

UNMC EMPLOYEE GRIEVANCE PROCESS

Purpose

1.1 The University of Nebraska Medical Center (UNMC) is committed to preserving and improving cooperative and effective work relationships among all UNMC employees. It is the intent of the University of Nebraska Medical Center to resolve employee concerns, complaints, and grievances at the lowest level possible and in a manner that allows all perspectives to be heard. The UNMC grievance process provides an opportunity to review certain employment and civil rights matters.

Scope

2.1 All regular office-service staff, all regular managerial-professional staff, and such academic-administrative staff and other academic staff for whom access to established academic grievance procedures is not available (any of whom are referred to herein as a "Employee"), are eligible to access the process described in this policy. Employees who have not successfully completed their six (6) month post-hire probationary period are not eligible to access the grievance process.

Basis of the Policy

3.1 UNMC complies with Board of Regents policy (section 3.3.4) in establishing a grievance process for non-academic employees.

Authorities and Administration

4.1 The Associate Director of Human Resources - Employee Relations is responsible for the administration, implementation, and maintenance of the Employee Grievance Process Policy at the campus level in consultation with the Assistant Vice Chancellor for Business and Finance Executive Director of Human Resources and the Vice Chancellor for Business and Finance.

Policy

Employment Actions Which May Be Grieved

A grievance must be based upon a difference arising between the Employee and UNMC about interpretation or application of written UNMC policies, rules or procedures relating to terms and conditions of the Employee's employment. The following employment actions may be grieved under the UNMC process:

- Application of written UNMC policies, rules, or procedures relating to terms and conditions of employment;
- Corrective/disciplinary action notice of work product deficiency or of inappropriate workplace behaviors;
- Suspension without Pay;

- Termination for Cause;
- Equal Employment Opportunity Issues.

Please Note: Any employee who believes he or she is being discriminated against in full or in part because of his or her race, color, ethnicity, national origin, sex, pregnancy, sexual orientation, gender identity, religion, disability, age, genetic information, veteran status, marital status, and/or political affiliation is eligible to utilize the University of Nebraska Medical Center Equal Opportunity Grievance Process and should contact Human Resources - Employee Relations at 402-559-7394 during business hours.

Exceptions

- The determination of position classification, salary or wage levels, performance evaluation, reduction-in-force decisions, and terminations of an "employment-at-will" are not subject to grievance under this policy; provided, however, that any termination of the "employment-at-will" of an Employee must first be reviewed by the Assistant Vice Chancellor - Executive Director of Human Resources. (Throughout this policy, any responsibility or authority assigned to the Assistant Vice Chancellor - Executive Director of Human Resources in this policy may be delegated to a member of the Human Resources staff or other appropriate designee).
- An employee who submits his or her resignation (oral or in writing) and whose resignation has been received, regardless of whether or not the resignation was requested, cannot utilize the University of Nebraska Medical Center Employee Grievance Process. By this guideline, employees are on notice that submission and receipt of a written resignation waives the right to utilize the grievance procedure.
- If in the opinion of Human Resources Employee Relations there is a substantial question regarding the circumstances surrounding the resignation, Human Resources may determine that the resignation be treated as a termination.

Grievances are limited to matters of interpretation and application of UNMC employment policies, rules and procedures; the establishment or substantive content of such a policy, rule or procedure is not grievable. College or Departmental policies and rules may be grieved if the Employee can show that the College or Departmental policy or rule is contrary to a UNMC policy, rule or procedure. In such cases, UNMC policies, rules and procedures shall take precedence.

The Assistant Vice Chancellor - Executive Director of Human Resources has the responsibility of interpreting this policy and will determine whether or not a matter is grievable. If a matter is found to be non-grievable, the Director will work with the appropriate parties to try to resolve the concern.

Procedures

The grievance process described in this policy is an internal, informal process, intended to facilitate open communication and exchange of relevant information and to allow for a meaningful, honest review of the grievance. To promote the informal and open exchange of information, attorneys shall not be permitted to participate in meetings or physically accompany either the UNMC representatives or the grieving Employee throughout this process. A non-lawyer advisor may accompany a grieving Employee throughout the process to provide advice and support to the Employee. The non-lawyer advisor may not actively participate in the process. For example, presenting evidence and directing questions to or otherwise communicating with supervisors, panel members or UNMC representatives are not permitted activities for the non-lawyer advisor. No activity or documentation arising as a result of this policy is deemed to be subject to Public Records laws or Open Meetings laws, unless

University legal counsel advises otherwise. The Employee alleging a violation of policy is encouraged to informally discuss the matter with his/her immediate supervisor in an attempt to reach a resolution prior to initiating a formal grievance. No audio or video recordings shall be made in relation to the processes described in this policy.

Step 1: Appeal to the Immediate Supervisor

If the discussion surrounding the alleged incident or occurrence does not resolve the matter to the satisfaction of the Employee, the Employee may file a formal grievance with his/her immediate supervisor and the Assistant Vice Chancellor - Executive Director of Human Resources within twenty (20) workdays following the discussion.

If the grievance is based in any part upon the immediate supervisor's acts, the Employee may present the written grievance solely to the Assistant Vice Chancellor - Executive Director of Human Resources who will determine whether the immediate supervisor or another individual associated with the Employee's work area is more appropriate to respond to the grievance.

The written grievance shall specify:

- the exact nature of the alleged grievance;
- details regarding the policy, rule, or procedure allegedly violated;
- the specific remedy requested;
- a specific statement that the Employee wishes to initiate a grievance under this policy.

While supporting information or clarification may be requested or presented in subsequent steps of the grievance process, the Employee is responsible for identifying all issues and allegations relevant to the grievance in this writing. No additional matters may be raised once the written grievance is filed with the Director of Human Resources. Additional allegations or requested remedies may be addressed only through a separate grievance process. At the discretion of the Assistant Vice Chancellor, Executive Director of Human Resources, multiple grievances filed by one or more Employees may be combined into a single grievance to promote a more meaningful review of the matter.

Within ten (10) workdays of receiving the written grievance, the immediate supervisor (or other individual designated by the Assistant Vice Chancellor - Executive Director of Human Resources) will prepare and deliver to the grieving Employee a written response to the written grievance. The person writing the response may confer with a Human Resources representative, his/her supervisors or other parties relevant to the grievance, as needed.

Step 2: Appeal To The Next Level Supervisor

Should the Employee remain dissatisfied at the completion of Step 1, he/she may, within five (5) workdays of receiving the Step 1 written response, submit a written request to the Director of Human Resources to appeal to the "next-level supervisor". The request to appeal shall include a clear explanation of why the Employee disagrees with the Step 1 response. (Due to the complexity of UNMC's organizational structure, the Assistant Vice Chancellor - Executive Director of Human Resources shall have the authority and discretion to determine the person best suited within the Employee's work unit to serve as the "next-level supervisor".

The Assistant Vice Chancellor - Executive Director of Human Resources shall deliver to the next-level supervisor the Step 1 written grievance and response, along with the Step 2 written request to appeal. The next-level supervisor shall review those documents and may gather such other information from such sources as he/she deems necessary and relevant to the appeal. After considering all of the relevant information, the next-level supervisor shall render a written decision. This decision must be

submitted to the Assistant Vice Chancellor - Executive Director of Human Resources with fifteen (15) workdays following receipt of the Employee's request to appeal. The Assistant Vice Chancellor - Executive Director of Human Resources shall promptly deliver the decision to the Employee.

Step 3: Appeal To The Chancellor Through A Grievance Panel

Should the Employee remain dissatisfied, he/she may, within five (5) workdays of receiving the Step 2 decision from the next-level supervisor, submit a written request to the Assistant Vice Chancellor – Executive Director of Human Resources to appeal through a Grievance Panel to the Chancellor. The request to appeal shall include a clear explanation of why the Employee disagrees with the Step 2 decision.

A Grievance Panel will be appointed by the Chancellor and shall be composed of three (3) full-time employees, at least one of whom shall be of the same employment category (Academic-Administrative, Office-Service or Managerial-Professional) as the grieving Employee. No one with a personal or professional interest in the outcome of the grievance is qualified to serve on the Panel. The Panel members shall select a chair from among themselves. The grieving Employee and his/her supervisor(s) shall be promptly notified of the composition of the Panel. Within five (5) workdays of receiving notice of the appointments to the Panel, the grieving Employee or his/her supervisor(s) may notify the Assistant Vice Chancellor – Executive Director of Human Resources in writing of any reason why any member of the Panel is not qualified to serve. The Assistant Vice Chancellor – Executive Director of Human Resources shall consult with the Chancellor about the Panel composition. In the Chancellor's discretion, another appointee may be substituted, if it is determined the grievance process would be better served by another person. : The Panel will meet with the Employee, the immediate supervisor, and any other person deemed by the Panel to have relevant information about the subject of the grievance. The Panel may gather information from such sources as are available and meaningful to the appeal. The activities and deliberations of the Panel are not open to the public. The panel's work will be confidential, except to the extent the Panel's work must be revealed to those with a legitimate need to know (e.g. Employee's supervisors, persons with information relevant to the grievance, Human Resources staff).

The Panel will be guided by UNMC policy in reaching its decision. Irrelevant or exceedingly redundant information may be excluded from its consideration. The Panel shall not supplement, subtract, or otherwise alter the content of the allegations contained in the grievance. The Panel is not authorized to impose or recant sanctions. The Panel acts only in an advisory capacity to the Chancellor.

The chairperson of the Panel will, within twenty (20) workdays after the Assistant Vice Chancellor – Executive Director of Human Resources receives the Employee's written request to appeal under Step 3, submit the written recommendations of the Panel to the Chancellor.

Within twenty (20) workdays after receiving the Panel's recommendations, the Chancellor or a designee on his/her behalf will notify the grieving Employee in writing of the final disposition of the grievance. Such decision will be final and binding on all parties. There will be no further appeal within the University of Nebraska.

Timelines

The amount of time for filing and decision making under this policy is intended to provide for a prompt, yet thorough, review and resolution of grievances. Parties must adhere to this timeline in order to ensure the benefits of participating in this process. However, should the Assistant Vice Chancellor - Executive Director of Human Resources determine

that special circumstances or the nature of the grievance are such that additional time will allow for a more meaningful, well-supported resolution of the matter, then the Assistant Vice Chancellor – Executive Director may grant an extension of a specific amount of time. The Assistant Vice Chancellor – Executive Director shall deliver written notice of the extension of time to all parties with a need to know. If the grieving Employee does not submit a written request to move the grievance forward within the specified time period and is not granted an extension prior to the passing of that deadline, it will be assumed the Employee is satisfied and the grievance will be discontinued.

If the immediate supervisor, the next-level supervisor or the Panel fails to deliver a written response or decision within the specified time period and is not granted an extension of time prior to the passing of that deadline, the grievance will automatically advance to the next level of review.

The Director of Human Resources shall record and maintain the timeline associated with each grievance.

Withdrawing A Grievance

The Employee may terminate his/her grievance under this policy at any time by delivering to the Director of Human Resources a written notification requesting such withdrawal.

Retaliation; Pending Employment Actions

Retaliation of any type shall not befall any person for participating in a grievance procedure. University employees engaged in such retaliation will be subject to disciplinary action, including the potential for dismissal. A grievance based upon retaliation may be treated as separate offense and is grievable under this policy. While such retaliation is prohibited, the mere filing of a grievance will not forestall any employment action, unless the Assistant Vice Chancellor – Executive Director of Human Resources determines otherwise.

The filing of a grievance by an employee who has received a written notice, has been suspended without pay, or has been terminated for cause will not suspend the written notice, suspension without pay, or termination for cause while the grievance is being processed. For details consult UNMC Policy No. 1098, Corrective/Disciplinary Action Policy (http://wiki.unmc.edu/?title=Corrective/Disciplinary_Action), and its procedures.

Pay Status When Participating In The Grievance Procedure

For an employee in-pay status, whose participation is required at a meeting, interview, or other activity as part of a grievance under this policy, time devoted to such participation will be considered as regular hours worked.

Notice of Non-Discrimination

Please see UNMC's Notice of Non-Discrimination (<http://www.unmc.edu/titleix/notice-nondiscrimination.html>) regarding the University of Nebraska Medical Center's commitment to creating a diverse and inclusive working and learning environment free from discrimination and harassment.

Additional Information

- Human Resources, Employee Relations at 402-559-7394, 402-559-8534 or 402-559-4371.
- UNMC Procedures No. 1020, Grievance Process (<http://www.unmc.edu/hr/proc/Procedures1020.pdf>)
- Grievance Filing Form (https://wiki.unmc.edu/index.php/HR_-_Employee_Relations_Forms/)
- UNMC Policy No. 1097, Performance Evaluation (http://wiki.unmc.edu/?title=Performance_Evaluation)
- UNMC Procedures No. 1097, Performance Evaluation (<http://www.unmc.edu/hr/proc/Procedures1097.pdf>)
- UNMC Policy No. 1098, Corrective/Disciplinary Action (http://wiki.unmc.edu/?title=Corrective/Disciplinary_Action)
- UNMC Procedures No. 1098, Corrective and Disciplinary Action (<http://www.unmc.edu/hr/proc/Procedures1098.pdf>)
- Corrective and Disciplinary Action Form (https://www.unmc.edu/human-resources/_documents/forms/emp-rel/corrective_and_disciplinary_action_form.doc)
- Requests for Reasonable Accommodation under the American with Disabilities Act (<http://www.unmc.edu/hr/Proc/Req%20for%20Reasonable%20Accommodation%20-%20ADA.pdf>)
- ADA - Americans with Disabilities Act and Section 504 Grievance Procedures (<https://wiki.unmc.edu/images/7/76/ADA-Sec504GrievanceProcedures.pdf>)
- ADA - Americans with Disabilities Act - Requests for Reasonable Accommodation (<http://www.unmc.edu/hr/proc/Req%20for%20Reasonable%20Accommodation%20-%20ADA.pdf>)

Policy No: 1020

Effective Date: 11/22/06

Revised Date: 10/01/18

Reviewed Date: 10/01/18