

**Title/Topic:** Grievance Procedures for Professional, Other Academic, and Classified Employees

**Number:** 80.R03

**Functional Classification:** Faculty & Staff Employment

**Monitoring Unit:**

**Initially Issued:** October 3, 2008

**Last Revised:**

**Last Reviewed:**

## **GRIEVANCE PROCEDURES FOR PROFESSIONAL, OTHER ACADEMIC, AND CLASSIFIED EMPLOYEES**

### **PURPOSE**

To establish a procedure for the resolution of grievances for professional employees, those employees designated as "other academic" and classified employees.

### **DEFINITIONS**

**Classified Employee:** those employees covered by the provisions of the State Civil Service. Also referred to as "Civil Service" employees.

**Other academic:** refers to part-time members of the academic staff and full-time members of the instructional staff below the rank of instructor, or equivalent. It includes employees with academic responsibilities who do not hold faculty.

**Professional Employee:** refers to administrative officers and professional staff as well as all employees exempt from the classified service. Employees in this category are sometimes referred to as "unclassified."

### **GENERAL POLICY**

A professional, other academic or classified employee who is seeking a solution concerning issues arising from working conditions, employment practices, and interpretation of policy and/or procedure may file a grievance pursuant to this policy statement. PS-80 does not apply to faculty. Employees who feel they are being discriminated against because of race, color, sex, ethnic origin, religion, age, creed, marital status, veteran's status, disability or sexual orientation also have a right to file a complaint in accordance with Policy Statement on Equal Opportunity (PS-1) or Sexual Harassment (PS-73). Any University official receiving a grievance alleging discrimination shall refer the matter to the Office of Human Resource Management (HRM). Should an employee file a grievance alleging discrimination pursuant to this Policy Statement and a complaint with HRM, or if the PS-80 complaint is received by HRM, the matters will be consolidated for review by HRM. Such complaints will initially be reviewed at this policy statement's Step 2 Level and in accordance with PS-1.

While the University recognizes the employee's right to file a grievance, the employee is strongly encouraged to discuss his/her concerns with the immediate supervisor and/or department head before filing a grievance. Many issues can be resolved informally at the supervisory level without the need for a formal grievance.

## **ISSUES WHICH ARE NOT GRIEVABLE**

The following actions are not grievable under this policy:

1. Termination, non-renewal of contract or appointment or layoff.
2. Actions within the exclusive jurisdiction of the state Civil Service Commission such as actions which impact pay, or pay issues, suspension with or without pay, reduction in pay, denial of merit increase, demotion, or position classification.
3. Disciplinary action taken in accordance with the University's Positive Discipline System. Classified employees should follow the provisions outlined in the University's policy statement on discipline (PS-8).
4. Performance evaluations (professional and other academic may submit a rebuttal to HRM if they disagree with their rating in accordance with PS-35. Classified employees may appeal their performance rating in accordance with the procedures outlined in PS-39).
5. Non-selection for a position.

## **STEPS IN THE GRIEVANCE PROCEDURE**

Step 1: The employee must present the written grievance to his/her department head within five (5) working days of the date of the alleged grievable act. Any complaint alleging discrimination shall be referred to HRM for review in accordance with PS-1. The department head may meet with the employee and shall respond in five (5) working days after receipt of the grievance.

Step 2: If the employee is not satisfied with the decision at Step 1 of the grievance procedure, the employee may appeal in writing to HRM within five (5) working days after the receipt of the response from the department head. The second step appeal must state why the employee disagrees with or rejects the Step 1 decision and the department head shall be provided a copy of this appeal.

The HRM representative will contact the employee as soon as possible, but no later than seven (7) working days, after receipt of the appeal, to schedule a hearing of the grievance.

The HRM representative will notify the grievant and the grievant's department head of her/his decision within five (5) working days following the date of the hearing. A grievance alleging discrimination will be reviewed pursuant to PS-1 and/or PS-73.

Step 3: If the employee is not satisfied with the decision at Step 2 of the grievance procedure, the grievant may appeal in writing to the Office of the

Chancellor within five (5) working days after receipt of the HRM decision. The Step 3 appeal must include the reasons why the employee disagrees with the Step 2 decision.

After reviewing the grievance file, the Chancellor or his/her designee shall, within ten (10) working days after receipt of the appeal decide the appeal. Notice of the decision will be given to the employee, HRM and the department head.

## **FORM**

Copies of the official form are available from HRM or via the policy on the LSU website.

The form is to be used by all employees filing a grievance pursuant to this policy.

## **TIME LIMITS**

Time limits set out in this policy should be followed. Failure to adhere to the time limits shall result in the employee waiving all rights under the grievance procedure for the issue(s) raised in the grievance. Failure of the Department Head or HRM to adhere to the time limits or provide notice in writing of additional time needed to respond to the employee will authorize the grievant to move to the next step of the grievance procedure. However, the time limits described in this policy may be suspended, extended, or altered by the Chancellor or his/her designee.

## **EMPLOYEE ADVISOR**

Employees shall have the right to have an LSU advisor of their choice present at each step of the grievance procedure. However, legal counsel will not be allowed to be present in any required meetings or hearings. The advisor selected to represent the employee, shall, at such times as approved by the advisor's supervisor, be granted the necessary time off without loss of pay and without charge to annual or compensatory pay during work hours to represent that grievant. However, the time needed by the grievant and/or his/her advisor to prepare for any step of the grievance should be done on the employee's time off or while in work status with supervisory approval.

## **UNION MEMBERS**

Employees covered by a union agreement are covered by any grievance procedure outlined in the union agreement.

## **RETALIATION**

No employee is to take reprisal action against an employee who uses the grievance procedure, serves as an advisor, or participates in any way (e.g. witness) in the grievance process. Any employee violating this prohibition against

retaliation may be subject to disciplinary action, up to and including, termination. Additionally, no LSU official may use his/her position to attempt to improperly influence the grievance process.

### **SUMMARY DISPOSITION OF A GRIEVANCE**

A grievance which does not present a grievable issue or which is subject to summary disposition pursuant to Civil Service Guidelines, or which is untimely may be summarily dismissed. A request for summary dismissal must be approved by the Chancellor or his/her designee. All parties to the grievance will be notified in writing.

### **PRE-GRIEVANCE COUNSELING**

If you need assistance, please contact the HRM Office at 578-8200 located in 304 Thomas Boyd Hall. Coordination with HRM will ensure that you are properly administering the grievance procedure.

Other relevant policies and procedures:

Refer to PS-48 for the University's policy on grievances and other appeals for students.

Refer to PS-36 for appeal procedures for faculty and/or the Faculty Senate Grievance committee for faculty grievance procedures.

**GRIEVANCE FORM: SEE HRM WEBSITE <  
<http://appl002.ocs.lsu.edu/hrmweb.nsf>>**