

LOUISIANA STATE UNIVERSITY AGRICULTURAL CENTER

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GRIEVANCE PROCEDURE

Purpose

To establish a grievance procedure for employees in relation to employment practices, including problems associated with race, color, religion, sex, national origin, age, handicapped or veteran status.

Definitions

1) *Employee* - persons who are employed and persons who have been employed in some capacity by the Ag Center and have a grievance related to their employment.

2) *Grievance procedure* - a set of procedures which enables employees who have an employment problem or situation with which they are dissatisfied, to discuss their concerns with appropriate personnel with freedom from reprisal. It establishes a system of equitability and due process for all parties involved in the grievance. It determines whether a violation of rules or policies has occurred and if so determines the means for correcting the violation.

General Policy

It is the Ag Center's policy that its employment practices shall be fair and

equitable for all employees regardless of race, color, sex, national origin, age, handicapped or veteran status.

The Grievance Procedure provides a process whereby employees who become dissatisfied or become involved in a misunderstanding can seek resolutions of their problems. If employment practices--selection, promotion, job classification, job assignment, job compensation, fringe benefits, leave practices, job duties, work rules and sanctions--are felt to be inappropriate or unfair, the grievance procedure offers a method of determining the source of dissatisfaction or misunderstanding so that fairness and efficiency can be re-established in the organization.

Because the different groups of employees are governed by a variety of regulations (e.g., Civil Service rules, regulations of the Board of Supervisors, provision of a Union agreement), an effort has been made to develop a procedure applicable to the variety of employees covered by this policy statement. Note, however, that due to special federal mandates, employees of the Louisiana Cooperative Extension Service who wish to file a grievance for a problem associated with race, color, religion, sex, national origin, age,

handicapped or veteran status, should utilize the grievance procedure established through the office of the LCES Assistant Director for EEO/Civil Rights.

Grievance Procedure

A grievance may take a variety of forms, including a simple violation of policy or regulations, a disagreement over interpretation of policy or regulations, a dispute with regard to employment practices or work rules, or a charge of discrimination associated with sex, race, color, nationality, ethnic origin, religion, age, handicapped or veteran status. The Ag Center's basic philosophy is that employee grievances should be settled at the lowest possible administrative level and as quickly as practicable while still complying with the time limits set forth for completion of the grievance procedure.

Types of employment practices covered in this procedure are hiring and promotion (including recruiting, advertisement and application procedures, selection procedures, application of nepotism policies, and demotion, lay-off and termination procedures), compensation, job assignments (including duties, job classification, job description, etc.), work rules and conditions, leave regulations, and fringe benefits.

Civil Service employees should note the availability of the Civil Service procedures for appeals and hearings. Examples of actions over which the Civil Service Commission assumes responsibility are: removal of a permanent employee for cause,

discrimination, disciplinary suspension without pay, disciplinary reduction in pay, disciplinary demotion, violations of Civil Service law or a Civil Service rule, assignment of an "unsatisfactory" serving rating (after the employee has exhausted his/her right to appeal the rating directly to the Chancellor). There are very specific time limits established for a Civil Service appeal. The filing of a grievance shall not operate to extend the time limits for filing of a Civil Service appeal. Employees who are in doubt as to whether or appeal to Civil Service or to use the Ag Center Grievance Procedure should contact the Ag Center Human Resource Management office.

General Provisions

The decision to utilize this grievance procedure shall be voluntary on the part of the individual employee. Employees have the right to use this procedure without fear of coercion, discrimination, or reprisal of any kind. No employee is to take reprisal action of any kind against an employee who uses the grievance procedure and no employee is to use an official position to attempt to improperly influence any hearing officer.

The grievance procedure shall not deprive an employee with a charge of discrimination from appeal to the Civil Service Commission (for classified employees) or to appropriate federal agencies.

If a grievance hearing is conducted under this procedure, the party against whom the grievance complaint is made shall have the right to appeal and testify at the hearing. All employees shall have

the right to have an advisor of their choice present at each step in the procedure. In the case of Union members, this advisor shall be his or her Steward in Step One, and the Chief Steward, Union President, or other Union representatives of his or her choice at Steps Two through Four.

An employee selected to represent a grievant in the processing of a grievance through this procedure shall, at such times as the supervisor may approve, be granted necessary time off during working hours to investigate the grievance and represent such other employee without loss of pay and without charge to annual or compensatory leave credits.

The decision of the Chancellor or his designee shall be final in all cases properly subject to processing through this procedure.

A copy of the grievance procedure will be made available to each employee.

In those instances where a grievance relates to a general policy, regulation or practice considered to be beyond the scope or responsibility of a particular level in the grievance process, with the permission of the authority at that level it is permissible to take the grievance directly to the next higher level.

When the grievance committee provided for in Step Four is used, members will be appointed by the Chancellor and the committee will be composed of an odd number of three (3) or more members. The chairman of the committee will be designated by election from within its

membership.

The attached official Grievance Form is to be used by all employees wishing to file a grievance (except for Extension employees filing a grievance on the basis of race, color, religion, sex, national origin, age, handicapped or veteran status, in which case the LCES procedure should be used.) A complaint will not be considered as an official grievance unless it is properly made on the official Grievance Form. This does not imply that administrators should not discuss problems and complaints brought to them informally by employees. Additional sheets may be attached to the Grievance Form where space is not adequate for a complete description of the grievance or a full response by the appropriate administrator.

At any time after the filing of a grievance in writing, the Chancellor or his designee may summarily dispose of the grievance on any of the following grounds: that the AG Center lacks jurisdiction over the subject matter or over the person against whom relief is sought, that the aggrieved employee has no legal right to grievance consideration, that the grievance has not been made in the required manner or within the prescribed time period, that a decision on the grievance would be ineffective, that the aggrieved employee has failed to appear at the time and place affixed for hearing the grievance, or that the aggrieved employee has withdrawn/abandoned the request for grievance consideration. When the Chancellor or his designee summarily

disposes a written grievance, he shall notify all interested parties in writing.

Steps in Resolving a Grievance

Step One

The employee shall present the grievance in writing and signed on the prescribed form to his/her immediate supervisor within five (5) working days after the incident which caused the employee to be aggrieved. The employee has the right to have an advisor present when the grievance is filed. If this is not practical, the supervisor will set up a meeting to discuss the grievance at a time mutually convenient. This meeting should be held promptly, as the supervisor must give a written answer to the grievance within two (2) working days after it is filed. The counting of these two (2) working days shall begin with the first working day after the supervisor receives the written grievance signed by the employee.

Step Two

If the employee is not satisfied with the decision of his immediate supervisor, he shall, within two (2) working days of the receipt of the decision, beginning with the first working day after receiving the decision, submit his grievance to his/her unit head (next-in-line supervisor). The employee accomplishes this by signing the statement appearing on the grievance form requesting that the grievance be referred to Step Two and returning the signed grievance form to his/her unit head. The administrator should at this point forward a copy of the

grievance to the Ag Center Human Resource Management Office. The administrator to whom the grievance is addressed will arrange for a meeting at a time mutually acceptable to discuss the grievance with the employee and the employee's advisor within three (3) working days and will render a decision in writing within three (3) working days, beginning with the first working day after the grievance is received.

Step Three

If the employee is not satisfied with the decision in Step Two, he/she shall within three (3) working day, beginning the first working day after receiving the decision, submit his grievance to the appropriate Vice Chancellor (next-in-line supervisor). The employee accomplishes this by signing the statement appearing on the grievance form requesting that the grievance be referred to Step Three and returning the signed grievance form to the appropriate Vice Chancellor. The administrator to whom the grievance is addressed will then discuss the grievance with the employee and the employee's advisor within three (3) working days and render his/her decision in writing within three (3) working days thereafter, beginning with the first working day after the grievance is presented to that administrator. A copy of the grievance will be forwarded to the Ag Center Human Resource Management Office.

Step Four

If the employee is not satisfied with the decision in Step Three, he/she shall, within three (3) working days submit

his/her written grievance to the Office of the Chancellor for a decision. The employee accomplishes this by signing the statement appearing on the grievance form requesting that the grievance be referred to Step Four and returning the signed grievance form to the Office of the Chancellor. The Chancellor or his designee shall meet with the employee and the employee's advisor within four (4) working days of receipt of the written grievance, beginning with the first working day after the grievance is presented, at a time mutually agreed upon, and shall render a written decision within five (5) working days after the meeting. If by mutual agreement the Chancellor or his designee and the employee decide that the employee's grievance can best be handled after a study and a recommendation from a committee appointed by the Chancellor, procedures in Step

Four shall be modified to allow the Chancellor to delay his written decision for fifteen (15) working days following the date of the meeting with the employee, to allow consideration of the grievance by a committee appointed by the Chancellor. The employee and his/her representative will be allowed to attend the meeting of the committee and present their case to this committee. This special committee will make recommendations to the Chancellor within twelve (12) working days. The Chancellor will render a final written decision within three (3) working days after receiving a recommendation from the committee. A copy of the final written decision by the Chancellor will be forwarded to the Ag Center Human Resource Management Office.

Attachment: Grievance Form (3 pages)