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III-28.3 Merit System Members Grievance Procedures

~~III-28.3 Exempt Merit System Members Grievance Procedures~~

Note: The University follows the Grievance Procedures established by the Board of Regents as set forth in IAC [681]12.9 (19A), [681]12.10 (19A); [681]12.11 (19A); [681]3.127 (19A); [681]3.128 (19A). The following is a reproduction of those sections.

(Amended 7/1/17)

Effective July 1, 2017, this policy has been revised. For the most current version without redlining, return to [III-28](#).

~~For supervisory exempt and confidential merit positions. For positions covered by a collective bargaining agreement consult the current contract.~~

- a. Merit system employee grievances. For purposes of grievance procedure only, "employee" means a merit system employee who has completed the six-month probationary period and is presently employed, or has been dismissed within the previous one-year period.
Disputes or complaints by permanent employees regarding the interpretation or application of institutional rules governing terms of employment or working conditions (other than general wage levels) or the provisions of the merit system rules, or other than disputes whose resolution is provided for in the *Iowa Administrative Code* [681]3.127(19A) and [681]3.128(8A), will be resolved in accordance with this procedure, which has been approved by the merit system director in accordance with [681]3.129(1). Employees in an initial probationary period will be allowed access to the grievance procedure with the right to appeal orally at Step 1 and in writing at Steps 2 and 3. The University may permit an oral presentation at Steps 2 and 3 if deemed necessary.
- b. Grievance procedure.

(1) An employee who has a grievance and wishes to use the grievance procedure must initiate Step 1 within 21 calendar days from the date of the discovery of the grievance. No grievance may be filed later than one year from the occurrence of the event which gave rise to the grievance.

(2) An aggrieved employee has the right to be accompanied by no more than two ~~representatives~~ co-workers throughout the grievance procedure. The names of such ~~representatives~~ individuals will be noted on written grievances and each subsequent request for review.

(3) An aggrieved employee is allowed reasonable time off from regular University duties without loss of pay to investigate and process a grievance. The immediate supervisor of the employee makes suitable arrangements.

(4) The aggrieved employee may also request released time from work without loss of pay for such ~~representative or representatives~~ co-worker(s) to investigate a grievance at any time following the oral presentation in Step 1 of the grievance procedure, except that the aggrieved employee and ~~representative~~ co-worker(s) are allowed up to one hour off from regular University duties without loss of pay to confer before any grievance hearing held under these procedures.

Any request for time off for a grievant's ~~representative~~ co-worker(s) is made in writing to ~~the representative's~~ their supervisor(s), with an informational copy to the ~~director of personnel~~ Director of Employee and Labor Relations, and should contain an indication of the reason released time is necessary. The ~~representative's~~ supervisor(s) shall provide a reasonable bona fide amount of released time for the investigation, such time being scheduled as soon as reasonably possible and preferably within the same work day, consistent with the normal functioning of the employee's department.

Furthermore, it is a violation of institutional policy to restrain, interfere, coerce, or discriminate against an employee acting as a grievant's ~~representative~~ designee in accordance with this procedure. On the other hand, an employee acting as a grievant's ~~representative~~ designee shall not use time provided for grievance investigation for other matters and will conduct the investigation with dispatch.

The grievance procedure consists of the following four steps:

Step 1. An aggrieved employee states in writing that a grievance is being presented and then presents the grievance orally, stating the pertinent circumstances of the complaint or dispute and the actions requested, to the employee's immediate supervisor. The supervisor responds in writing to the grievance within 7 calendar days. In such writing, the supervisor states the supervisor's understanding of the grievance, the response to the grievance, and justification for the response. If a satisfactory settlement is not reached, the employee has 7 calendar days to request Step 2.

Step 2. If the employee requests Step 2, a written grievance is forwarded by the aggrieved employee to the administrative head of the unit or department within 7 calendar days. The administrative head of the unit or department or designee has 10 calendar days to reply in writing. If a satisfactory settlement is not reached, the employee has 7 calendar days to request Step 3.

Step 3. If the employee decides to request Step 3, the written grievance is forwarded by the aggrieved employee to the head of major functional or administrative unit of the university with a copy sent to the ~~director of personnel~~ Senior Human Resources Leader for the administrative unit. A meeting shall be held within 10 calendar days after the grievance has been submitted to the head of a major functional or administrative unit. The University may be represented by the ~~director of personnel~~ Senior Human Resources Leader for the administrative unit or designee, the head of a major functional or administrative unit or designee, and the administrative personnel involved in Steps 1 and 2. The aggrieved employee has the right to be accompanied by ~~representatives no more than two co-workers~~. The head of the administrative unit or their designee should respond in writing within 7 calendar days to proceed to Step 4.

Step 4. If the employee is not satisfied with the decision rendered under Step 3, a hearing before an arbitrator may be requested within 7 calendar days after receiving the Step 3 decision. Such a request will be in writing and include all of the information included in the initial grievance and subsequent appeals, all of the decision related thereto, and any other pertinent information the employee wishes to submit.

The appeal will be signed and dated by the employee and will be directed to the Merit System Director, Board of Regents, State of Iowa, 11260 Aurora Avenue, Urbandale, Iowa, 50322-7905, who will arrange for a hearing before an arbitrator. The arbitrator will be expected to render a decision within 30 calendar days following the conclusion of the hearing.

A written grievance will contain a brief description of the complaint or dispute and the pertinent circumstances and dates of occurrence. It will specify the university or merit system rule which has allegedly been violated and will state the corrective action desired by the employee.

Presentations, reviews, investigations, and hearings held under this procedure may be conducted during working hours, and employees who participate in such meetings will not suffer loss of pay as a result thereof.

If an employee does not appeal a decision rendered at any step of this procedure within the time prescribed by these rules, the decision becomes final. If a University representative does not reply to an employee's grievance or appeal within the prescribed time, the employee may proceed to the next step. With the consent of both parties, any of the time limits prescribed in these rules may be extended.

- c. Appeals. The Board of Regents will approve the use of a single arbitrator in hearing an appeal. The selection of the arbitrator shall be made from a panel of arbitrators as referred from the Federal Mediation and Conciliation Service. Fees charged by the selected arbitrator will be shared equally by the employee initiating the appeal and the University.

The arbitrator will hear a dispute appealed to the last step of the grievance procedure and render a decision thereon subject only to review by the courts.

The arbitrator establishes procedures for the conduct of the hearing in a fair and informal manner that affords each party reasonable and ample opportunity for case presentation and to rebut the presentation of the other. The arbitrator will be expected to render a decision to the involved parties and to the Board of Regents within the prescribed time.

(See also IAC [681]12.9(262); [681]12.10(262); [681]12.11(262).)