

## Handbook of Operating Procedures

### EMPLOYEE GRIEVANCES

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#### A. Purpose

To provide the mechanism for employees to bring complaints arising from the employment relationship to the attention of supervisors and officials at The University of Texas Rio Grande Valley (UTRGV).

#### B. Persons Affected

This policy applies to all classified employees, including probationary employees, temporary employees, and those hourly or per diem employees who work on an as needed basis. This policy does not apply to faculty, students employed in positions for which student status is a condition of employment, uniformed employees of UTRGV Police Department, or other employees subject to another approved grievance procedure.

#### C. Policy

It is the policy of UTRGV to encourage fair, efficient, and equitable solutions for problems arising out of the employment relationship and to meet the requirements of State and federal law.

#### D. Definitions

*Grievance* – a statement of complaint arising from the employment relationship together with a recommendation for resolution of the complaint that is identified as a grievance.

#### E. Procedure

1. *Scope of Grievances.* Grievances concerning wages; hours of work; working conditions; performance evaluations; merit raises; job assignments; reprimands; the interpretation or application of a rule, regulation or policy; or allegations that the termination of a probationary or temporary employee or an hourly or per diem employee who works on an as needed basis was for an unlawfully discriminatory reason may be considered under this policy.
2. *Retaliation Prohibited.* Employees shall not be penalized, disciplined, or prejudiced for exercising the right to make a grievance or for aiding another employee in the presentation of that grievance.
3. *Presentation to Supervisor.* The employee shall informally present the complaint to his or her supervisor for discussion, consideration, and resolution within five (5) working days from the date of the action, which is subject of the complaint. If the supervisor is the subject of the complaint, the employee may address the complaint to the appropriate department head or administrative equivalent.

4. *Presentation to Department Head.* If the supervisor does not satisfactorily resolve the complaint within five (5) working days, the employee may present the complaint in writing within five (5) working days to the appropriate department head or administrative equivalent for consideration and action. The written complaint should be clearly identified as a grievance, contain a concise statement that explains the specific complaint, and contain the employee's recommendation for attaining a sufficient remedy of the complaint. A written decision shall be mailed to the employee within five (5) working days of receipt of the complaint.
5. *Presentation to Dean/Director/Equivalent.* If the employee is not satisfied with the decision of the department head or administrative equivalent, a written appeal stating why the appealed decision is incorrect may be made to the appropriate dean, director or administrative equivalent within five (5) working days of the date of the appealed decision. A written decision shall be mailed to the employee within ten (10) working days of the date of the appeal.
6. *Presentation to Appropriate Vice President.* Complaints not satisfactorily resolved by the dean, director or administrative equivalent may be appealed in writing to the appropriate vice president or administrative equivalent for the employee's department within five (5) working days of the date of the appealed decision. The appeal shall state why the appealed decision is not correct. Within a reasonable time, not to exceed 30 calendar days following receipt of the appeal, a written decision shall be mailed to the employee. This decision is final.
7. The filing of a grievance may not stop or delay any personnel action which is the subject matter of the grievance.
8. A request for extension of time may be made by either the grieving employee or appropriate administrative official in writing (including by email) to the Employee Relations Manager in the Office of Human Resources. The Employee Relations Manager shall make the decision regarding whether to grant the extension. Any extension should be documented and provided to both the grieving employee and the appropriate administrative official.
9. Failure of an employee to meet a deadline shall constitute a withdrawal of the grievance. Failure of supervisory or administrative personnel to respond in a timely manner to a grievance or appeal shall authorize the employee to bring the grievance to the next level.
10. It is not required to have all levels of the grievance process when the organizational reporting structure does not provide for all levels to consider the grievance.
11. Except for cases where probationary employees, temporary employees, and hourly or per diem employees are grieving the terms of their separation, no remedy or corrective action is available under this policy once an individual ceases to be a UTRGV employee.
12. The grievance and all decisions or responses regarding such complaint shall be a part of the employee's personnel file.

**F. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)**

*Texas Education Code* Section 51.960 – Grievance Rights on Certain Personnel Issues

*Texas Government Code* Chapter 554 – Protection for Reporting Violations of Law

*Texas Government Code* Section 617.005 – Collective Bargaining and Strikes

**G. Dates Reviewed or Amended**

July 11, 2022 - Reviewed and amended (non-substantive: updated responsible executive).