee's department head, director, dean, or equivalent administrator no later than 30 calendar days from the date the grievant first became aware, or should have become aware (with the exercise of reasonable diligence), of the matter grieved.
 - (b) Within 30 calendar days of receipt of the written grievance, the department head, director, dean, or equivalent administrator (or designee) shall meet with the grievant to hear the grievance.
 - (c) The grievant shall receive a written decision no later than seven (7) calendar days after this meeting. If the subject of the grievance is not discipline or layoff, there will be no further opportunity for appeal.
- (4) Step Two A: When an employee has filed a grievance alleging that a discipline decision was not based on just cause and is dissatisfied with the Step One decision, the employee may appeal the decision to a university staff hearing committee. The employee may submit any new evidence, if applicable.
- (a) In order to file such an appeal, the grievant must inform the Chancellor or Chancellor's designee of his or her desire to appeal the Step One decision within ten (10) calendar days from receipt of the answer in Step One. An appeal of dismissal of a University Staff member will begin at Step Two and must be filed within twenty (20) days of the date of written notice of dismissal.
 - (b) Following the procedures outlined in GOV 4.3.C., the University Staff President shall convene a committee which shall review the grievance on the record and determine within 14 calendar days whether a hearing is required. A hearing is necessary only when the committee believes that there is sufficient evidence to indicate the possibility that university staff rights have been violated or that unfair treatment has been received.
 - (c) If no hearing is called, the hearing committee chairperson shall transmit his/her report, via the President of University Staff, to the grievant, and Chancellor or Chancellor's designee. If a hearing is called, procedures outlined under GOV 4.3.C. shall apply. The hearing shall be completed within 40 calendar days after being called, unless extended by mutual agreement between the University Staff member and the chairperson of the committee.
 - (d) The hearing committee will be charged with hearing the case and making a report and recommendations to the Chancellor or Chancellor's designee. Within twenty (20) days of receipt of the report and recommendations, the Chancellor or Chancellor's designee shall release a statement accepting or rejecting the findings of the hearing committee and explaining how the decision will be implemented.
- (5) Step Two B - Direct Appeal to the Wisconsin Employment Relations Commission (WERC) for Certain University Staff: An employee who held permanent status in employment prior to July 1, 2015 and according to the provisions of Wis. Stat. § 36.115(6), therefore retains Chapter 230 appeal rights may instead appeal a disciplinary action (suspension, demotion, or reduction in base pay), layoff or discharge using a different procedure.

- (a) Such a grievance may be appealed directly from Step One to the Chancellor or Chancellor's designee within ten (10) calendar days from receipt of the answer in Step One.
 - (b) Thereafter, if the employee is still dissatisfied with the decision as issued by the Chancellor or Chancellor's designee, the employee may appeal the decision to the WERC under Wis. Stat. § 230.44(1)(c)) within thirty (30) calendar days from the date of the decision being appealed.
 - (c) If an appeal to WERC is filed, no further steps in the grievance process will apply. The decision of the WERC may be subject to judicial review, but an appeal to the Board of Regents is not available using this procedure.
- (6) Step Three - Board of Regents Review: For matters that involve dismissal only, a grievant who is dissatisfied with a Chancellor's or Chancellor's designee's Step Two A decision may appeal the decision to the Board of Regents.
- (a) If the matter is not appealed to the Board of Regents within 30 calendar days, the grievance will be considered ineligible for Board review.
 - (b) Upon receiving an appeal, the President of the Board shall refer the appeal to the Board of Regents Personnel Matters Review Committee. In accordance with Board of Regents Bylaws, the Committee shall conduct a review based on the record of the matter created by the university staff hearing committee, and it shall prepare recommended findings and a decision, and shall transmit them to the full Board for final action.
 - (c) The full Board may confirm the Board of Regents Personnel Matters Review Committee's decision, or it may direct a different decision. No further appeal shall be available to the parties.