

Grievance Procedure

- Authority** This Guide Memo was approved by the Executive Director of Human Resources.
- Applicability** This policy applies to all regular (including trial period), casual and temporary staff as defined in Administrative Guide Memo 23.1, Definitions, http://adminguide.stanford.edu/23_1.pdf, except Academic and Senior Staff. For policies applicable to employees covered by collective bargaining agreements, refer to the applicable agreement: The Agreement between Stanford University and United Stanford Workers, Local 715, SEIU, AFL-CIO (<http://hrweb/information/usw.html>) or the Agreement between Stanford University and the Stanford Deputy Sheriffs' Association. For a list of other grievance procedures, see http://hrweb.stanford.edu/elr/policies/list_grievance_procedures.html.
- Summary** This Guide Memo outlines formal processes for solving workplace problems at Stanford. For more detailed information, please refer to the brochure titled, *Solving Workplace Problems at Stanford*, available from Employee & Labor Relations in Human Resources. The formal grievance procedure is designed to supplement, not to replace, routine and informal methods of responding to and remedying employee problems and complaints.

Section headings are:

1. INFORMAL RESOLUTION
2. STEPS IN THE GRIEVANCE PROCESS
3. REPRESENTATION
4. NO RECORDS, NO REPRISALS
5. ALTERNATIVE PROCESS

1. INFORMAL RESOLUTION

Employees, supervisors, and managers are encouraged to identify and resolve workplace problems and disputes as early as possible. Informal methods include direct discussion with the individual(s) involved, involvement of the supervisor, manager or another trusted co-worker, involvement of higher levels of supervision or management, assistance by the local human resource manager, assistance by Employee & Labor Relations, assistance by the Ombuds Office, and mediation. Depending on the nature of the problem, other individuals or offices may also be of help.

2. STEPS IN THE GRIEVANCE PROCESS

The steps of the grievance procedure are:

1. **Step One: Face-to-Face Discussions:** The employee should speak directly with the supervisor or manager who is responsible for the work group where the problem occurred. Managers and supervisors are responsible for making every effort to resolve problems locally.
2. **Step Two: University Review:** If the grievance involves a claim that a temporary staff member has not been accorded the employment preference provided by Administrative Guide Memo 22.1, the only issue to be determined is whether the preference was correctly applied. If the determination is that the preference was not applied correctly, the remedy shall be that the grievant shall be hired to fill the next vacancy at the same job classification and level reporting to the same hiring manager or that hiring manager's successor.

Grievances must be filed within thirty (30) calendar days from the date the problem or dispute arises. The grievance form is available on line at <http://hrweb.stanford.edu/elr/forms/index.html> or can be obtained from Employee & Labor Relations.

- Trial Period, Temporary and Casual Employees – Grievances filed by trial period, temporary or casual employees will be reviewed by a member of the University’s Employee & Labor Relations staff, or another University manager who is not in the same department as the employee who has filed the grievance. The individual who reviews the matter will determine the facts pertaining to the grievance and recommend a remedy in view of those facts. The reviewer’s determination of the facts will be final; however, the decision will be reviewed by the Director of Employee & Labor Relations to insure that University policy is properly applied. The remedy will be adopted if acceptable to the employee and his/her department. If the remedy is not acceptable to either the employee or his/her department, the grievance may be appealed to a University Reviewing Officer by request to Employee Relations made within 20 calendar days, whose decision will be final and binding on both the University and the employee. Claims by trial period, temporary and casual employees are not eligible for neutral arbitration (Step Three).
 - Regular Staff Employees Who Have Passed the Trial Period – All grievances filed by regular staff employees who have passed the trial period will undergo a mediation assessment before being reviewed by a University Reviewing Officer. The mediation assessment includes a discussion with the employee and University Ombudsperson separately; the supervisor or manager and the local human resources manager may be requested to participate in the mediation process. Cases not resolved in mediation will be referred to a University Reviewing Officer who will issue a response to the grievance within fifteen (15) calendar days following the last review meeting. The University Reviewing Officer’s determination of the facts is final; however, the decision will be reviewed by Employee & Labor Relations to insure that University policy is properly applied. The University Reviewing Officer’s decision is final for both the employee and the University, except in cases involving termination or permanent layoff from University employment, where the employee (but not the University) may request neutral arbitration under Step Three, below.
3. **Step Three: Neutral Arbitration:** A regular staff employee who has passed the trial period may request neutral arbitration in matters concerning termination or permanent layoff. Requests for neutral arbitration must be submitted in writing to the Director, Employee & Labor Relations, no later than 20 calendar days after written action by the University Reviewing Officer. If both the employee and the Director, Employee & Labor Relations, agree in writing, other employment matters can also be submitted for neutral arbitration; however, the University reserves the right to decline arbitration. An employee who requests neutral arbitration must cooperate in moving the matter to arbitration in a timely and expeditious manner. Failure to execute an arbitration agreement within 30 days, or to select an arbitrator within 10 days of executing the agreement, will result in a waiver of the employee’s claim. Stanford pays the arbitrator's fees. If the employee incurs any costs, the employee is responsible for paying them. The finding of the Arbitrator will be binding upon both the employee and the University.

3. REPRESENTATION

- a. **Self-Representation** – The employee may act as his or her own representative at any step in the grievance procedure.
- b. **Employee Representative** – If additional representation is desired, the employee may select any University employee, who is not employed as a lawyer, and who is both willing and able to work with the employee seeking dispute resolution without impairing his or her own work duties. If the time involved for either the employee seeking dispute resolution or that person's Stanford employee representative is more than 20 hours then personal time off or vacation time must be used for the excess.
- c. **Outside Representation** – At Step Three only, a regular employee seeking dispute resolution may be represented at the sessions by an attorney or other outside representative of the employee's choosing and at the employee's cost.

4. NO RECORDS, NO REPRISALS

No adverse action may be taken against any employee for his or her legitimate efforts to resolve workplace problems or use of the grievance procedure. No records of an employee's use of the grievance procedure will be kept in his or her personnel file.

5. ALTERNATIVE PROCESS

At any step of the formal grievance procedure, the parties may agree to refer the issue to the University's Ombudsperson.