

COMPARISON OF GRIEVANCE PROCEDURES

CURRENT OSER GRIEVANCE PROCEDURES	UNIVERSITY STAFF GRIEVANCE PROCEDURES
<p style="text-align: center;"><u>Source of the Grievance Procedures</u></p> <p>The current OSER grievance procedures are contained and described in Chapter 430 of the Wisconsin Human Resources Handbook.</p>	<p style="text-align: center;"><u>Source of the Grievance Procedures</u></p> <p>Following the parameters set forth in an operational policy (UPS OP: GEN 14), each UW System institution establishes and administers grievance procedures for university staff.</p>
<p style="text-align: center;"><u>Authority for the Establishment of the Grievance Procedures</u></p> <p>Under Wis. Stat. § 230.12(1)(h), the state employees compensation plan may identify grievance procedures, and if there is a conflict between the grievance procedures and civil service laws or the rules promulgated by the OSER director or the administrator of the division of merit recruitment and selection, the grievance procedures identified by the comp plan (i.e., the grievance procedures included in Chapter 430 of the Wisconsin Human Resources Handbook) “shall supersede the provisions of the civil service and other applicable statutes and rules promulgated by the director and the administrator.” Section G. 10.00 of the 2013-2015 Comp Plan identifies Chapter 430 as the employee grievance procedure.</p>	<p style="text-align: center;"><u>Authority for the Establishment of the Grievance Procedures</u></p> <p>Under Wis. Stat. § 227.01(13)(Lm), the Board of Regents may establish university staff grievance procedure parameters for UW System institutions by developing operational policies such as UPS Operational Policy: GEN 14, which will provide UW System institutions with guidelines for the establishment of grievance procedures.</p>
<p style="text-align: center;"><u>Grievances</u></p> <p>Classified staff may file a grievance contesting one of the following actions if the employee alleges that the action was taken without just cause:</p> <ul style="list-style-type: none"> • demotion • layoff • suspension (including letters in lieu of suspension) • discharge • reduction in base pay • written reprimands <p>An employee may designate a representative, but the employer contacts the employee (not the representative) when scheduling grievance hearings.</p>	<p style="text-align: center;"><u>Grievances</u></p> <p>University staff may file grievances contesting dismissals, other disciplinary actions, and layoffs if the employee alleges that the action was taken without just cause. University staff may also submit working condition or workplace safety grievances. Whether a grievant may designate a representative is at the discretion of the institution.</p>

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<u>Non-Grievable Actions</u>	<u>Non-Grievable Actions</u>
<p>A number of specified actions are not grievable under the OSER grievance procedures. For example, the termination of LTEs and probationary employees, oral reprimands, and performance evaluations are not grievable.</p>	<p>Wis. Stat. § 36.115(4) and UPS operational policies require that dismissals, other disciplinary actions, working conditions and layoffs are grievable. UW institutions may specify other actions as grievable or non-grievable. The grievance procedure cannot be used to address Wisconsin Retirement System benefits, health insurance matters, or any other matter regarding which UW System institutions have no authority to resolve disputes.</p>
<u>Steps of the Grievance Procedure</u>	<u>Steps of the Grievance Procedure</u>
<p>The OSER grievance procedure has the following steps:</p> <ul style="list-style-type: none"> • Pre-filing – first line supervisor • First step – division administrator (or equivalent) level or designee • Second step – appointing authority level or designee • Third step – OSER <p>Grievances not resolved under the above steps may be appealed to the Wisconsin Employment Relations Commission (WERC) under Wis. Stat. § 230.44(1)(c) if the appeal alleges that the decision grieved was not based on just cause. Grievances contesting written reprimands and grievances alleging that the employer abused its discretion in applying written agency rules, policies or procedures may only be processed through the second step of the grievance procedure.</p>	<p>Each UW System institution must establish grievance procedures that include the following steps:</p> <ul style="list-style-type: none"> • Step One – department head, director, dean, or equivalent administrator • Step Two A – impartial hearing officer • Step Two B – appeal to the WERC for certain university staff • Step Three – Board of Regents <p>Although it is not listed as a step, parties are strongly encouraged to resolve situations prior to the filing of a grievance. If the subject of the grievance is something other than discipline or layoff, there is no opportunity to appeal beyond Step One of the grievance procedure. Grievances contesting dismissals begin at Step Two A or Step Two B. Step Two B grievances may be submitted only by employees who held positions in the classified service on June 30, 2015, and who therefore retain the right to appeal under Wis. Stat. § 230.44(1)(c) if the appeal alleges that the decision grieved was not based on just cause. In a grievance submitted pursuant to § 230.44(1)(c), an employee may contest a demotion, layoff, suspension, discharge, or reduction in base pay to the WERC.</p>
<u>Grievance Submittal and Response Time</u>	<u>Grievance Submittal and Response Time</u>
<p><u>Step One</u> – Grievances must be filed no later than 30 days from the date that the grievant first became aware, or should have become aware, of the matter grieved. The step one management designee must meet with the employee and supply a response within 30 days of receipt of the grievance.</p> <p><u>Step Two</u> -- If dissatisfied with the step one answer, the grievant must submit the grievance to</p>	<p><u>Step One</u> -- Grievances shall be filed with the employee’s department head, director, dean, or equivalent administrator 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 department head, director, dean, or</p>

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<p>step two within 10 days. The step two management designee must meet with the employee and supply a written response within 30 days of receipt of the grievance at step two.</p> <p>Step Three -- If the grievant is dissatisfied with the answer in step two, the grievant must appeal to OSER within 10 days. If the grievance cannot be resolved, OSER shall notify the grievant within 30 days from receipt of the grievance at step three.</p> <p>Appeal to the WERC – An appeal to the WERC must be submitted within 30 days from the date on which OSER issued its step three decision, or within 30 days from the date on which OSER’s decision was due, whichever is sooner.</p>	<p>equivalent administrator (or designee) shall meet with the grievant to hear the grievance. The grievant shall receive a written decision no later than seven calendar days after this meeting.</p> <p>Step Two A -- The grievant must inform the Chancellor or Chancellor’s designee of his or her desire to appeal the Step One decision to an impartial hearing officer within 10 calendar days from receipt of the answer in Step One. An appeal of a dismissal of a university staff member will begin at Step Two and must be filed within 20 days of the date of written notice of dismissal. Within 20 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.</p> <p>Step Two B -- An employee who held permanent status in employment prior to July 1, 2015 and therefore retains grandfathered Chapter 230 appeal rights may appeal a disciplinary action (suspension, demotion, or reduction in base pay), layoff or discharge using a different procedure. Such a grievance may be appealed directly from Step One to the Chancellor or Chancellor’s designee within ten calendar days from receipt of the answer in Step One. If the employee is dissatisfied with the decision 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.</p> <p>Board of Regents Review – When a grievance involves a dismissal, a grievant who is dissatisfied with a Chancellor’s or Chancellor’s designee’s Step Two decision may appeal the decision to the Board of Regents within 30 calendar days of receipt of the decision.</p>
<p style="text-align: center;"><u>Retaliation Prohibited</u></p> <p>State agencies are prohibited from retaliating against a grievant, representative, witness, or potential witness in the grievance proceedings.</p>	<p style="text-align: center;"><u>Retaliation Prohibited</u></p> <p>UW System institutions are prohibited from retaliating against a grievant, representative, witness, or potential witness in the grievance proceedings.</p>