



UW-Stevens Point UW System Administrative Policy 1233

SUBJECT: Grievance Procedures for University Staff

Original Issue Date: July 1, 2015
Last Revision Date: June 1, 2020

1. Policy Purpose

To establish a grievance procedure as a problem-solving mechanism for University Staff with an expectation of continued employment who wish to appeal working conditions, discipline, layoff or dismissal.

2. Background

The UW-Stevens Point grievance policy establishes a dispute resolution process for university staff. UW-Stevens Point has developed formal grievance procedures in accordance with [Wis. Stat. § 36.115\(4\)](#) (which requires the Board of Regents to develop personnel systems that are separate and distinct from the personnel systems under Wis. Stat. Chapter 230), and with [UW System Administrative Policy 1233: Grievance Procedures](#). Effective July 1, 2015, the grievance procedures found at Chapter ER 46 of the Wisconsin Administrative Code and any procedures established by the Office of State Employment Relations are no longer applicable to current UW System University Staff employees. Therefore, this policy and these procedures provide grievance procedures for University Staff employees that hold positions with an expectation of continued employment at UW-Stevens Point.

3. Definitions

Chancellor's designee: an administrative officer with the authority to hear and adjust personnel and policy actions when they have been grieved through this policy. At UW-Stevens Point, the Chancellor's designee for University Staff grievances is the Director of Human Resources.

Discipline: any action taken by UW-Stevens Point with respect to a University Staff member with an expectation of continued employment, which has the effect, in whole or in part, of a correction of undesirable behavior.

Disciplinary actions: include written reprimands, suspension, demotion and reduction in base pay.

Dismissal: separation from employment for disciplinary or performance reasons.

Grievance procedure: the process through which certain working conditions, discipline, or dismissal of a UW System university staff member can be appealed. All university staff with an expectation of continued employment at UW-Stevens Point are eligible to file a grievance through this provision.

Impartial Hearing Officer: a grievance review committee Chair (University Staff Grievance Subcommittee Chair or designee) established through the University Staff Council, an arbitrator from a roster developed by UW System Administration of arbitrators, an arbitrator from the

Wisconsin Employment Relations Commission (WERC) roster of neutral decision makers not employed by the WERC or an arbitrator employed by the Wisconsin Employment Relations Commission.

Just Cause: a standard that is applied to determine the appropriateness of a disciplinary action. The elements of determining whether just cause exists include:

- Whether the employee had notice of reasonable workplace expectations and the potential consequences if those expectations were not met;
- Whether a full, fair and complete investigation was undertaken by the employer before discipline or discharge to determine whether the employee violated expectations;
- Whether the employer obtained substantial evidence of the employee's guilt;
- Whether workplace expectations were applied equitably and without discrimination; and
- Whether the degree of discipline imposed was reasonably related to the seriousness of the employee's offense and the employee's past record.

Layoff: separation from employment for reasons of budget or due to the discontinuance, curtailment, modification, or reduction of a program.

University Staff: are members of the university workforce that contribute in a broad array of positions in support of the university's mission and are not exempt (e.g. hourly)¹ from the overtime provisions of the Fair Labor Standards Act (FLSA).

University Staff Grievance Subcommittee: is a standing subcommittee of the University Staff Council, consisting of one elected representative from each employee group represented on the University Staff Council (i.e., Academic Affairs Division, Business Affairs Division, Student Affairs Division, and at-large), and one appointed representative from the Department of Human Resources. Three additional members shall carry "replacement status" for hearing grievances in the event of an absence or conflict of interest of on the standing subcommittee members. Service on the University Staff Grievance Subcommittee will be conducted without loss of pay and subcommittee members will be released from their regular duties to participate.

[¹Note: All FLSA exempt employees holding positions in the State of Wisconsin classified service as of June 30, 2015 are given the choice to remain in the University Staff for as long as they retain their existing positions, or to be voluntarily reassigned to a position that UW-Stevens Point has designated as either an Academic Staff or Limited Appointment position – see [UW System Administrative Policy 1277: Compensation](#)]

4. Grievable Subjects

University staff with an expectation of continued employment may file a formal grievance contesting layoffs and disciplinary actions if the employee alleges that the action was taken without just cause. These grievances may be moved through the steps of the grievance procedure as follows:

Layoffs may be grieved only through Step Two (A or B) of the grievance procedure. Written reprimands may be grieved only through Step One of the grievance procedure. Other disciplinary actions may be grieved only through Step Two of the grievance procedure. Dismissals may be grieved beginning at Step Two A or B, and Step Two A grievances may be processed through Step Three of the grievance procedure.

University staff may file a formal grievance regarding working conditions if the employee alleges that the employer failed to comply with an applicable policy, rule, or procedure. Such a grievance may allege that the University failed to provide safe working conditions. Grievances regarding

working conditions may be grieved through Step One of the grievance procedure.

5. Non-Grievable Subjects

Actions not grievable under this policy include the following:

- Verbal warning or verbal reprimand
- Termination of an appointment for temporary employment
- Release from probation
- Performance evaluations
- Any matter alleging sexual harassment or matters alleging harassment and/or discrimination on the basis of protected class (e.g. age, race, creed, color, sex, marital status, disability, sexual orientation, national origin, or arrest and conviction record) whose complaints are appropriate for the procedures of the UW-Stevens Point Department of Human Resources, and other state and federal laws.
- Activities falling under management rights are not grievable. Management rights include, but are not limited to:
 - Utilizing personnel, methods, and means in the most appropriate and efficient manner possible as determined by management
 - Managing and directing employees
 - Determining the size and composition of the work force
 - Determining the content of written policies and procedures
 - Managing the job evaluation system, which includes position classification, the establishment of position qualification standards, and the allocation of positions to classifications.
 - Hiring, promotions, assigning or returning employees
 - Establishing reasonable work expectations

6. Right to Representation

University staff employees have the right to representation at any meeting, including a hearing, if an employee reasonably believes that the meeting could lead to discipline. If appropriate notice is provided to the employer, employees and their representatives are permitted a reasonable amount of time to investigate and prepare a grievance without loss of pay. The representative has the right to observe and take notes. They have 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.

7. Grievance Procedure

Prior to filing a formal grievance, university staff employees are encouraged to first seek resolution of their grievances through informal discussions with their immediate supervisors, and/or the [UW-Stevens Point University Staff Disciplinary Policy and Procedures](#). The Department of Human Resources may serve as a resource to mediating a resolution. If such a discussion does not resolve the matter, an employee may file a formal grievance following the procedures set forth in this policy.

University Staff serving a probationary period do not have the right to file grievances on layoff or release from probation.

Discipline or dismissal of a University Staff member with an expectation of continued employment may be imposed only for just cause.

The University Staff Grievance Subcommittee will be provided with copies of letters of discipline issued to University Staff employees.

Grievances shall be submitted on a form provided by the employer. Only one subject matter may be covered in any one grievance. Each grievance shall describe the facts upon which the grievance is based, and the relief sought by the employee.

The employee and the appropriate grievance step respondent may agree in writing to extend the time limits in any step of the grievance procedure. Parties are strongly encouraged to resolve situations prior to a grievance being filed, but upon filing, parties are encouraged to resolve grievances at early stages of grievance procedures.

UW-Stevens Point is prohibited from retaliating against a grievant for filing a grievance or against a representative or witness who participates, or is scheduled to participate, in grievance proceedings.

At any stage of the process, the employee may choose to submit a written statement in lieu of participating in a grievance hearing. The written statement will be considered in the same manner as an in-person hearing.

The grievant has the burden of proving his/her case by a preponderance of the evidence, except in the case of a discipline or dismissal, for which the University will have the burden of proving just cause by a preponderance of the evidence.

If an employee fails to observe any grievance procedures time limits, the grievance will be considered resolved. Time limits may be extended only by mutual agreement between the grievant and a UW- Stevens Point management designee.

Grievances shall be pursued in accordance with the following steps and time limits. Working condition and written reprimand grievances may be processed through Step One only. Layoff and discipline grievances will begin at Step One and may proceed no further than Step Two. Dismissal appeals will begin at Step Two, as outlined below, and may proceed to Step Three.

	STEP ONE	STEP TWO		STEP THREE
		STEP 2A	STEP 2B (employed as of June 30, 2015)	
WORKING CONDITIONS	x			
WRITTEN REPRIMAND	x			
OTHER DISCIPLINE	x	x	x	
LAYOFF	x	x	x	
DISMISSAL		x	x	x

Step One:

If informal attempts to resolve a matter through discussion between an employee and supervisor are not successful, a grievance may be filed. Grievances shall be filed with the employee’s supervisor or with an HR representative no later than thirty (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. Grievances shall be submitted on the UW-Stevens Point Employee Grievance

Report (Attachment 1). Each grievance shall describe the facts upon which the grievance is based, and the relief sought. Within thirty (30) calendar days of receipt of the written grievance, the respective university officer, or another appropriate management designee, will meet with the grievant to hear the grievance. The grievant shall receive a written decision no later than seven (7) calendar days after this meeting. If the subject of the grievance is not discipline or layoff, there will be no further opportunity for appeal.

Step Two A (Standard Procedure):

When an employee has filed a grievance alleging that a discipline decision (not including written reprimands) was not based on just cause and is dissatisfied with the Step One decision, the employee may appeal the decision to an impartial hearing officer. To file at Step Two A, the grievant must inform the Department of Human Resources of their desire to appeal within ten (10) calendar days from receipt of the answer in Step One. The Department of Human Resources will review the options for an impartial hearing officer with the employee. The employee must select which impartial hearing officer will hear the case at the time the appeal is filed. The arbitration fee, if applicable, shall be split equally between the University and the employee. In the event the employee prevails, the University will pay the full arbitration fee. An appeal of a dismissal will begin at Step Two and must be filed within twenty (20) calendar days of the date of written notice of dismissal.

At issue before the impartial hearing officer will be whether just cause for the discipline or discharge exists. For cases involving layoff, the issue before the impartial hearing officer will be whether the applicable layoff procedure was followed.

The impartial hearing officer may refuse to hear a grievance for lack of timeliness or because the attempted grievance involves a non-grievable issue.

The impartial hearing officer will be charged with hearing the case within thirty (30) calendar days of the filing and responding within fourteen (14) calendar days of the hearing. The deadlines may be extended by mutual agreement. Hearings may be recorded. The hearing shall be closed unless it is opened by mutual consent.

The impartial hearing officer will make a report and recommendations to the Chancellor or to another appropriate management designee within fourteen (14) calendar days of the hearing. Within twenty (20) calendar days of receipt of the report and recommendations, the management designee shall issue a statement accepting or rejecting the findings of the impartial hearing officer and explaining how the recommendations will be implemented.

Step Two B (Grandfathered Procedure for Certain University Staff):

An employee who held permanent status in State employment prior to July 1, 2015 and according to the provisions of [Wis. Stat. § 36.115\(6\)](#) retains [Wisconsin Statute Chapter 230](#) appeal rights, instead of using the Standard Procedure may appeal a disciplinary action (suspension, demotion, or reduction in base pay), layoff or discharge using the following special procedure. Such a grievance may be appealed directly from Step One to the Chancellor's designee within ten (10) calendar days from receipt of the answer in Step One. The Chancellor's designee will meet with the grievant to hear the grievance within thirty (30) calendar days of the filing and will answer within fourteen (14) calendar days of the hearing. The deadlines may be extended by mutual agreement.

The grievant shall have the right to be represented at the hearing. The hearing shall be closed unless it is opened by mutual consent.

Thereafter, if the employee is still dissatisfied with the decision as issued by the Chancellor's

designee, the employee may appeal the decision to the Wisconsin Employment Relations Commission (WERC) under [Wis. Stat. § 230.44\(1\)\(c\)](#) within thirty (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 no appeal to the UW Board of Regents is available.

Step Three – UW Board of Regents Review:

For cases of dismissal only, a grievant that is dissatisfied with the Step Two A (Standard Procedure) decision may appeal the decision to the UW Board of Regents. If the matter is not appealed to the Board of Regents within thirty (30) calendar days, the grievance will be considered ineligible for Board review. Upon receiving an appeal, the President of the Board shall refer the appeal to the Board of Regents Personnel Matters Review Committee. In accordance with Board of Regents Bylaws, the Committee shall conduct a review based on the record of the matter created by the impartial hearing officer and the Chancellor's designee, and it shall prepare recommended findings and a decision, and shall transmit them to the full Board for final action. The full Board may confirm the Committee's recommendations, the Chancellor's designee's decision, or it may direct a different decision. No further appeal shall be available to the parties.

UW-Stevens Point is prohibited from granting relief that is retroactive beyond thirty (30) calendar days immediately preceding the filing of the grievance at the first step. No financial award may be ordered for any employee beyond back pay and benefits actually lost.

For information about the operation of the grievance procedure or how to appeal an action, contact the Department of Human Resources at 715-346-2606 or hr@uwsp.edu.

8. Related Documents

[UW-Stevens Point University Staff Disciplinary Policy and Procedures](#)

[UW System Administrative Policy 1233: Grievance Procedures](#)

[UW System Administrative Policy 1277: Compensation](#)

[Wis. Stat. § 36.115\(4\)](#)

[Wis. Stat. § 36.115\(6\)](#)

[Wis. Stat. § Chapter 230](#)

[Wis. Stat. § 230.44\(1\)\(c\)](#)

The employee grievance form – [Appendix 1](#)

9. Policy History

April 12, 2016: Links, contact information updated (phone number added), and formatting to align with UWSP policy formatting.

April 20, 2017: University Staff Council revisions to revise University Staff Grievance "Committee" to "Subcommittee," clarify membership of the University Staff Grievance Subcommittee, and clarify "days" as "calendar days."

December 5, 2019: Updated the definition of the Impartial Hearing Officer from the entire US Grievance Subcommittee to US Grievance Subcommittee Chair to be in compliance with LAB audit.

March 11, 2020: Links, department name, grammatical, and inclusive pronoun language updated.

June 1, 2020: Updated policy subject and updated the grievance form to align with UW System policy.