

NOTICE OF PROPOSED REPEAL OF REGULATION

The University of West Florida

April 20, 2010

REGULATION TITLE: UWF/REG 2.013 Grievance Procedure for Career Service Employees.

PURPOSE AND EFFECT: It is proposed to repeal this regulation because it is obsolete.

AUTHORITY FOR REGULATION: Florida Board of Governors Regulation 1.001 (5); Section 1001.74, Florida Statutes.

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION REPEAL:

Sherell Hendrickson, Associate Vice President, Human Resources.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: James Felder, Associate General Counsel, jfelder@uwf.edu, Phone (850) 474-3420; FAX (850) 857-6058; Bld. 10/Rm 128; 11000 University Parkway; Pensacola, FL 32514-5750. Any comments regarding the proposed repeal of this regulation must be sent in writing to the contact person on or before May 4, 2010 to receive full consideration.

THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES WEBSITE: April 20, 2010

THE FULL TEXT OF THE REGULATION TO BE REPEALED IS SET FORTH BELOW

University of West Florida Regulation

UWF/REG-2.013 Grievance Procedure for Career Service Employees.

(1) Any Career Service employee with permanent status shall be allowed to bring grievances to the attention of the President of The University of West Florida when such grievances cannot be resolved to the employee's satisfaction at the supervisory or Vice Presidential level. The President shall take specific action on all written grievances. No retaliatory action shall be taken against an employee who files a grievance.

(2) References to time limitation in this rule constitute calendar days and references to grievance are in accordance with Rules 2A-10.004 and 10.005, F.A.C.

(3) Procedure for Employees Who Have Not Attained Permanent Status in the Career Service.

(a) Employees shall file the grievance either orally or in writing with the immediate supervisor within 7 days following the act or event giving rise to the grievance whereupon the supervisor shall attempt to resolve the grievance within 15 days.

(b) If the employee is not satisfied with the immediate supervisor's decision, he or she may discuss the grievance with the appropriate Dean or Vice President, whose decision shall then be final.

(c) Employees shall not have the right to proceed with a grievance to a review by a grievance committee and a final decision by the President.

(4) Procedure for Career Service/Permanent Status Employees.

(a) Step One – Discussion Between Employee and Immediate Supervisor – The employee shall file the grievance initially either orally or in writing with the immediate supervisor within 7 days following the act or event giving rise to the grievance. The immediate supervisor shall attempt to resolve it within 15 days from the date it is filed. If not resolved, the grievance may proceed to Step Two.

(b) Step Two – Employee's Written Statement of Grievance to Appropriate Vice President.

1. If the employee decides to proceed with the grievance to the Step Two level, the grievance must be filed, in writing, with the appropriate Vice President within 7 days after receiving the response from Step One. The original of the written grievance shall be given to the immediate supervisor. In addition to the appropriate Vice President, copies shall be provided immediately to intervening levels of supervision and the Personnel Director. Upon receipt of a copy of the written grievance, if the Personnel Director determines that the grievance is one over which the President has no control, the Personnel Director shall deny the grievance and notify the employee in writing. Copies of the grievance and denial shall be furnished to both the President and the Department of Administration. Intervening levels of supervision shall attempt to resolve the grievance, before and after it is forwarded to the appropriate Vice President. The Vice President, however, must attempt to resolve it within 15 days from the date the grievance was first filed and the copy received by the Personnel Director.

2. The Vice President will advise the Personnel Director, the aggrieved employee, and the employee's department head in writing of the decision. If not resolved, the grievance may proceed to Step Three. (c) Step Three – Submission for Grievance Committee Review.

1. The employee shall advise the Personnel Director in writing that he or she intends to pursue the grievance to a grievance committee level and shall provide the Personnel Director with the name of the individual who has agreed to be the aggrieved employee's appointee on the three-member committee. This committee will be constructed according to the provisions set forth in subsection 60K-9.004(4), F.A.C.

2. If within thirty (30) days from the date of the initial filing, the Personnel Director has not been notified by the aggrieved employee of the desire for committee review, the grievance will be considered resolved unless violation of this procedure by the immediate or higher level supervisor(s), up to the Vice Presidential level, precluded advising the Personnel Director within the proper time frame. In that case, upon request by the aggrieved employee, the grievance will be heard by a committee in accordance with this procedure. Additionally, termination of employment with the university prior to the grievance's reaching full committee state will result in the grievance being considered resolved.

3. The president or his designee shall appoint a member of the committee who shall also serve as the Chairperson. The members appointed by the aggrieved employee and the President shall then appoint a third member and advise the Personnel Director in writing of their appointee. The third member shall be selected by the other committee members within seven calendar days. If not, the Personnel Director shall notify the Department of Administration which shall appoint a member to serve on the committee. The employee's immediate supervisor, Vice President, intervening levels of supervision, the President, and members of the Department of University Personnel Relations are precluded from serving on the committee.

4. The Grievance Committee members shall meet, call witnesses as necessary, and submit written recommendations to the President within 15 days from the date the full committee was appointed. If necessary, the committee chairperson may request in writing an extension of the reporting period from the Personnel Director for a period not to exceed an additional 15 calendar days.

(d) Step Four – President’s Decision – The President’s decision is final and shall be issued in writing to the employee with a copy to the Personnel Director and the employee’s Vice President and department head within 15 days from the date the committee reports its recommendations. The president shall discuss the committee recommendations with the appropriate Vice President before making a final decision.

(5) Disposition of Grievance When an Employee Terminates Prior to Final Resolution or Fails to Timely File the Grievance at the Next Step.

(a) If the aggrieved employee terminates employment with the University, the grievance is considered resolved. However, the Chairperson of the Grievance Committee, Vice President, or Personnel Director may decide to pursue the grievance in the form of an agency complaint/investigation should it appear the issues warrant the attention of the President.

(b) In this case, the President or his designee may maintain the present committee and direct them to review and investigate the complaint in accordance with committee procedures and/or any subsequent guidelines, appoint a new committee, and/or extend the review period an additional 15 days.

(6) Grievance Committee Chairperson’s Responsibilities.

(a) Make arrangements for a suitable place to hold the grievance review and notify the other members of the time and place of such grievance review.

(b) Assure that the grievance review is conducted in an orderly manner.

(c) Prepare a written summary of the findings and recommendations of the committee.

(d) Obtain the signature of all members on the written summary of findings and recommendations.

(e) Submit the committee’s written summary of the findings and recommendations to the President.

(f) Request extension of the reporting period, if necessary, from the Personnel Director.

(g) Recommend that the grievance of a terminated employee be handled as the agency complaint. Refer to subsection (5).

(7) Guidelines for the Grievance Committee.

(a) Any employee who is involved in or materially affected by the facts or allegations contained in a grievance will be interviewed by the committee and given the opportunity to respond for the record.

(b) The Grievance Committee will limit its inquiries and investigations to the issues expressed by the aggrieved employee.

(c) The Grievance Committee shall, insofar as possible, conduct all meetings and investigations during regular working hours.

(d) A majority vote by the Committee shall prevail in all committee actions, reports, and recommendations.

(e) Within 15 days from the date the full committee is appointed, the committee shall make a written recommendation to the President.

(8) Higher Level Review – The President’s decision is final in all grievances except where the aggrieved employee has alleged in filing the grievance that the University has failed to comply with the provisions of the Career Service Personnel Rules. Under these circumstances, the employee may submit the grievance to the Department of Administration pursuant to Rule 60K-9.005, F.A.C., if the employee disagrees with the decision by the President. The employee shall advise the Director of Personnel in writing if he or she submits the grievance to the Department of Administration.

(9) Union Contract Grievance Procedure – Some employees of the University are covered by an employee agreement for their bargaining unit which contains a grievance procedure. If an employee is in a bargaining unit having an agreement, the employee has the option of filing the grievance under the Career Service Procedure or the union contract procedures and may not change procedures once the grievance is initially filed.

Specific Authority 110.20(2), 240.22 7(1) FS. Law Implemented 110.20, 240.22 7(1) FS. History—New 8-22-82, Formerly 6C6-2.13.

History – Formerly FAC Rule 6C6-2. 013 adopted 8/22/82. Converted to UWF/REG 2.013-7/21/05, Repealed _____.