Employee Grievance Policy
University Staff
University of Wisconsin-La Crosse

Policy:
This policy establishes grievance procedures for UW-La Crosse university staff and includes requirements as indicated in Wis. Stat. § 36.115(4) and Operational Policy GEN 14. This applies to permanent and project university staff who wish to file a grievance contesting dismissals, other disciplinary action, or layoff if the employee alleges that the action was taken without just cause. Grievances may also be filed for working conditions or workplace safety. University staff serving a probationary period may only file a grievance related to working conditions/workplace safety.

Definition:
“Office of Human Resources” refers to the University of Wisconsin-La Crosse Office of Human Resources.

Procedure:
Permanent and project employees wishing to file a formal grievance must determine whether the action can be grieved and at what step the grievance may be filed. The actions are processed through the following steps:

- Discipline and Layoff (begin at Step One and may proceed no further than Step Two)
- Dismissals (begin at Step Two and may proceed to Step Three)
- Working Conditions/Workplace Safety (processed through Step One only)

*Working conditions refers to the working environment and all existing circumstances affecting labor in the workplace including, but not limited to, work hours and physical aspects of the job.*

Those actions that cannot be grieved include Wisconsin Retirement System benefits, health insurance matters, verbal reprimands, performance evaluations, and merit. In addition, working condition issues may not be filed that pertain to:

- Utilizing personnel, methods and means to carry out the mission of the University of Wisconsin System or UW-La Crosse;
- Determining the size and composition of the work force;
- Managing and directing the employees of the University of Wisconsin System;
- Hiring, promoting, assigning or retaining employees; or
- Establishing reasonable workplace expectations.

Grievance Steps
Prior to filing a grievance, an attempt should be made, if possible, to resolve the issue through discussion between the employee and supervisor. Employees may request assistance from the Office of Human Resources to facilitate a fair resolution. If an attempt to resolve a matter is not
successful or appropriate, a grievance may be filed. All grievances must be filed by completing Employee Grievance Report – see Attachment #1.

<table>
<thead>
<tr>
<th>REASON</th>
<th>STEP ONE</th>
<th>STEP TWO</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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<td>Working Conditions</td>
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*Employees serving a probationary period do not have the right to file for these reasons.

- **Step One** (for layoff, discipline, and working conditions) shall be filed with the Office of Human Resources. The Hearing Officer will be the appropriate division head or designee.

  The grievance shall be filed no later than 30 calendar days from the date the grievant first became aware, or should have become aware (with the exercise of reasonable diligence), of the matter grieved. Within 30 calendar days of receipt of the written grievance, the division head or designee shall meet with the grievant to hear the grievance. The grievant shall receive a written decision no later than 7 calendar days after this meeting.

  If the subject of the appeal is working conditions or workplace safety, there is no opportunity to appeal beyond Step One.

  **Note:** Employees hired prior to July 1, 2015, may choose to use Step Two A or Step Two B appeal procedures. Employees hired July 1, 2015 or later may only use Step Two A procedures.

- **Step Two A** (for dismissal, layoff, discipline). Shall be appealed to an impartial hearing officer. When an employee has filed a grievance alleging that a discipline decision was not based on just cause and is dissatisfied with the Step One decision, the employee must inform the Chancellor or Chancellor’s designee of the desire to appeal the Step One decision within ten (10) business days from receipt of the answer in Step One.

  The impartial hearing officer shall be one of the following to be selected by the grievant:

  1. a grievance review committee established by the University Staff Council that will consist of five (5) members. The employee shall select three (3) of the five (5) members to hear the grievance; or
  2. an arbitrator, acting as the impartial hearing officer, employed by the Wisconsin Employment Relations Commission (WERC); or
  3. an arbitrator, acting as the impartial hearing officer, from the WERC roster of neutral decision-makers not employed by the WERC. The arbitrator’s fee will be incurred by the grievant; however, if the impartial hearing officer’s recommendation to the Chancellor is found to be in the grievant’s favor, and the Chancellor accepts that recommendation, the employer shall be responsible for 100% of the cost. (There shall be no cost to the grievant when utilizing the grievance review committee.)
An appeal of dismissal of a university staff member will begin at Step Two and must be filed within 20 business days of written notice of dismissal.

The impartial hearing officer will determine whether just cause for the discipline or discharge exists. If the subject of the appeal is layoff, the issue before the impartial hearing officer will be whether the applicable layoff procedure was followed. The impartial hearing officer will be charged with hearing the case and making a report and recommendations to the Chancellor or Chancellor’s designee.

The hearing for a university staff employee shall include a right to representation, a right to offer witnesses, and a right to a written decision. The hearing shall be closed unless the grievant requests an open hearing. Within 20 business days of receipt of the report and recommendations, the Chancellor or Chancellor’s designee shall release a statement accepting or rejecting the findings of the impartial hearing officer and explaining how the decision will be implemented.

Step Two B (for dismissal, layoff, discipline). University staff who held permanent status in employment prior to July 1, 2015, may appeal a disciplinary action (i.e., a suspension, demotion, or reduction in base pay), layoff or discharge directly to the Wisconsin Employment Relations Commissions (WERC).

The grievant may appeal directly from Step One to the Chancellor or Chancellor’s designee within 10 business days from receipt of the Step One decision. If the employee is still dissatisfied with the decision as issued by the Chancellor or Chancellor’s designee, the employee may appeal the decision to the WERC under Wis. Stat. § 230.44(1)(c) within 30 calendar days from the date of the decision being appealed.

If an appeal to WERC is filed, no further steps in the grievance process will apply. The decision of the WERC may be subject to judicial review, but an appeal to the Board of Regents is not available using this procedure.

- Step Three (for dismissal) – shall be filed with the Board of Regents. For matters that involve dismissal only, a grievant who is dissatisfied with a Chancellor’s or Chancellor’s designee Step Two decision may appeal the decision to the Board of Regents. The appeal must be filed within 30 calendar days of receipt of the decision.

The Board of Regents Personnel Matters Review Committee will conduct a review based on the record of the matter created by the impartial hearing officer and will prepare recommended findings and a decision and transmit them to the full Board for final action. No further appeal shall be available to the parties.

A flow chart of the grievance steps are outlined in Attachment #2.

Representation

A grievant may designate a representative to be present at a hearing. The representative has the right to observe and take notes. He or she has a limited right to speak but can serve as an advisor to the employee including repeating certain points stated by employee, explaining significance of points made by the employee, and speaking about practices at the work site. The representative has no right to speak for the employee in response to questions.

Use of Paid Work Time for Grievances
The employee and his/her representative will be allowed a reasonable period of time as determined by the Office of Human Resources to investigate, prepare, and present a grievance during normal work hours without loss of pay. Time spent preparing grievances outside the employee’s scheduled work hours, or any travel or other expenses incurred by the grievant, are not the responsibility of UW-La Crosse. Any expense incurred by the grievant or his/her representative in investigating, preparing, or presenting a grievance shall be the sole responsibility of the grievant or representative.

**Deadlines**

A grievance must be filed with and received by the designated employer representative within the timeframe noted. If mailed, the postmark denotes the date of submittal or response. Grievances not appealed within the designated time limits at any step of the grievance procedure will be considered as having been adjudicated on the basis of the last preceding employer answer. Grievances which are not answered within the time limits may be grieved to the next step within 10 calendar days after the last day on which the grievance could have been timely answered.

**Retaliation**

UW System and UW-La Crosse are prohibited from retaliating against a grievant, representative, witness, potential witness, or impartial hearing officer in the grievance proceedings.

**University Responsibilities:**

The Office of Human Resources will maintain this policy.

**Background:**

Prior to July 1, 2015, grievance procedures were directed by the Office of State Employment Relations and described in Chapter 430 of the *Wisconsin Human Resources Handbook*. This policy document was approved on January 16, 2015 and defines the UW-La Crosse grievance policy as of July 1, 2015.

**Related Documents/References:**

Wis. Stat. § 36.115(4) – [https://docs.legis.wisconsin.gov/statutes/statutes/36/115/4](https://docs.legis.wisconsin.gov/statutes/statutes/36/115/4)

UW System Operational Policy GEN 14 –

**Contact:**

Please direct questions about this policy to the Office of Human Resources.
**EMPLOYEE GRIEVANCE REPORT**

If this is a group grievance, use name of spokesperson and attach a sheet listing the names and signatures of other grievants.

<table>
<thead>
<tr>
<th>Name – Last, First, Middle Initial</th>
<th>Classification</th>
<th>Working Title of Position</th>
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<thead>
<tr>
<th>Institution</th>
<th>Department</th>
<th>Telephone number</th>
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<tr>
<td>UW-La Crosse</td>
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This grievance alleges

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<tr>
<th>Type of grievance (check one)</th>
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<tbody>
<tr>
<td>☐ Grievance appealing a dismissal</td>
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<tr>
<td>☐ Grievance appealing discipline other than dismissal</td>
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<tr>
<td>☑ Working conditions grievance</td>
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<tr>
<td>☐ Layoff grievance</td>
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Describe the grievance – state all the facts, including time, place of incident, names of persons involved, etc. The description of the grievance may be attached to this report.

Relief sought

<table>
<thead>
<tr>
<th>Employee’s Signature</th>
<th>Employee Representative’s Signature (if applicable)</th>
<th>Date Submitted</th>
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<tr>
<th>Employee’s Mailing Address and e-mail address</th>
<th>Employee Representative’s Name (PRINT) (if applicable)</th>
<th>Employee Representative’s Mailing Address and e-mail address (if applicable)</th>
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Employer’s Decision

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<tr>
<th>Employer’s Signature</th>
<th>Title</th>
<th>Date Received</th>
<th>Date Returned</th>
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**INSTRUCTIONS**

Grievances shall be pursued in accordance with the following steps and time limits:

- Dismissal appeals will begin at Step Two.
- Layoff and discipline grievances will begin at Step One and may proceed no further than Step Two.
- Working condition grievances may be processed through Step One only.

Grievances must be filed on this form. Please fill out sheet, print, and obtain necessary signatures.
GRIEVANCE PROCEDURE

INCIDENT

30 Calendar Days from Incident to File

STEP ONE

30 Days to Meet; 7 Days to Answer
(Working Conditions Issues Stop Here)

Discipline/Layoff –
10 Calendar Days to File
Chancellor Dismissal –
20 Calendar Days to File

Discipline/Layoff/Dismissal –
10 Calendar Days to Appeal to

STEP TWO A

Impartial Hearing Officer Hears Case;
Chancellor Releases Statement within
20 Days of Report

Dismissal - 30 Calendar Days to File

STEP TWO B

(Must be employed prior to 7/1/15)
Appeal to WERC within 30
Calendar Days from Decision

STEP THREE

Board of Regents Conducts Review