



Idaho State University

POLICIES AND PROCEDURES

Grievance Procedures for Non-Classified Employees

ISUPP 3090

POLICY INFORMATION

Policy Section: *Human Resources*

Policy Title: *Grievance Procedures for Non-Classified Employees*

Responsible Executive (RE): *AVP of Human Resources*

Sponsoring Organization (SO): *Office of Human Resources*

Dates: Effective Date: *December 4, 2013*

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I. INTRODUCTION

In accordance with the Idaho State Board of Education, Section II, Subsection M, Idaho State University has established this internal policy and procedure to provide for grievances and appeals for human resource matters. This policy provides information and guidance to non-classified employees and managers regarding grievance procedures.

II. POLICY STATEMENT

It is the policy of Idaho State University to consider non-classified employee grievances as defined in section IV of this policy in a prompt and impartial fashion. Grievances of classified staff and faculty shall also be heard in a prompt and impartial fashion in accordance with respective policies and procedures.

Any attempt to bring retaliation, retribution, or pressure upon any participant before, during, or after the grievance is expressly forbidden.

III. AUTHORITY AND RESPONSIBILITIES

- A. The Office of Human Resources is responsible for maintaining this policy and assisting departments with the grievance process. The Office of Human Resources will assist all levels of management with this process.
- B. Non-classified employees are responsible to know and understand the policy and procedure for filing a grievance as outlined in Section V of this policy.
- C. All levels of the management chain are responsible for contacting the Office of Human Resources if any information or policy clarification is needed with regard to the grievance procedures for non-classified employees.

IV. DEFINITIONS

- A. A Grievance is defined as a work-related problem or condition that the employee believes to be unfair, inequitable, and in which the employee feels his/her rights under announced rules or past practices have not been respected. Nonrenewal of the employment contract, the placement of an employee on leave with pay, or reassignment of duties with no reduction in pay are not grievable matters.
 - 1. Alleged infringements of civil or human rights are not subject to the procedures of this policy and should be filed directly with the office of Equity and Inclusion.
 - 2. Grievances regarding a reduction in force due to declared financial exigency should be handled through the State Board of Education procedures.

V. PROCEDURES TO IMPLEMENT

- A. Preliminary Procedures and Filing of Form.
 - 1. Within five (5) working days from the date of the act which is the basis of the grievance, the employee should confer with his or her immediate supervisor in an effort to resolve the grievance. If the problem is not resolved or if it is not feasible to approach the immediate supervisor, the employee should discuss it with the next higher supervisor, normally the departmental administrator or dean, within an additional five (5) working days. If a resolution of the grievance is reached that is acceptable to all concerned, the grievance is considered settled and no further action is taken. If resolution cannot be reached using this approach, the employee may then submit a "Non-classified Employee Grievance Report" form to the director of Human Resources. This form must

be filed within fifteen (15) working days from the date of the act which is the basis of the grievance.

2. The employee may obtain the form from the ISU Office of Human Resources. The director of Human Resources distributes copies to the grievant, the administrator or dean and the Non-classified Employee Grievance Committee (NEGC) as comprised and described in Section V.B.2 of this policy.
3. Within ten (10) working days of receipt of the formal grievance, the NEGC shall meet to review the case to determine if the matter is grievable under this procedure and issue a written notice of whether or not a hearing will take place, and if so, setting forth the time and place for the hearing. There is no further internal appeal process if the NEGC rules that the matter is not grievable.
4. Provided an informal resolution is not reached and a formal "Non-classified Employee Grievance Report" is submitted, the authority to review the recommendations from the NEGC and make the final institutional decision shall reside with the Vice President for Finance and Administration or his/her designee, which designee may be an independent third party.

B. Hearing and Findings.

The hearing shall be conducted subject to procedures set forth by the NEGC. The hearing is not intended to be overly formal or in the nature of a court proceeding.

1. The Vice President for Finance and Business Affairs of the University, or his/her delegate, shall appoint non-classified employees from a list of fifteen (15) nominees, submitted by the Staff Council, to the NEGC for three (3) year terms. Initially, two (2) of the members will be appointed for a two (2) year term and three (3) members will be appointed for a three (3) year term. After this initial period, all will serve three (3) year terms.
2. The NEGC consists of five (5) non-classified employees which constitutes a quorum for any hearing conducted. Five (5) alternate non-classified employees are also named and will serve for a three (3) year term. The director of Human Resources may not be a member of the committee. The NEGC elects its own chairperson.
3. As needed, the NEGC reports to the Office of the University Vice President for Finance and Administration on its activities, including recommendations for improvements in procedures. Names will be submitted by the Staff Council President to fill vacancies.
4. Any member of the NEGC who has received notice of non-reappointment, layoff, or termination, or who has an appeal, lawsuit, or grievance pending against ISU, is disqualified from participation in grievance hearings. Each side in a grievance hearing

is allowed one peremptory challenge of members sitting on the NEGC. A disqualified or challenged committee member is replaced by one from the alternate list.

5. Unless extended in accordance with sub-part 12 herein, the hearing shall be conducted within five (5) working days after the issuance of the hearing notice.
6. Each party to a grievance is permitted a peer advisor (non-attorney) and witnesses and is responsible for any compensation or related expenses to them.
7. Each party to a grievance has the responsibility and right to present its case in writing or in person. Should both parties submit the grievance in writing, no hearing will be necessary. [See sub-part 10 for time limitations.] If the hearing is conducted, each party has the right to question witnesses and to be present for the full hearing.
8. Hearings will be electronically recorded. The cost for any transcriptions or tape copies will be borne by the requesting party. Recordings will be retained for one (1) year in the Office of Human Resources.
9. Private deliberations of the NEGC are not recorded.
10. Within five (5) working days of the hearing or receipt of each party's written case, the NEGC will meet in closed session to discuss the findings and recommended action. These shall be established by a majority vote. No member shall be allowed to abstain. If the NEGC requires more than ten (10) days for deliberation, a written explanation for the extension of time shall be sent to the University Vice President for Finance and Administration, or his/her delegate, and to the parties.
11. The NEGC will, in writing, advise all parties of the recommended action. A copy of the recommendations will be given to the grievant, to the director of Human Resources, and to the administrator against whom the grievance was directed. The recommendations will also be forwarded to the University Vice President for Finance and Administration or his/her designee, through the chairperson of the NEGC, within five (5) working days of the decision.
12. As a rule, time limits between steps shall be followed; however, they may be extended by mutual agreement of both parties or by a ruling of the NEGC. An extension form is available at the Office of Human Resources. NEGC will also consider extensions in the event the supervisor, the grievant, or a necessary witness for the hearing is ill or has previously scheduled out-of-town business, or a quorum of the NEGC is unavailable due to University closure, such as for Thanksgiving or Christmas break or inclement weather. Alternatively, NEGC may approve the submission of a written statement by the unavailable party or witness.

C. Final Decision

Within five (5) working days after receiving the recommendations from the NEGC, the University Vice President for Finance and Administration or his/her designee, will review the recommendations and take whatever action he/she deems appropriate and notify both parties.

VI. RELATED POLICIES

- A. Idaho State Board of Education Governing Policies and Procedures, Section II. Human Resources Policies and Procedures, http://www.boardofed.idaho.gov/policies/ii_policy.asp
 - 1. Subsection M, Grievance and Appeal Procedures – All
- B. ISU Policies and Procedures <https://isu.edu/policy/>
 - 1. Section III. Human Resources <https://isu.edu/policy/human-resources/>
 - a. Categories of Employees, ISUPP 3050
 - b. Classified Employee Problem Solving, Due Process, and Appeal Procedure, ISUPP 3160
 - 2. Section IV. Academic Affairs <https://isu.edu/policy/academic-affairs/>
 - a. Grievance Procedures for Institutional Faculty, ISUPP 4041

VII. RELATED FORMS

- A. Idaho State University Human Resources Forms <https://www.isu.edu/hr/forms/>
 - 1. Employee Forms
 - a. Non-classified Employee Grievance Report