

University of Arkansas Division of Agriculture Employee Grievance Policy and Procedure

Purpose:

It is the policy of the University of Arkansas Division of Agriculture to encourage fair, efficient and equitable solutions for problems arising out of the employment relationship. Therefore this policy has been adopted to provide an avenue of resolving grievances for all appointed employees of the Division of Agriculture.

Definitions

1. A **grievance** is defined as an alleged misinterpretation, misapplication, or violation of a specific provision of the University of Arkansas and/or the Division of Agriculture policies that materially affects the grievant's terms or conditions of employment

The following disputes are excluded from the grievance process: 1) wage and salaries; 2) falsification of application materials; 3) retrenchment of employees pursuant to Board Policy 405.5; 4) matters involving reappointment, performance evaluations, and promotions which do not claim a failure to follow established policy; 5) classification of positions; 6) termination with thirty (30) or sixty (60) days notice pursuant to Board Policy 405.4; (7) any claims or allegations of discrimination, harassment, or retaliation, etc; (8) issues relating to tenure; and (9) job relocation or reassignment of job duties..

2. The **grievance panel** will be comprised of twenty-one (21) employees of the Division of Agriculture, who are not considered to have an administrative position or a major management role. Each fiscal year, the Division of Agriculture's Associate Vice Presidents shall each submit to the Division's Affirmative Action Office the names of seven employees (both classified and non-classified) to serve on the grievance panel for the fiscal year.

3. The **grievance committee** will be five (5) employees selected from the grievance panel for each grievance. The five (5) employees will be selected randomly by the Division's Affirmative Action Officer. The grievance committee shall hear all evidence relevant to the grievance, and make recommendations to the Vice President for Agriculture based on its findings.

4. The **grievance officer** shall be responsible for assisting all appointed employees during the grievance process and for overseeing all procedural matters and paperwork pertaining to the grievance. The grievance officer shall be the Division of Agriculture's Affirmative Action Officer or his or her designee.

5. A confidential **grievance record** will be maintained by the grievance officer. The record shall include all documentation pertaining to all stages of the grievance.

1. Informal Resolution

An employee who has a grievance should discuss the matter with his/her immediate supervisor informally within thirty (30) calendar days of the act giving rise to the complaint.

All supervisors, to the best of their ability, are required to inform, listen to, and counsel with employees to resolve informally, if possible, all grievances. If the supervisor and/or employee, after thorough discussion, feel the need for aid in arriving at a resolution, they may, by agreement, invite the grievance officer to participate. The grievance officer shall work with the parties in an attempt to resolve the grievance informally.

If the informal procedure does not satisfactorily resolve the complaint, the employee may file a formal written grievance within ten (10) working days after the unsuccessful resolution meeting between the employee and supervisor.

2. Formal Filing of Grievance

STEP 1:

- To be considered formal, a grievance must be submitted in writing to the grievance officer within thirty (30) calendar days of the act giving rise to the grievance or within ten (10) working days after the unsuccessful informal resolution. The written grievance must include a clear statement of the issue being grieved; a report on the efforts to settle informally, such facts as may be needed in arriving at a prompt and reconcilable resolution, and the desired outcome of the grievance. Forms will be provided for this purpose.

The grievance officer shall:

- a) Determine if there is a grievance as defined in this policy;
- b) Advise the grievant of the steps to be followed in a formal grievance procedure;
- c) Advise the grievant of his or her right to:
 1. Use the grievance procedure;
 2. Receive release time as necessary to participate in the grievance procedure (i.e. to meet with the grievance officer and/or grievance committee); and
 3. Receive copies of all documentation during all steps of the grievance procedure.

- Within five (5) working days of receipt of the written grievance, the grievance officer shall determine if there is a grievance as defined in this policy. If the grievance officer determines there is a grievance, the grievance officer shall transmit a copy of the written grievance statement to the grievant's immediate supervisor.

If the grievance officer determines there is no grievance, the employee will be advised of the ruling and made aware that no further administrative review of the grievance shall be available to the grievant.

- Within five (5) working days of receipt of the written grievance, the supervisor shall either (1) set a date for a formal meeting with the employee and the grievance officer, or (2) respond to the grievance in writing. If the meeting option is chosen, the supervisor, grievant, and grievance officer and any other person(s) deemed appropriate shall meet and discuss the grievance with the goal of agreeing upon a resolution of the grievance. Whether a resolution was agreed upon at the meeting or not, the grievance officer shall write a summary of the meeting, items agreed upon and the supervisor's proposal for resolution of the grievance and submit copies to the supervisor and the grievant.

If the written response option is chosen, the supervisor shall prepare a written response containing the supervisor's proposal for resolution of the grievance and the reasons for the course of action proposed. The written statement shall be submitted to the grievance officer, who shall transmit it to the grievant.

STEP 2:

- If the grievant is not satisfied with the proposed resolution(s) in Step 1, the grievant shall have five (5) working days in which to provide a written request to the grievance officer to request a review of the grievance by the grievant's director or department head. (If the immediate supervisor is a director or department head, the grievance will move to Step 3 in the grievance process.)
- Within five (5) working days of receipt of the written request for review, the grievance officer shall transmit the grievance statement and all pertinent documentation to the grievant's director or department head.
- Within five (5) working days of receipt of the grievance statement, the director or department head shall either (1) set a date for a formal meeting with the employee and the grievance officer, or (2) respond to the grievance in writing. If the meeting option is chosen, the supervisor, grievant, and grievance officer and any other person(s) deemed appropriate shall meet and discuss the grievance with the goal of agreeing upon a resolution of the grievance. Whether a resolution was agreed upon at the meeting or not, the grievance officer shall write a summary of the meeting, items agreed upon and the supervisor's proposal for resolution of the grievance and submit copies to the director or department head and the grievant.

If the written response option is chosen, the supervisor shall prepare a written response containing the supervisor's proposal for resolution of the grievance and the reasons for the course of action proposed. The written statement shall be submitted to the grievance officer, who shall transmit it to the grievant.

STEP 3:

- If the grievant is not satisfied with the proposed resolution(s) in Step 2, the grievant shall have five (5) working days in which to provide a written request to the grievance officer to request a review of the grievance by the appropriate associate vice-president.
- Within five (5) working days of receipt of the written request for review, the grievance officer shall transmit the grievance statement and all pertinent documentation to the associate vice-president.
- Within five (5) working days of receipt of the grievance statement, the associate vice-president shall either (1) set a date for a formal meeting with the employee and the grievance officer, or (2) respond to the grievance in writing. If the meeting option is chosen, the associate vice-president, grievant, and grievance officer and any other person(s) deemed appropriate shall meet and discuss the grievance with the goal of agreeing upon a resolution of the grievance. Whether a resolution was agreed upon at the meeting or not, the grievance officer shall write a summary of the meeting, items agreed upon and the associate vice-president's proposal for resolution of the grievance and submit copies to the director or department head and the grievant.
- If the written response option is chosen, the associate vice-president shall prepare a written response containing the associate vice-president's proposal for resolution of the grievance and the reasons for the course of action proposed. The written statement shall be submitted to the grievance officer, who shall transmit it to the grievant.

STEP 4:

- If the grievant is not satisfied with the proposed resolution(s) in Step 3, the grievant shall have five (5) working days in which to provide a written request to the grievance officer to request a review of the grievance by a grievance committee.
- Within five (5) working days of receipt of the written request for review, the grievance officer shall form a grievance committee as described in the policy herein. The grievance officer shall establish a mutually agreeable time and place for the hearing and notify all parties of the time and place of the hearing.
- Within thirty (30) calendar days from receipt of the request, the grievance committee shall hear all the evidence relevant to the grievance, and determine whether policies and procedures were followed.

- Within five (5) working days of the conclusion of the hearing, the grievance officer shall transmit the grievance record and the committee's recommendation for resolution to the Vice President-Agriculture. The Vice-President-Agriculture shall prepare a written statement for resolution of the grievance. The Vice-President-Agriculture's decision shall be final and no further administrative review shall be available to the grievant. The written statement shall be submitted to the grievance officer, who shall transmit it to the grievant.

3. Rights and Responsibilities

Rights and Responsibilities

- Each grievance shall be handled promptly and impartially, without fear of coercion, discrimination, or retaliation. Each participant in a grievance shall do his or her part to protect this right.
- A grievant, any witness, any other employee involved as a participant in the grievance process, and any member of the grievance committee shall be provided released time from her or his work unit, as necessary, to participate in the grievance process.
- At the end of the procedure for each grievance, the grievance officer shall close the grievance record for permanent retention by the Division's Office of Affirmative Action.