POLICY STATEMENT
NO. 3 03.00

COORDINATED BY Office of Business and Financial Affairs

SHREVEPORT
Office of the Chancellor

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PAGE 1

SUBJECT Discipline and Grievance Procedures for Classified Employees

I. PURPOSE

To establish disciplinary and grievance procedures for classified employees in relation to employment practices, including problems associated with race, color, religion, sex, national origin, age, handicapped or veteran status.

II. DEFINITIONS

A. Classified Employee refers to a person employed by the University under the rules and regulations established by the Louisiana Civil Service Commission.

B. Employee discipline is an aid in guiding the behavior of an individual in the achievement of organizational objectives. It shall be the responsibility of a super visor, as well as his administrative supervisor, to establish job duties, work rules, and sanctions necessary for infractions. The disciplinary process should be simple and flexible to facilitate employee understanding.

C. Grievance Procedures refers to those procedures which enable a dissatisfied employee to discuss his concerns with appropriate personnel. It establishes a system of due process for all parties involved in the grievance. It determines whether a violation of rules or policies has occurred, and if so, determines the means for correcting the violation.

III. GENERAL POLICY

A. The employment policies of the University shall be fair and equitable for all employees regardless of race, color, religion, sex, national origin, age, handicapped, or veteran status.
B. Civil Service Rules have established a uniform service rating system, applicable to all State agencies, which requires an annual rating of employees on the basis of performance. In making these service ratings, the supervisor must rate the employee's job performance as "satisfactory" or "unsatisfactory." All oral warnings, written warnings, disciplinary suspensions, and other disciplinary action taken during the previous year should be taken into consideration in preparing the service rating on each employee. It is appropriate to mention disciplinary actions required during the previous year in making the service rating. The fact that an employee received oral or written warnings or a disciplinary suspension does not automatically mean that the employee should receive an "unsatisfactory" rating.

C. Grievance Procedures provides a process whereby an employee who becomes dissatisfied or involved in a misunderstanding can see resolution of his problem. If employment practices such as selection, promotion, job classification, job assignment, job compensation, fringe benefits, leave practices, job duties, work rules and sanctions are felt to be inappropriate or unfair, the grievance procedure offers a method of determining the source of the dissatisfaction or misunderstanding.

D. The purpose of the University and its employees are best served if each is considered with dispatch. Maximum time limits should be viewed as deadlines to be met, but every effort should be made by both parties to take action within the shortest time practicable.

E. The basic ingredients in effective employee discipline are knowledge of and acceptance of job duties and work rules by both parties. It is mandatory that each employee be given a copy of his job description so that the employee will be forewarned that failure to meet job duties and work rules will result in disciplinary action.

IV. OPERATING PROCEDURES

When deviations occur and if disciplinary action is required, the following sequence should be followed:

A. When a minor infraction occurs, an oral warning should be given to the employee, indicating the nature of the offense, the date and time it occurred, and the expectations of the supervisor for future performance. It is recommended that the department chairman document all oral warnings given.
B. If the offense continues, or a major or serious infraction occurs, a written warning should be issued to the employee. This warning should be a memorandum from the supervisor to the employee giving a description of the offense, the time, the date, and the action required on the part of the employee to correct the situation and/or to prevent its reoccurrence. It should note any previous oral warnings relating to the offense. A copy of this memorandum shall be placed in the departmental file and a copy forwarded to the Business Office.

C. Should the offense be extremely serious, or if the offense continues after a written warning, a disciplinary suspension with loss of pay for a limited time may be initiated by the department chairman. Before informing the employee of the disciplinary suspension, the nature of the offense or offenses causing the proposed disciplinary suspension should be discussed with the supervisor's department chairman and with the Business Office. The actual order for disciplinary suspension must be in writing and the reasons for the suspension must be explained in detail in the memorandum to the employee.

D. Other disciplinary actions, short of dismissal, are reassignment, reduction in pay, and demotion. If a supervisor decides that one of these actions is justified, this matter should be discussed with the department chairmen and the Business Office.

E. Dismissal should be recommended only after all other alternatives have been exhausted. The events leading to such action should be carefully recorded and discussed with the department chairman and the Business Office. This recommendation must be submitted to the Chancellor or his designated representative for final approval and must be accompanied by written justification and the appropriate personnel forms.

Note: For C, D, and E above, the Chancellor or his designated representative must approve and effect the action to be taken.

V. GRIEVANCE PROCEDURE

A. Nature of a Grievance

It may be expected that conditions leading to dissatisfaction and misunderstanding may arise among employees. When employees believe that conditions are unfair, their attitude and their work
may be affected. The purpose of this procedure is to establish fairness, enhance morale, and improve performance. A grievance may take a variety of forms:

1. A simple violation of a policy or regulations
2. A disagreement over the interpretation of a policy or regulation
3. A dispute over a specific decision or incident in regard to employment practices or work rules
4. A charge of discrimination associated with sex, race, religion, age, and handicapped.

B. Types of Employment Practices Covered

1. Hiring and promotion - recruiting, advertisement, application and selection procedures; application of anti-nepotism policies; demotion, lay-off and termination procedures
2. Compensation - salaries, wages, and extra compensation
3. Job assignments - job classifications and position descriptions, lines of progression, seniority and job assignment and placement
4. Work rules and conditions - encompasses work rules and conditions and sanctions
5. Leave regulations and practices - leave policies, granting of leave, and special considerations such as leaves for temporary disability, childbearing and related medical complications
6. Fringe benefits - insurance and retirement provisions, selections and support for training, and employer sponsored programs.

C. Applicability of Grievance Procedure

1. A grievance procedure is a method of determining the cause of a grievance and of finding the best way to resolve it.
2. Under certain circumstances, Civil Service employees should use the Civil Service procedure for appeals and hearings rather than the University grievance procedure. Examples of the types of actions over which the Civil Service Commission assumes responsibility are:
a. Removal of a permanent employee for cause
b. Political, religious, or racial discrimination
c. Suspension without pay as a disciplinary action
d. Discrimination practices by the violation of the Civil Service Law or a Civil Service Rule
e. Assignment of "unsatisfactory" service ratings after the employee has exhausted his right to appeal the rating directly to the Office of the Chancellor.

3. If an employee is in doubt whether to appeal to the University or Civil Service on a grievance matter, he should contact the Business Office, as there are time limits established for both the grievance procedure and a Civil Service appeal. Since the employee with a grievance growing out of one of the above actions of the University may wish to utilize the University's grievance procedure before making a decision on an appeal to the Civil Service Commission, and since there are time limits in both the grievance procedure and the Civil Service appeal under certain circumstances, the employee, with the concurrence of the University, may present the grievance case directly to the Office of the Chancellor under Step 3 of the grievance procedure.

D. General Provisions of the Grievance Procedures

1. The decision to utilize these grievance procedures shall be voluntary on the part of the individual employee. All University employees covered by this PS shall have the right to use these procedures without fear of coercion, discrimination, or reprisal of any kind from the University.

2. These procedures shall not deprive an employee with a charge of discrimination from appeal to appropriate Federal agencies.

3. If a hearing is conducted under these procedures, the party against whom the grievance complaint is made shall have the right to appeal and testify at the hearing. The employee shall have the right to have an advisor of his choice present.

4. An employee selected to represent a grievance shall, at such times as the supervisor may approve, be granted necessary time off during working hours to investigate the grievance and represent the other employee without loss of pay and without charge to annual or compensatory leave.
5. No employee may take reprisal action of any kind against an employee who uses the grievance procedure, and no employee may use an official position to attempt to improperly influence any hearing officer or member of the grievance committee.

6. The decision of the Chancellor or his designee shall be final in all cases.

7. Each employee will be furnished a copy of these procedures.

VI. STEPS TO FOLLOW IN PRESENTING THE GRIEVANCE

Step 1. The employee shall present the grievance in writing on the prescribed form to his department chairman within five working days after the incident which caused the employee to be aggrieved. The supervisor will set up a meeting to discuss the grievance at a mutually convenient time. This meeting should be held promptly, as the department chairman shall give a written answer to the grievance within two working days after it is filed. The counting of these two working days shall begin with the first working day after the department chairman receives the written grievance signed by the employee.

Step 2. If the employee is not satisfied with the decision of his department chairman, he shall, within two working days of the receipt of the decision, beginning with the first working day after receiving the decision, resubmit his grievance to his department chairman. The employee signs the statement appearing on the grievance form requesting that the grievance be referred to Step 2, then returns the signed form to his department chairman. The department chairman will then forward the grievance to his supervisor who will in turn, within three days, arrange a meeting at a mutually acceptable time to discuss the grievance with the employee and the department chairman and render a decision in writing. The employee has the right to have an advisor present.

Step 3. If the employee is not satisfied with the decision in Step 2, he shall, within three working days thereafter, seek final disposition of his grievance. The authority for this step of the procedures has been delegated by the Chancellor to the Vice Chancellor for Business Affairs. The employee accomplishes this by signing the statement appearing on the grievance form requesting that the grievance be referred to Step 3 and returning the signed form to the Vice Chancellor for Business Affairs. He shall meet with all parties involved within four
working days of the receipt of the written grievance, beginning with the first working day after the grievance is presented, at a mutually agreed upon time, and shall render a written decision within five working days after the meeting. If, by mutual agreement, the Vice Chancellor and the employee decide that the employee's grievance can best be handled after study by and a recommendation from a committee appointed by the Chancellor, procedures in Step 3 shall be modified to permit the Vice Chancellor to delay his written decision for fifteen working days following the date of the meeting with the employee, to allow consideration of the grievance by a committee appointed by the Chancellor. The employee may attend the meeting of the committee and present his case. The employee has the right to have an advisor present. This committee will make recommendations to the Vice Chancellor within twelve working days. The Vice Chancellor will, within three working days, thereafter, render a written decision and forward it to the Chancellor for final approval.

VII. SUMMARY DISPOSITION OF GRIEVANCE

A. At any time after the filing of a grievance in writing, the Chancellor may summarily dispose of the grievance on any of the following grounds:

1. The University lacks jurisdiction in the case

2. The aggrieved employee has no legal right to grievance consideration

3. The grievance has not been made in the required manner or within the prescribed time period

4. A decision on the grievance would be ineffective

5. The aggrieved employee has failed to appear at the time and place fixed for the hearing of the grievance, and/or the aggrieved employee has withdrawn the request for grievance consideration.

B. When the Chancellor summarily disposes of a written grievance, he shall notify all interested parties in writing.
VIII. HEARING OFFICER AND GRIEVANCE COMMITTEE

The Grievance Committee provided for in Step 3 will be appointed by the Chancellor. It will be designated as ad hoc and will be composed of an odd number of three or more members. The chairman of the committee will be designated by election from within its membership.

IX. FORMS

Before an employee's problem or complaint can officially become a grievance, he must complete the Grievance Form. The administrator answering the grievance should also use the Grievance Form.
GRIEVANCE FORM

EMPLOYEE'S NAME ________________________________ SOC. SEC. NO. ________________________________

DEPARTMENT ________________________________ JOB TITLE ________________________________

Name of Immediate Supervisor ________________________________

Date Grievance Occurred (Must be filed within 5 working days) ________________________________

Date Grievance Filed with Department Chairman ________________________________

STATEMENT OF GRIEVANCE

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REMEDY REQUESTED

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Employee's Signature ________________________________ Date ________________________________

DECISION OF DEPARTMENT CHAIRMAN

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Department Chairman's Signature ________________________________ Date ________________________________

I am not satisfied with the above answer to my grievance and wish to have it referred to Step 2. (A request for a Step 2 hearing must be filed within two working days of receipt of Department Chairman's decision.)

Employee's Signature ________________________________ Date ________________________________
REVIEW BY DEPARTMENT CHAIRMAN'S SUPERVISOR

Name of Employee

Date of Meeting with Employee

Reply by Department Chairman's Supervisor

Signature ___________________________ Title ___________________________ Date __________

I am not satisfied with the above answer to my grievance and wish to have
it referred to Step 3. (A request for a Step 3 hearing must be filed within
three working days of receipt of the above decision.)

Employee's Signature ___________________________ Date __________
DECISION BY OFFICE OF THE CHANCELLOR

Name of Employee

Date of Meeting with Employee

Decision by Vice Chancellor for Business Affairs

Signature Date
Vice Chancellor for Business Affairs

Approved Date
Chancellor