Proposed Local Grievance Policy and Procedure Under UPS

Presentation to Classified Staff Senate
March 10, 2015
Why?

- UW System Operational Policy GEN 14 requires us to implement our own grievance procedure to be implemented on July 1, 2015, when UPS goes “live”.
- The proposed policy was drafted in accordance with the requirements of GEN14.
Policy Circulated & Feedback Received

- Based on feedback I made a few changes. None changed the policy or the procedure, but helped me correct a few mistakes and to adhere to the “brand” policy in a formal document.
Changes

- **All documents**
  1. Changed “UWP” and “UW-Platteville” to the more formal University of Wisconsin – Platteville.
  2. Those documents that had a definitions section: I removed the verb “is” after each definition and replaced with a colon to avoid a grammar debate.
  3. Changed Interim HR Director to the more formal “Interim Director of Human Resources”.

- **University Staff Grievance Policy and Procedure:**
  1. **Section II Background**: added an “s” at the end of “UW System employee” to make plural.
  2. **Section V. 2. Grievable Subjects**: at a. added “dismissals”; at b. added “may” to correct phrase to “may not”.


I am requested that the Classified Staff Senate vote on the adoption of the University Staff Grievance Policy and Procedures and the Impartial Hearing Officer Selection Process.

The vote is non-binding, but acts as a recommendation to the Chancellor regarding the wishes of the classified (soon to be university) staff.
Basics of the Policy and Procedures

- This policy applies only to the university staff. The faculty and academic staff already have their own procedures in place.
- “Probationary Staff”: May only grieve working conditions.
“Permanent Staff”: May grieve working conditions, discipline, layoff, or dismissal.

A representative may file for an employee with the employee’s consent.

Groups may file, but there has to be one spokesperson
Grievance Subjects

- Working Conditions
- Written Reprimands
- Layoffs
- Disciplinary suspensions
- Dismissals
Non-grievable subjects

- Verbal warning or reprimand
- Termination of temporary appointment
- Release from probation
- Performance evaluation
Non-grieavable continued

- Claims of unlawful actions
  - Such as discrimination or harassment
  - These come to the HR office or state/federal authorities

- Management rights
  - Utilization: Personnel, method and means
  - Management and direction of employees
  - Workforce size and composition
  - Content of written policies and procedures
  - Job evaluation syste
Remedy

- Only retroactive allowed: 30 days immediately preceding the filing of the grievance
- Only financial awards that may be awarded are actual back pay and/or benefits lost.
Procedure

- Informal discussion with supervisor
- Step 1: file with department head or director; or with Human Resources Director.
  - Must be filed no later than 30 days from the date you became aware or should have been aware of the matter.
- Within 30 days: Meeting with Director or HR Director.
- Written decision to you no later than 7 calendar days after meeting.
Then it gets more complicated

<table>
<thead>
<tr>
<th>Subject of Grievance</th>
<th>Step One</th>
<th>Step Two A</th>
<th>Step Two B</th>
<th>Step Three</th>
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<tbody>
<tr>
<td>Dismissal</td>
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<td>Layoff</td>
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<td>Discipline</td>
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<tr>
<td>Working Conditions</td>
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</tbody>
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Exhibit 1. : Grievance Procedural Steps

Notes:  
1) Probationary employees may only grieve working conditions.  
2) Step Two B is only available to university staff working as classified staff prior to July 1, 2015.  
3) Step Two A and Step Two B are alternatives. If available to the employee only one may be chosen not both.
INCIDENT (other than Dismissal)

File Grievance
(Employee’s Director or HR Director)

Step One
Grievance Heard
Written Decision Issued
(STOP here if grievance is concerning Working Conditions)

Choice of Step Two A or Two B only for those employed as classified staff prior to July 1, 2015. All others may only proceed to Step Two A.

Step Two A
Impartial Hearing Officer Hears Case; Chancellor Releases Statement
(STOP here if grievance related to layoff or discipline)

Step Three
Appeal to Board of Regents
(only dismissal cases)

Step Two B
Chancellor or Designee Hears Grievance and Issues written Decision
(only for those employed as classified staff prior to July 1, 2015)

Appeal to WERC

Exhibit 2. University of Wisconsin —Platteville Grievance Procedure
Dismissals

- Skip Step One.
- Start at Step Two.
- Appeals to Step Three
Step Two A

- To file a Two A you must inform the person who wrote the Step 1 decision of your desire to appeal within 10 calendar days from the receipt of the answer in Step 1.
Step Two B

- Only applies to those holding a permanent position in the classified service on June 30, 2015.
- Retains Chapter 230 appeal rights
- May choose to use Two B or Two A
  - Two B appeal within 10 days goes to Chancellor or Chancellor’s designee.
  - Hearing within 30 days
  - Answer within 14 days
  - May then appeal to Wisconsin Employment Relations Commission (WERC) within 30 days
Step Three

- Dismissal cases only.
- Appeal to UW Board of Regents
- Must be within 30 days of receipt of the Step Two statement, or no appeal will be allowed.
- Written response from the Board within 7 days of the Board meeting following the appeal.
Retaliation

- Prohibited against:
  - Grievant
  - Representative
  - Witness
  - Or potential witness
A final note on this policy

- The standard that must be used to determine the appropriateness of a disciplinary action is spelled out in the definitions under “just cause”.
Proposed Impartial Hearing Officer Selection Process

- Employee filing the grievance gets choice:
  - A panel of 5 university staff members
  - An arbitrator employed by WERC (only if employee was employed prior to 7/1/15)
  - An arbitrator from the WERC roster (non-employees of WERC)
One additional option

- **Dismissal cases only:**
  - An arbitrator from the roster of neutral hearing officers maintained by UW System.
University Staff Panels

- Selected randomly from a pool of university staff volunteers recruited by the University Staff Senate.
- University Staff Senate will compile the list of volunteers.
- 1 year term as volunteer. May serve three terms then has to sit out a year.
- The five person panel acts as the Independent Hearing Officer with decisions controlled by majority vote.