

Prepared by the Vice President for Administration.
This is a new Administrative Procedure.

January 1983

ADVERSE ACTIONS, APPEALS, HEARINGS AND GRIEVANCES

Page 1



A9.110 EMPLOYMENT-RELATED GRIEVANCE PROCEDURE FOR PERSONS
(INCLUDING APPLICANTS FOR POSITIONS) NOT COVERED BY
COLLECTIVE BARGAINING AGREEMENT GRIEVANCE PROCEDURES OR
OTHER APPLICABLE PROCEDURES


1. Purpose

To comply with Section 89c-2(4) HRS (Adjustments authorized; limitations, restrictions) concerning employees excluded from collective bargaining. To exercise the authority of the BOR as provided by Section 304-4 (Powers of the Regents, Official Name) concerning the management and control of the general affairs, and exclusive jurisdiction over the internal organization and management of the University.

2. Objectives

- a. To provide a timely and effective means of resolving employment-related complaints from persons not covered by collective bargaining agreement grievance procedures.
- b. To provide equal treatment to applicants for employment, as provided in Chapter 1-5, Board of Regents Bylaws and Policies and in Executive Policy E1.202.
- c. To enable administrators to identify and correct possible problem areas in employment-related matters.
- d. To assure freedom from retaliation for filing grievances.

3. Definition



A grievance is a complaint that there has been a misinterpretation, misapplication, or violation of a written University Policy, rule, or regulation relating to employment matters.

4. Applicability

- a. This procedure shall apply to applicants for employment and employees or other persons not covered by collective bargaining agreement grievance procedures, A9.140 (civil service), or A9.860 (student help).
- b. The University need not consider any grievance not filed in accordance with the procedures contained in this Administrative Procedure.

5. Informal Procedure



Persons not covered by collective bargaining agreement grievance procedures should, whenever possible, work out grievances with the immediate supervisor on an informal basis without resort to the formal grievance procedure.

6. Formal Grievance Procedure

a. Requirements

A written grievance must be filed within twenty (20) calendar days following the action complained of or the date on which the grievant first knew or reasonably should have known of the action complained of, whichever date is later. The grievant or grievant's representative shall file the grievance with the appropriate vice president if the grievance involves a system matter/position, or with the chancellor if the grievance involves a campus matter/position. The following information shall be provided:

- (1) Name, address, and phone number of grievant;
- (2) Title of grievant's position, if a University employee;
- (3) Name and location of work unit involved in the complaint;
- (4) A concise statement of the facts concerning the grievance, including the University policy, rule or regulation alleged to have been violated, the date of such alleged violation, and the relief or remedy requested;
- (5) Identity of person(s) responsible for the action, insofar as known.

b. Step 1: Vice-President or Chancellor's Decision

The vice-president or vice-president's designee, or chancellor or chancellor's designee shall render a decision in writing to the grievant within twenty (20) calendar days of receipt of the grievance unless the grievance involves complex issues or requires extensive investigation, in which case the decision will be made within a reasonable period of time thereafter. In the event of a need to extend the twenty-day period, the grievant shall be notified via registered mail.

c. Appeal

The grievant may appeal to the president within fifteen (15) calendar days after notification from the vice-president or the chancellor. The appeal must be in writing and must specify why the Step 1 decision is unsatisfactory.

d. Step 2: President's Decision

The president or president's designee shall render a final decision in writing to the grievant within thirty (30) calendar days after receipt of the appeal unless the grievance involves complex issues or requires extensive investigation, in which case the decision will be made within a reasonable period of time. In the event of a need to extend the thirty day period, the grievant shall be notified via registered mail. The decision of the president or president's designee shall be final and binding within the University.