

## 2. Complaint Resolution Procedures -- MSP

**Personnel Action:** Complaint Resolution - Managers and Senior Professionals **Personnel Action Code:** N/A

**Policy Summary:** It is the policy of the University to facilitate the resolution of complaints arising from employment with the University.

**Policy References:** PPSM 70

**Authority:** A supervisor may resolve a complaint at the informal level. A University official at the level next above the employee's immediate supervisor may resolve a complaint at Step 1 (p. 3). The appropriate principal administrative officer may resolve a complaint at Step II (p. 3). The Chancellor may resolve a complaint at Step III (p. 4).

**Criteria:** Managers and Senior Professionals covered by *Personnel Policies for Staff Members-Policy 70*, with the exception of per diem employees, are eligible to file a complaint regarding either:

- a) a claim that a specific management act is alleged to have adversely affected the individual employee's existing terms or conditions of employment, or
- b) a claim that a provision of the personnel policies has been violated.

Complaints of two or more employees, as well as multiple complaints by, or related to, the same employee or which relate to the same incident, issue, or course of conduct, may be consolidated for purposes of the Complaint Resolution Procedure at the discretion of the Labor Relations Manager or her/his designee.

Employees who voluntarily terminate their employment or retire from the University are not eligible.

Concerns regarding classification standards, benefits, salary rates, or ranges for classes are not covered by the Complaint Resolution Policy, but may be submitted to the Staff Human Resources Director for consideration. Review of classification decisions may be submitted to the Staff Human Resources Director according to campus procedure (**NOTE:** this will be documented for review at a later date).

### Process:

Responsibility

Action

Employee

**Informal Resolution**

Shall make every effort to resolve the complaint through informal discussion with his/her supervisor. Such discussion is a condition of filing a valid request for formal review.

Complainants alleging sexual assault and/or sexual harassment may elect to substitute the campus *Sex Offense Policy and Procedures for Reports of Sexual Assault(s) and Sexual Harassment* for the informal step.

Employee

May discuss any problems relating to these matters and his/her complaint rights with the Labor Relations Manager or her/his representative.

Responsibility

Action

In the event the complaint cannot be resolved through informal discussions, files a request for a formal review as outlined below. The employee may, at any time during the process, withdraw his/her complaint and terminate the complaint resolution process. Employees involved in informal discussions to resolve the complaint are advised to file formally if the thirty-day time limit is approaching. Attempts at informal resolution do not extend the initial thirty-day filing deadline. The formal complaint may be withdrawn if an informal resolution is reached.

Supervisor/Unit Head

May seek guidance from the Labor Relations Manager or her/his representative in the handling of complaint matters.

Employee

**Filing of Formal Complaint - All Complaints (Except Those Pursued Through the Sex Offense Policy and Procedures)**

Submits his/her complaint in writing, in letter or memo format, to the Labor Relations Manager. The request for formal review must:

- identify the specific management act(s) to be reviewed, including the date(s) the act(s) occurred;
- specify how the employee was adversely affected;
- list the section(s) and specific provision(s) of policies alleged to have been violated, if any, and how the provision(s) were violated; and
- specify the remedy requested.

Must file the signed complaint within thirty (30) calendar days after the date on which s/he knew or could reasonably be expected to have known of the event or action which gave rise to the complaint, or within thirty (30) calendar days of separation, whichever is earlier.

If the complaint includes an allegation of discrimination, may elect to have his/her complaint reviewed, and an attempt at informal resolution made, by the EEO/AA Office prior to the first written response. If the employee elects review by the EEO/AA Office, the deadline for the first written response shall be extended by forty-five (45) calendar days.

Labor Relations Manager

Shall grant up to an additional fifteen (15) calendar days for timely filed, but technically flawed, complaints to be corrected and resubmitted. Decisions regarding timeliness and scope may be appealed to the Assistant Vice President--Human Resources. Such appeal must be received within twenty (20) calendar days of the issuance of the decision by the Labor Relations Manager or her/his designee and shall include a copy of the original complaint and related documents.

Employee

**Filing of Formal Complaint - Complaints Processed Through the Sex Offense Policy and Procedures**

If the campus *Sex Offense Policy and Procedures* are used in lieu of the informal stage of resolution, as a first step, the employee shall reduce her/his complaint to writing as outlined above. The employee shall sign the complaint and file it with the Labor Relations Manager within ten (10) calendar days of the issuance of the decision under

Responsibility

Action

Employee	the <i>Sex Offense Policy and Procedures</i> . The complaint shall then be processed as outlined below. If agreed to by both parties, a complaint processed through the <i>Sex Offense Policy and Procedures</i> may proceed directly to Step II.
Labor Relations Manager	<b><u>Step I</u></b> Shall, upon receipt of a timely filed, technically correct complaint, forward the written complaint to the University official at the administrative level next above that of the employee's immediate supervisor for response, with information copies to the appropriate principal administrative officer. <sup>1</sup> Shall notify the employee of the date the Step I response is due.
University Official	Shall forward his/her decision to the employee within fifteen (15) calendar days from the date the complaint was received from the Labor Relations Office. The written decision shall be in letter or memo format and forwarded by U.S. mail, or delivered in person, with Proof of Service, to the employee, with a copy to the Labor Relations Manager.
Employee	<b><u>Step II</u></b> If there is no resolution of the complaint by the University official at the administrative level next above the employee's supervisor, the employee may request review by the appropriate principal administrative officer. The request shall be in writing, in letter or memo format, signed by the employee and filed with the campus Labor Relations Manager within fifteen (15) calendar days following the issuance of the University official's decision, or if not issued, the date due. The request shall detail those issues of the original complaint not resolved by the University official.
Labor Relations Manager	Shall, upon receipt of a timely filed appeal, forward the appeal to the appropriate principal administrative officer. Shall notify the employee of the date the Step II response is due.
Principal Administrative Officer	Shall forward his/her response to the employee within thirty (30) calendar days from receipt of the request for review from the Labor Relations Office. The written decision of the principal administrative officer shall be forwarded by U.S. mail, or delivered in person, with Proof of Service, to the employee, with a copy to the Labor Relations Manager. The decision of the principal administrative officer is final and binding unless the complaint is otherwise eligible for review at Step III.
Employee	<b><u>Step III - Fact Finding</u></b> If the response of the principal administrative officer does not resolve the complaint, the employee may request review by a fact finder of alleged violations of the following policies <b>only</b> : <ul style="list-style-type: none"><li>• Nondiscrimination in Employment (see Policy 12)</li><li>• Medical Separation (see Policy 66)</li><li>• Termination of Career Employees--Managers and Senior Professionals (see Policy 65)</li></ul>

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<sup>1</sup> "Principal Administrative Officer" in these procedures refers to the Chancellor, Executive Vice Chancellor, Assistant Chancellor--Human Resources, Vice Chancellor--Business and Administrative Services, Vice Chancellor--Student Affairs, and Vice Chancellor--University Relations.

Responsibility

Action

Employee	Such requests must be in writing, in letter or memo format, signed by the employee and filed with the Labor Relations Manager within fifteen (15) calendar days following issuance of the principal administrative officer's decision, or if not issued, the date due. The request shall detail those issues of the original complaint not resolved at the previous level(s) of review.
Chancellor	Or her/his designee, shall appoint a fact finder from either this campus or another location within the University of California system. If from this campus, the appointee shall be from outside the campus unit or reporting line in which the complaint arose.
Labor Relations Manager	Or her/his designee, shall provide the fact finder and the employee with a copy of the <i>University of California, Santa Cruz Instructions to Fact Finders</i> .
Fact Finder	Shall conduct his/her investigation according to the above-referenced instructions. The fact finder shall submit a written report of the findings of fact, if any, to the Chancellor.
Chancellor	Shall forward her/his response to the employee within thirty (30) calendar days from receipt of the fact finder's report. The written decision of the Chancellor shall be forwarded by U.S. mail, or delivered in person, with Proof of Service, to the employee, with a copy to the Labor Relations Manager.  The decision of the Chancellor is final and binding.

**Remedy**

The remedy, if any, is limited to restoring any pay, benefits, or rights lost as a result of the action taken.

Employee

**Representation**

May be self-represented or may be represented by another person at any stage of the review of the complaint. However, an employee who has been designated managerial, supervisory, or confidential by the University shall not represent a non-managerial, - supervisory, or - confidential employee and vice versa.

Labor Relations Manager

**Extension of Time Limits**

Or her/his designee, prior to the expiration of a time limit, may grant an extension for cause upon the written request of either party.

Unit Head

**Pay Status for Time Spent on Complaint Resolution**

Shall approve requests for reasonable time off with pay during scheduled working hours to an employee and to an employee's representative (if the representative is an employee covered by the *Personnel Policies for Staff Members* at the Santa Cruz campus and is not paid for such representation by the employee filing the complaint or others) for time spent in hearings or meetings convened by the University to consider and resolve complaints. Time spent by the employee or the representative in the above activities outside of scheduled working hours is without pay.