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WICHITA STATE
UNIVERSITY

Personnel Relations Committee Handbook

**Grievance Adjustment Procedure
For
Classified Employees**

Revised October, 1988
Rev/Approved January, 2000
Rev/Approved January, 2003
Rev/Approved May, 2008
Rev/Approved April, 2010

PREFACE

The Personnel Relations Committee of Wichita State University is composed of classified* representatives, supervisory and non-supervisory. The committee was established in 1970 to act as the appellate body to consider the grievances of State classified employees. In 1978 the committee's functions were revised to also include consideration of grievances of staff members of the Affiliated Corporations*. To serve in this expanded role the Personnel Relations Committee was enlarged from five voting members to nine voting members in order to provide representation for the added staff groups. The Personnel Relations Committee not only meets to conduct hearings, but also to discuss the advisability and effects of pending personnel policy changes and to appoint classified representatives to other University committees.

* The 'classified personnel' designation applies to all staff in the State Classified Civil Service. Personnel working in similar positions for the Affiliated Corporations (Alumni Association, Rhatigan Student Center, Campus Credit Union, and Intercollegiate Athletic Association) are also considered to be in this category.

THE WICHITA STATE UNIVERSITY

Grievance Adjustment Procedure For Classified Employees

In any organization where people come in regular contact with one another, it seems inevitable that occasional problems arise. These misunderstandings, misinterpretations, and misapplications are an inherent part of group activity. Conditions tend to indicate that differences occur at approximately the same frequency in political, social, religious, business, and even educational organizations. These differences usually reduce the effectiveness of a group. A part of the resources of the organization should be devoted to preventing and minimizing, in a positive manner, the effect these problems have on the group as a whole. It is with these two goals in mind that this grievance procedure for classified employees is established at Wichita State University.

PURPOSE

The purpose of this procedure is to help develop good employee-employer relations. The manner in which this is to be accomplished is by providing (1) a means for orderly change within the organization, (2) creating channels of communications, and (3) establishing a method where the people involved can help resolve their own differences.

The degree to which any organization remains a vital force requires the maintenance of technically qualified personnel and a willingness on the part of the members of the organization to utilize their talents to achieve the goals of an organization and the method of achieving goals will change. Periods of change are extremely sensitive because of the uncertainty the employee or supervisor feels about his/her personal future relationship with the organization. The grievance adjustment procedure supplies a ready and workable mechanism for the development and maintenance of stable working conditions during periods of organizational change. It provides the employee with a point of reference when there is uncertainty in other phases of the employee-employer relationship.

The grievance adjustment procedure can improve existing communications and create new channels of communications by increasing the interaction between supervisor and employee. The intent of this part of the procedure is to encourage discussion of policies and procedures by those who must work together at the operating level. As this interaction takes place, the employee may receive information about the current status of the organization and future events which will have an influence on the employee's job and working conditions. At the same time, the employee has an opportunity to advise supervisors and the administration of current operating conditions in the organization and to relay personal evaluations and recommendations to the administration.

Providing for orderly change and improving information exchanges can be compared to a system of preventive maintenance. Both the grievance adjustment procedure and a preventive maintenance program try to eliminate problems before they arise. When this cannot be accomplished, the aim is to minimize the severity of the problem. It is at this point, where a complaint actually exists, that the procedure to resolve differences will provide an orderly method of bringing the complaint to the surface so that it can be settled promptly and without discord. These methods are shown in a diagram on Page 9.

RESPONSIBILITIES

For this procedure to function effectively there are fundamental responsibilities that all persons concerned must accept. In addition, there are certain responsibilities that each individual must accept as a personal obligation. These responsibilities include, but are not limited to, the following:

- A. General Responsibilities

1. This procedure is not to be in conflict with, nor opposed to, the statutes of the State of Kansas or existing directives, regulations, rules, policies and procedures. This Grievance Adjustment Procedure is not to be construed to be an extension of the time limit specified under "Formal Appeal Procedure" specified in the K.S.A. 75-2901, *et seq.* or the various Federal statutes and Executive Orders.
2. All persons should approach the procedure with honesty, fairness, personal integrity and equality. No one should try to take advantage of another, hide behind technicalities, nor abuse the procedure for personal gain.
3. Every effort should be made to resolve the problem at the lowest possible level in the procedure before the issue goes to the Personnel Relations Committee.
4. This document, including the statement of intent, is the basic starting point on which future relations will be established. It is not designed to be final. Future decisions should modify and expand the scope of this procedure. The spirit of the grievance adjustment procedure is to develop an on-going accord among and between all personnel involved.
5. All persons are cautioned to give full and careful consideration to complaints affecting individuals and to allegations to facts or conditions that might be detrimental to employees or the University.

- B. University Department leaders are responsible for:
1. Achieving the goals of the Wichita State University as an academic institution.
 2. Making the final decisions of all grievances within its province.
 3. Ensuring that no employee, nor his/her representative will at any time be restrained, coerced, interfered with, discriminated against or in any way treated with prejudice in connection with exercising his/her full rights under the grievance adjustment procedure.
 4. Making available to the Associate Director of Human Resources (a.k.a. Director of Employee Relations) and the Committee any document or data that pertains to a grievance.
- C. Supervisors at all levels shall be responsible for:
1. Being alert to symptoms and seeking to prevent a complaint from developing into a grievance.
 2. Recognizing and discussing issues with employees in their earliest complaint stages, in a frank manner, tempered with tact and in the spirit of fairness.
 3. Being receptive and available for discussion of complaints with employees or their representatives.
 4. Making careful inquiries into the facts and circumstances of employee(s) complaints to see that underlying issues are resolved.
 5. Acting with reasonable promptness on such matters within their authority and referring promptly to their superiors, with recommendations, those matters on which they are not authorized to make final decisions.
- D. Employees are responsible for:
1. Conscientious performance on the job, conformance with rules and regulations governing employment and proper conduct on the job.
 2. Bringing dissatisfaction(s) to the attention of the immediate supervisor in specific terms, and with a respectful, professional approach, for the purpose of achieving an early and amicable settlement.

- E. The Associate Director of Human Resources (a.k.a. Director of Employee Relations) is responsible for:
1. Bringing to the attention of the appropriate entity or entities conditions which create dissatisfaction on the part of the employee.
 2. Assisting employees and supervisors in resolving their complaints and grievances.
 3. Furnishing all personnel with the information they need on the rights, responsibilities, and procedures to be followed in the consideration of complaints and grievances.
 4. Advising and assisting employees in the preparation of formal grievance forms.
 5. Providing technical assistance to the Personnel Relations Committee.
 6. When conditions or pending personnel policy changes deem it necessary or advisable, shall have the power to call the Committee together for reasons other than for a hearing.
 7. Submitting the findings of individual grievances to the Vice President for Administration and Finance, or the President, as appropriate.
- F. The Personnel Relations Committee is responsible for:
1. Conducting a fair and impartial review of individual grievances.
 2. Submitting the findings of individual grievances to the Associate Director of Human Resources (a.k.a. Director of Employee Relations) on the 'Findings/Recommendations', page 11, worksheet.
 3. Providing advice concerning personnel policy recommendations.

METHOD

The method of resolving differences is divided into an informal system and a formal system. Both systems are established to provide the employee with several alternate opportunities for solving the problem. A conscientious effort on the part of all persons concerned to try to resolve difficulties at the lowest level is a requirement of the procedure. The Grievance Adjustment Procedure Diagram, Page 9, represents the method of resolving differences in graphic form.

A. INFORMAL SYSTEM

The **INFORMAL** system of trying to resolve differences consists entirely of oral presentations:

1. Discussion between employee and supervisor. This represents an attempt to eliminate potential problems at the point of origin--the work place. Employees and supervisors are encouraged to discuss freely any difficulties or misunderstandings that might arise. An employee representative, if appropriate, may be present. It is recognized that a supervisor may have to request information and/or direction from higher level of supervisors. When this is obtained, discussion should resume.
2. Discussion between employee and higher level supervisor. This is an optional method where the employee and/or the supervisor desire to have both parties give an oral presentation to a higher level supervisor. This may require discussion with several persons, but, again each level should try to resolve the problem. Access to the Budget Officer (or

Manager) and/or Budget Review Officer (or Affiliated Corporation's Director) is made available to the employee through this option.

3. Discussion between the employee and the Associate Director of Human Resources (a.k.a. Director of Employee Relations). This is another optional method available to the employee because some types of complaints are of such a sensitive nature that the employee prefers not to discuss the problem with his/her immediate supervisor and/or higher level supervisor. In these cases, the employee may seek assistance from the Associate Director of Human Resources (a.k.a. Director of Employee Relations) who will supply information concerning policies, procedures, directives and regulations in an attempt to resolve the complaint or bring about a satisfactory understanding. The employee may request the Associate Director of Human Resources (a.k.a. Director of Employee Relations) for assistance in discussing the problem with appropriate levels of supervision.

B. Transition to Formal System - Request for Hearing

If the complaint is still unresolved, the employee may proceed to the next step -- the **Formal** written grievance. This part of the procedure is available to any employee upon having successfully completed the initial probationary period of service at Wichita State University. The Personnel Relations Committee reserves the right to accept a grievance from an employee who has not completed the probationary period when some unusual or unforeseen circumstance exists.

If the complaint cannot be resolved to the complainant's satisfaction through informal channels, the complainant must submit a formal grievance petition to the Associate Director of Human Resources (a.k.a. Director of Employee Relations). The Associate Director of Human Resources (a.k.a. Director of Employee Relations) will then submit the grievance petition to the Classified Employee Grievance Steering Committee for processing (hereafter referred to as the "Steering Committee"). The Steering Committee will review the grievance petition, work with the complainant, respondent, and other involved parties to gather sufficient information and ensure that the grievance is in a form which can be processed, and will develop a plan and timeline to process the grievance. The Steering Committee will initially attempt to resolve the grievance through informal means. If all informal processes are unsuccessfully exhausted or if the Steering Committee believes that informal resolution cannot be achieved, the Steering Committee will refer the grievance for a formal hearing by the Personnel Relations Committee. The Steering Committee will submit their findings and recommendations to the Associate Director of Human Resources. The Associate Director of Human Resources (a.k.a. Director of Employee Relations) will communicate the Steering Committee's decision to all interested parties. Either party may appeal the recommendation to the Personnel Relations Committee through the Grievance Adjustment Procedure for Classified Employees.

Steering Committee: The Steering Committee will consist of six members. The Classified Senate shall appoint six members from the Wichita State University classified employee constituency in classifications not represented by KAPE to serve as the Grievance Steering Committee; members appointed to the Steering Committee shall hold classified appointments with "regular" status and be appointed with 0.5 or greater FTE. The Steering Committee shall be advised by the Associate Director of Human Resources (a.k.a. Director of Employee Relations).

Members of the Steering Committee shall be reviewed, confirmed, or replaced at the beginning of each calendar year. Information regarding the need for such replacement(s) and name(s) will be provided to the KAPE Chapter President. Service on the Steering Committee is voluntary. Maximum service on the Steering Committee shall be limited to three consecutive one-year appointments; after serving for three consecutive years, a member shall be ineligible for reappointment to the Steering Committee for two calendar years. Steering Committee members may be replaced upon the conclusion of a one-year term or within a term at the discretion of the Classified Senate based on the member's request or upon a majority vote of the senators. A total of six Steering Committee members will be appointed by the Classified Senate; with no

input from management or KAPE representation. Only three members so appointed will sit on any one grievance.

To request a hearing by the Personnel Relations Committee a complaint must be written, giving full details and must be mailed or presented to the Associate Director of Human Resources (a.k.a. Director of Employee Relations) within five (5) working days of the latest informal attempt to resolve the problem. (It is not the intent of this procedure to use the time limit to adversely affect any complaint. Unusual circumstances will permit the Personnel Relations Committee an opportunity to waive the time limit at its option.) Every effort consistent with normal operating schedule will be made to conduct a hearing at the earliest practical time and at a place established by the hearing Chairperson. Both time and place of the hearing will be reasonable.

The Associate Director of Human Resources (a.k.a. Director of Employee Relations) will offer any help available to assist the employee in preparing the grievance form or in having it typed and sent to the Committee. The employee may obtain assistance from any source. Assistance will normally be limited to one individual. The employee and/or employee's University representative shall be granted a reasonable amount of time for the preparation of the case during regular working hours. At this level the Associate Director of Human Resources (a.k.a. Director of Employee Relations) will act in an advisory capacity to all concerned and will have full access to meetings, records and any other information available to assist in the preparations for the hearing.

The employee's request for a hearing shall be on the Request for Grievance Adjustment form provided by the Associate Director of Human Resources (a.k.a. Director of Employee Relations) and contain the following information:

1. Name, classification and department of employee.
2. Nature of grievance and date occurred.
3. Corrective action requested and reasons.
4. Summary of efforts to resolve grievance informally.
5. Name of employee's designated representative, if any.

When a group of employees has an identical grievance, the group will be asked to select one individual case for hearing before the Committee and the decision will be applied to all other cases relative to the current situation.

C. FORMAL SYSTEM

The Personnel Relations Committee will conduct an appropriate hearing, either formal or informal, to gather evidence pertaining to the issue in an attempt to achieve a settlement of the issues. Within five (5) working days after the conclusion of the hearing, the Committee will reach a decision concerning its findings and make it known to all. If the findings are acceptable, the matter is considered resolved at this point and the Committee will forward the written record of its hearing to the Associate Director of Human Resources (a.k.a. Director of Employee Relations).

If the decision is not acceptable to the interested party(s), notification of the intent to appeal further will be made to the Associate Director of Human Resources (a.k.a. Director of Employee Relations) within three (3) working days who will then forward the case to the Vice President for Administration and Finance.

The Vice President for Administration and Finance will review the written summary of the Personnel Relations Committee's findings and submit recommendations to the President within ten (10) working days of the date of the employee's appeal.

The President's decision will be made as soon as possible, but normally within thirty (30) working days following the date of the employee's appeal of the Personnel Relations Committee findings.

The Associate Director of Human Resources (a.k.a. Director of Employee Relations) will communicate the President's decision (final ruling on campus) to all interested parties. Case records will become a part of the Grievance Adjustment Procedure system to assist in making future judgments.

D. METHOD CLARIFICATION

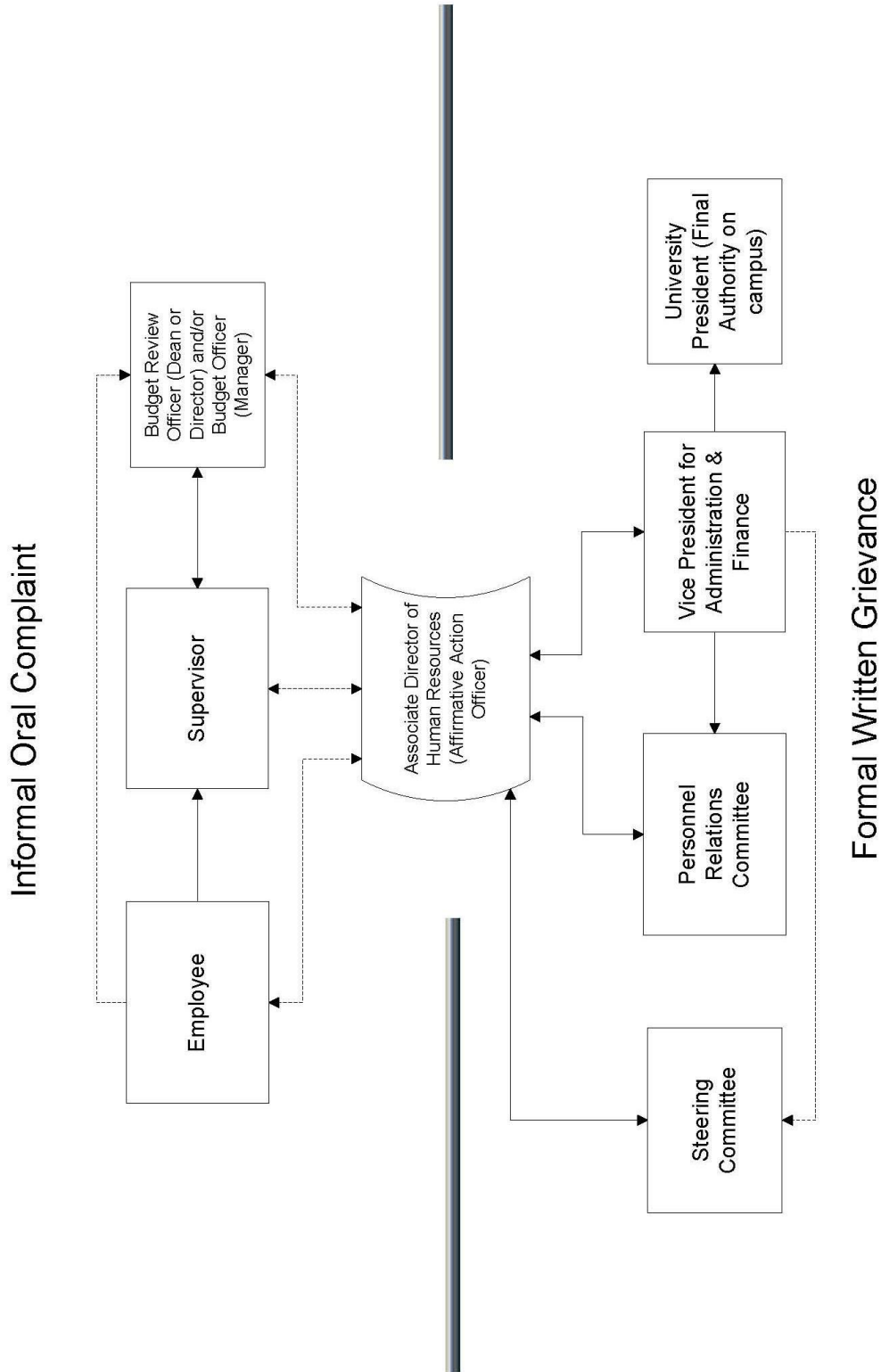
To avoid possible conflict of interest for certain administrators and to assure adequate consideration of grievances which occur in specific areas, the following methods will be utilized:

1. Grievances which occur in the Office of the Vice President for Administration and Finance will be processed through the Associate Director of Human Resources (a.k.a. Director of Employee Relations) to the Personnel Relations Committee. If appealed further, the Committee's recommendations will be submitted directly to the President.
2. Grievances which occur in the departments reporting to the Vice President for Administration and Finance will be processed by the Associate Director of Human Resources (a.k.a. Director of Employee Relations) to the Personnel Relations Committee without any review by the Vice President for Administration and Finance as Budget Review Officer. If appealed further, the Committee's recommendations will be submitted, in the established manner, to the Vice President for Administration and Finance for review.
3. Grievances which occur in the Office of Human Resources will be processed through the Director of Human Resources to the Personnel Relations Committee. If appealed further, the Committee's recommendation will be submitted to the Vice President for Administration and Finance.
4. Grievances which occur in an Affiliated Corporation will be processed through all appropriate levels of authority by the Associate Director of Human Resources (a.k.a. Director of Employee Relations), then to the Personnel Relations Committee. If appealed further, the Committee's recommendation will be submitted to the Vice President for Administration and Finance.

GRIEVANCE PROCEDURE DIAGRAM



Grievance Procedure Diagram



Updated: 4/20/2010



Grievance Adjustment Procedure For Classified Employees

Date: ____/____/____ (Must be within five (5) working days of latest informal attempt to resolve the problem.)

Grievant's Name (print): _____ Department: _____

NATURE OF GRIEVANCE and date occurred:

(Be specific about names, dates, time, location and events; include section(s) of Memorandum of Agreement allegedly violated, if applicable; use additional pages if necessary.)

INFORMAL Efforts to Resolve Complaint:

(List locations of meetings, all individuals involved, including employee's representative, if any, and date; attach additional pages, if necessary.)

Initial Meeting: _____ Date: ____/____/____

Subsequent Meeting: _____ Date: ____/____/____

Subsequent Meeting: _____ Date: ____/____/____

Summary of response and reasons for appeal as a formal grievance: *(use additional pages if necessary.)*

Corrective action requested: *(use additional pages, if necessary.)*

Grievant's Name *(print)*

WSU ID

Grievant's Signature

Date



PERSONNEL RELATIONS COMMITTEE
Findings/Recommendations

Date Grievance Received by Associate Director of Human Resources (a.k.a. Director of Employee Relations):

____/____/____

Date(s) of Hearing:

____/____/____ ____/____/____ ____/____/____

Committee Members (*print*):

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Findings/Recommendations (*use additional pages, if necessary*):

Chairperson's signature _____ Date ____/____/____

Disposition (check one):

_____ Complainant has three (3) working days to notify the Associate Director of Human Resources (a.k.a. Director of Employee Relations) if further appeal is intended.

If the decision is not acceptable to the interested party(s), notification of the intent to appeal further will be made to the Associate Director of Human Resources (a.k.a. Director of Employee Relations) within three (3) working days who will then forward the case to the Vice President for Administration and Finance.

Distribution:

- Complainant
- Steward or Employee's Representative (if applicable)
- Budget Review Officer or Affiliated Corporation Director (if applicable)
- Budget Officer, Supervisor or other appropriate individual (if applicable)
- Employee Relations file



PRESIDENT Findings/Recommendations

Date Grievance Received by Associate Director of Human Resources (a.k.a. Director of Employee Relations):

____/____/____

Date(s) of Hearing:

____/____/____

____/____/____

____/____/____

If the decision is not acceptable to the interested party(s), notification of the intent to appeal further will be made to the Associate Director of Human Resources (a.k.a. Director of Employee Relations) within three (3) working days who will then forward the case to the Vice President for Administration and Finance.

The Vice President for Administration and Finance will review the written summary of the Personnel Relations Committee's findings and submit recommendations to the President within ten (10) working days of the date of the employee's appeal.

The President's decision will be made as soon as possible, but normally within thirty (30) working days following the date of the employee's appeal of the Personnel Relations Committee findings.

The Associate Director of Human Resources (a.k.a. Director of Employee Relations) will communicate the President's decision (final ruling on campus) to all interested parties. Case records will become a part of the Grievance Adjustment Procedure system to assist in making future judgments.

Response (use additional pages, if necessary):

President's Name (*print*)

WSU ID

President's Signature

Date

Distribution:

- Complainant
- Steward or Employee's Representative (if applicable)
- Vice President for Administration and Finance
- Budget Review Officer or Corporation Director (if applicable)
- Budget Officer, Supervisor or other appropriate individual (if applicable)
- Personnel Relations Committee Chairperson (*Associate Director of Human Resources*)
- Employee Relations File



**THE DEFINITIVE SUPPLEMENT TO
WICHITA STATE UNIVERSITY
GRIEVANCE ADJUSTMENT PROCEDURE
FOR CLASSIFIED EMPLOYEES**

DEFINITIONS AND REGULATIONS

A. Name of committee defined:

The name of the committee to act as the appellate body to consider grievances for classified employees shall be "The Personnel Relations Committee".

B. Composition of Personnel Relations Committee defined:

The Personnel Relations Committee shall be composed of the following members with length of term and voting privileges as indicated:

1. **Administrative** - 3 Appointed; Non-Voting:
 - a. Chairperson - The Chairperson Shall be the Associate Director of Human Resources (a.k.a. Director of Employee Relations), or as Appointed by the Vice President of Administration and Finance.
 - b. Consultant - As needed, approved and appointed by the Vice President for Administration and Finance. (Consultant's role shall be to provide guidance, advice, or direction for a given circumstance.)
 - c. Consultant- Director of Human Resources, or as appointed by the Vice President for Administration and Finance. (Consultant's role shall be to provide guidance, advice, or direction for a given circumstance).
2. **Classified Non-Supervisory Representative** - Appointed, Voting:
 - a. One non-supervisory employee appointed by the Kansas Association of Public Employees (KAPE), the exclusive representative of an officially recognized organization.
3. **Classified Non-Supervisory Representatives** - 4 Elected, Voting: These members shall serve three (3) year terms and shall be apportioned as follows:
 - a. One from the classified non-supervisory University employees not represented by KAPE.
 - b. One from the classified non-supervisory employees of the Rhatigan Student Center.
 - c. One from the classified non-supervisory employees of either the Alumni Association, Campus Credit Union, or Intercollegiate Athletic Association.
 - d. One from the classified non-supervisory University employees represented by KAPE.
4. **Classified Supervisory Representatives** - 3 Elected, Voting: These members shall serve three (3) year terms and shall be appointed as follows:
 - a. One from the classified supervisory employees who supervise employees within (KAPE), the recognized organization.

- b. One from the classified supervisory employees who supervise University employees not in the recognized unit (KAPE).
 - c. One from the classified supervisory employees of the Rhatigan Student Center.
5. **Classified At-Large Representatives** - 2 Appointed, Voting: These members shall serve staggered appointments.
- a. Two classified employees will be appointed from recommendations submitted to the Vice President for Administration and Finance in order to guarantee multicultural diversity on the Committee.
 - b. After each election, the Vice President of Administration and Finance will review the cultural composition of the committee and appoint accordingly.
- C. **"Supervisory"** and **"Non-Supervisory"** categories defined:
- 1. "Supervisory employee" means any individual who normally performs different work from his/her subordinates, having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend a preponderance of such actions, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. At WSU, a classified civil service supervisory employee participates in the performance evaluation of a subordinate classified employee as evidenced by his/her signature on Form DA228, Employee Performance Evaluation.
 - 2. All classified employees not designated for supervisory status shall be considered as non-supervisory staff.
 - 3. Determination of the category (supervisory or non-supervisory) of classified employees shall be made by the Budget Officer, Budget Review Officer and the Director of Human Resources for State employees and by similar Corporation Officers for employees of the affiliated corporations.
- D. Eligibility to vote or hold office defined:
- All classified employees shall be considered eligible to vote and to hold office on the Committee except those who are on official leave or under suspension, or who hold temporary appointment, or who have served in a permanent position less than six months as of the first of the month in which there is an election.
- E. Elections defined:
- Elections shall be held each year between November 1 and November 30, or as soon as possible, but not to exceed sixty (60) days, and newly-elected members shall become active committee members on December 1 or the first day of the first month following the month of the election(s). The first annual election was held in November, 1970. All elections shall be conducted at the discretion of the Chairperson and under the supervision of the Associate Director of Human Resources (a.k.a. Director of Employee Relations).
- F. Vacancies defined:
- A vacancy shall be said to exist under the following conditions:
- 1. A member resigns from the Committee.

2. A member is no longer a classified employee.
3. The extended illness of a member (In this case, a vacancy would be declared upon a majority vote of all remaining members.)
4. The change in status (supervisory or non-supervisory) of an elected member from the category in which elected to another category shall not affect the member's eligibility to complete the term of office to which elected.
5. The expiration of a regular term of appointment.

G. Method of filling vacancies defined:

When a vacancy exists the Personnel Relations Committee shall appoint a person from within the appropriate category to fill the vacancy until the next annual election.

H. Authority of the Chairperson defined:

The Chairperson shall be accountable for arranging for a fair and impartial hearing and may appoint a hearing officer who shall have full authority for the physical arrangements, the assembling of records and data, conducting the hearing and the calling of witnesses.

I. Responsibilities of Personnel Relations Committee defined:

1. Conduct Hearings:

- a. Within five (5) working days after receiving a request for a hearing, the Committee chairperson will set a time and place for the hearing. If requested, the Associate Director of Human Resources (a.k.a. Director of Employee Relations) will assist in notifying members of the Committee and the parties involved.
- b. The hearing must be held on the established date unless conditions beyond the control of any of the principals should prevent the holding of such hearing. The Chairperson may appoint some other member of the Committee or some other University employee to serve as hearing officer. A hearing may be held before as few as five (5) voting members of the Committee; however, if a hearing is held before less than the full voting Committee, and this having been agreed to by both the principals, no appeal for a new hearing before the full Committee shall be allowed to either principal. The Committee reserves the right to reopen the hearing at its discretion.
- c. The parties should recognize that if they have any objections to the nature or content of the specific charges and remedies contained in the written grievance they should indicate this to the Committee prior to the hearing. (This may include adding specifications or remedies, or seeking the addition of other parties.)
- d. The (Chairperson) Associate Director of Human Resources (a.k.a. Director of Employee Relations) may assist in obtaining the attendance of any witness or the availability of any document upon request of the parties before the hearing. An advance list of witnesses for either side is to be submitted to the chairperson no later than one (1) working day prior to the start time of the formal hearing. The "Witness Agreement" form (Attachment A) should be attached to the list of witnesses and also submitted. Witnesses should be limited to those who can actually contribute to the solution of the problems involved by providing factual, firsthand evidence. The Committee Chairperson may call any other person or persons deemed to possess pertinent information. Witnesses should be informed before they appear that they will be required to answer all questions asked of them, providing the question is not illegal, immoral,

leading, challenging, or disrespectful. The chairperson may exercise the right to dismiss any person deemed to be testifying to only hearsay information.

- e. The Personnel Relations Committee shall inquire fully into all matters at issue, hear oral argument, take testimony and receive affidavits. The parties shall have the right to:
- (1) Appear in person or be represented by someone else of their own choosing. A person (a human being) must be physically present to represent the aggrieved party.
 - (1.a.) If the aggrieved person is accompanied by legal counsel or other individual(s), only one person may be in a speaking role and the other is to act only in an advisory capacity.
 - (2) To submit oral and written argument and to offer testimony both themselves and through witnesses.
 - (3) To introduce into record documentary and other evidence. If it is deemed appropriate, the Chairperson will assist in arranging copies for other parties, but compliance with the technical rules of evidence shall not be required.

It is recommended that the parties follow the Recommended Actions outlined on Attachment B (“Recommended Actions for Grievant and Respondent” form.)

The strict rules of evidence used in court will not be applied. Evidence such as reasonable people are accustomed to using in their serious affairs will be applied (i.e., hearsay evidence will be admitted if the Committee finds it sufficiently material, and there is sufficient reason not to have the witness who directly knows the fact available to testify).
 - (4) To cross-examine. Also, members of the Committee, as well as the Chairperson conducting the hearing, may address questions to those being heard; but in order for the hearing to be conducted in an orderly manner, permission of the Chairperson to "question" should first be obtained. This is not done to formalize the hearing, but to permit the Chairperson to keep control of the process. The Chairperson cannot permit the questions, either by representatives or members to become mere argument.
 - (5) To specify whether the hearing is to be open or closed. (The hearing shall be open unless either party requests that it be closed).
 - (6) If either party has a request for “special conditions” for the hearing, that request must be made to the committee, through the Chairperson, at least five (5) full working days before the start of the hearing. The Committee will make the final decision on that request.
- f. Misconduct at any hearing before the Committee shall be grounds for summary exclusion from the hearing. Such misconduct, if of an aggravating character and engaged in by an attorney or other representative of a party, shall be grounds for suspension from further appearance before the Personnel Relations Committee.
- g. A recording of the hearing proceedings may be made unless circumstances make it impossible, unwise, or unnecessary, as determined by the Committee. This may be valuable to the Committee in arriving at its recommendation(s). When it is desired by the committee to have the proceeding recorded, the mechanical/electrical recording of a hearing is for the use of and is to be made by the committee, not for or to be made by any other party, including both complainant and respondent.

h. Hearing Agenda:

- (1) The Chairperson, for the record and for the benefit of all concerned, will read the grievance as prepared by the complainant and/or complainant's representative, explain the purpose of the hearing, the specific issues involved, and the nature of the Committee's functions and responsibilities. The Chairperson will also address each witness as to their role before the witness provides testimony and responds to questions.
- (2) The agenda will be at the discretion of the Chairperson but ordinarily will involve:
 - (a) The complainant's opening statement (unless waived).
 - (b) The respondent's opening statement (unless waived).
 - (c) The presentation of testimony and other evidence by the complainant. Cross-examination by the respondent or the respondent's representative. Questions by the Committee. Each witness is subject to cross-examination.
 - (d) The presentation of testimony and other evidence by respondent. Cross-examination and questions by the complainant and committee. Each witness is subject to cross-examination.
 - (e) The Committee may recall any person involved for re-questioning. (The Committee reserves the right to exclude witnesses from the hearing room except for their own testimony.)
 - (f) Rebuttal or closing statement by complainant, followed by rebuttal or closing statement by respondent.
- (3) The Committee, at its discretion, may continue a hearing from day to day or adjourn it to a later date or another place by announcement at the hearing or by another appropriate notice.
- (4) At the conclusion of the hearing, the Chairperson will advise the parties that they will be informed in writing of the Committee's findings and/or recommendations within five (5) working days.

i. Disposition of the Hearing Findings:

- (1) The Committee's findings will be forwarded to the Associate Director of Human Resources (a.k.a. Director of Employee Relations) who will determine in consultation with the complainant whether the findings are satisfactory and/or if further appeal is desired. (Certain cases are not subject to further appeal. State Personnel Regulations provide that the findings of the Committee hearing "Appeal of Rating" cases shall be final and not subject to further appeal).
- (2) The Associate Director of Human Resources (a.k.a. Director of Employee Relations) will make distribution of the written findings of the Committee to the parties involved.

2. Review and approve changes to this Procedure:

Any proposed change or changes to this Procedure must be approved by at least five (5) voting members of the Personnel Relations Committee.



ATTACHMENT A

Witness Agreement to Appear

I, _____, the undersigned, have been contacted by the _____ complainant _____ respondent (check one) and I agree to participate in the proceedings as a witness.

I can provide truthful, firsthand knowledge that directly pertains to this issue.

I will answer all questions asked of me.

Witness's Name (*print*)

WSU ID

Witness's Signature

Date

Attach This Form to the Witness List
Submit to Committee Chairperson



ATTACHMENT B

Recommended Actions For Grievant and Respondent

The following guidelines are intended to provide structure and insight into the best way to use your time before the Grievance Committee. All depend on many variables, such as the position you currently hold, your background and formal training, job experiences and communication skills.

1. **Read the Grievance Adjustment Procedure booklet.**
2. **Be knowledgeable** of university policies, internal departmental policies, and internal practices. Don't guess or assume. Educate yourself so that you are informed and appear to be informed.
3. **Understand** what **your issue** really is. Be able to state it clearly.
4. **Write out** your opening and closing statements. You don't have to look like a professional speaker for the Committee; you do need to be clear, concise and direct. Write out your statements on paper so you will remember to say what you need to say.
5. Be professional in your demeanor and appearance.
6. Once you understand what your issue is, you will know what your goal is (i.e., what you actually want to achieve through the use of the grievance process). When you understand and can identify your goal, you will know what steps to take to reach your goal. One of the steps to reach your goal is through the use of appropriate witnesses. Prepare your witnesses thoughtfully.
7. **Talk to** the people you think you will want to call for **witnesses**. *Ask them* – do not “instruct” them – if they would be willing to come and testify at the hearing for you on your behalf. Be very clear and honest with them. Ask them if they would do this important job for you. If they say “no”, accept that as their answer. Do not harass or attempt to coerce them into being a witness. They won't do you any good if you have pressured them to do something they do not really want to do.
8. Think through which questions to ask of your witnesses that will illustrate from *their firsthand knowledge* the part of your point that they can speak to. Explain to your witnesses that they should be honest, respectful, clear and concise in answering questions.
9. **Write out the questions** you will ask. Write out the questions you will ask your witnesses, the other party, and the other party's witnesses. Don't feel the need to ask others questions, however. Sometimes you don't need to ask any questions, especially if things are already clear. Again, bear in mind your goal and what answers will help you achieve that goal through testimony and/or evidence.
10. **Practice asking your questions** and let your witness practice speaking out loud with you. Don't wait until the actual hearing for your dress rehearsal. You will be less nervous if you've practiced out loud.
11. **Hearsay evidence**, while permitted in this process, carries no weight. Bring information and evidence from people who have firsthand knowledge or information they can share.
12. **Gather your evidence**. Evidence includes but is not limited to: pertinent documents such as policies, procedure documents, internal policies, letters of reprimand or praise, performance appraisals, position descriptions, letters or affidavits from experts on the subject matter, photographs, and physical items.
13. **Gather your evidence legally**. If you aren't sure, inquire until you are certain.
14. Think through how you will present your evidence. Your evidence should be concrete examples that support your position on your issue. Your evidence is another step towards the goal.
15. **Check to make sure** the evidence you are preparing for this public viewing is legally yours to copy, show, and distribute. Ask your department head or the Associate Director of Human Resources (a.k.a. Director of Employee Relations) for guidance on this if there is *any question* at all about whether or not a certain document can be copied or otherwise removed from the file or location it presently is in. Do not take a risk with this. Ask first.
16. **Organize your presentation**. Think logically and sequentially. Organize your materials and witnesses logically, presenting information first to lay the groundwork. Start out generally, work towards being specific.
17. **Be timely**. Generally speaking, events, conversations and documents that are more than a year or year and a half old may not help you make your point about the present. Use timely information, not information that is aged.
18. **Be respectful of the Committee**. They are volunteers to serve on this important committee and all have full-time jobs. Use their time wisely and responsibly.

19. **Be respectful of the opposing party.** You are there to solve a problem, not to work out grudges in a public forum.
20. **Tell the truth.** Present all the factual information you have at your disposal so that the Committee can make a fair, informed and equitable decision. Don't treat them with disrespect by not telling them the whole truth when you have asked them to hear your concerns and make decisions about those concerns.