



## 4-OP-C-7-G2          USPS & A&P COMPLAINT PROCEDURE

<b>Responsible Executive:</b>	Vice President for Finance and Administration
<b>Approving Official:</b>	Vice President for Finance and Administration
<b>Effective Date:</b>	On expiration of notice and final approval by Responsible Official
<b>Revision History:</b>	Readopted 1-1-2014

### I. INTRODUCTION

It is the policy of Florida State University to provide University Support Personnel System (USPS) and Administrative and Professional (A&P) employees with a formal mechanism by the way of an internal Complaint Procedure to allow employees to bring complaints to the attention of management with the assurance that they will receive appropriate review. Retaliation for filing or participating in the Complaint Procedure is prohibited.

An employee who has a complaint or grievance is encouraged to discuss with his or her immediate supervisor the option of utilizing the University's Mediation Program, which is administered by the University's Employee Assistance Program (EAP), before filing a formal complaint or grievance. Information regarding the EAP Mediation Program may be obtained from visiting the University's EAP office or website at <https://eap.fsu.edu/>. A request to hold the time limits for the filing of a complaint or grievance in abeyance must first be approved in writing by the Director of HR, Employee & Labor Relations or his/her designee.

### II. POLICY (Including any Forms and Attachments)

This policy establishes the procedure and responsibilities for processing internal complaints by University Support Personnel System (USPS) and Administrative and Professional (A&P) employees.

Under this policy, an employee shall not have the right to file a complaint concerning performance evaluations and/or other documents, excluding disciplinary actions, where performance is addressed unless it is alleged that the evaluation and/or document was based on factors other than performance. Dismissals, suspensions, Reductions in Pay, Transfers, Layoffs, Demotions, and Job Abandonment, shall not be considered as complaints under this process, but shall be handled under the provision governing arbitration appeals for USPS and A&P employees.

The Director of HR, Employee & Labor Relations, on the behalf of the Chief Human Resources Officer will determine if the complaint can be resolved through the review of a Complaint Review Officer. If it is determined that the subject matter of the complaint is beyond the review of a Complaint Review Officer, the employee shall be notified in writing. HR, Employee & Labor Relations will work with the employee to resolve the complaint through a more appropriate



alternative.

## PROCEDURES

### 1. Time limitations

The time limitations established in this policy are imposed to ensure timely consideration and response by management to the complaint. When circumstances necessitate, the parties may mutually agree to waive the time limitations with the approval of the Director of HR, Employee & Labor Relations, or his/her designee.

The University's failure to abide by any step of this procedure and/or failure to communicate the decision to the complaint within the specified time limit shall permit the complainant to proceed to the next step. The complainant's failure to initiate action at any step of this procedure within the specified time limit shall be deemed a waiver of the complaint.

In the event that any action falls due on a Saturday, Sunday, or State, Federal, or University observed holiday, or during other University approved closures, the action will be considered timely if it is completed by 5:00 p.m. on the following business day.

In the event the resolution of the complaint results in an award to the complainant, the award shall not be retroactive to a date earlier than the date of the occurrence of the event giving rise to the complaint under consideration, and in no event more than 30 days before the complaint was filed.

### 2. Applicability

- a. USPS Employees: Employees with regular status in a USPS position shall have access to the full Complaint Procedure. Employees who have not obtained regular status in a USPS position may pursue this Complaint Procedure only through their immediate supervisor and the next level supervisor whose decision shall be final. Employees who do not have regular status shall not have the right to a review of their complaint by a Complaint Review Officer.
- b. A&P Employees: Employees who are on an A&P Regular and Multi-Year appointments shall have access to the full Complaint Procedure. A&P employees on other appointments may pursue this Complaint Procedure only through their immediate supervisor and the next level supervisor whose decision shall be final. A&P employees on other appointments shall not have the right to review of their complaint by a Complaint Review Officer.

### 3. Form

The following form is used in this procedure and may be obtained by contacting HR, Employee & Labor Relations, or by visiting their website: FSU USPS and A&P Complaint Procedure Form.



#### 4. Initial Action (Step 1)

When an employee feels that a complaint exists, the employee should arrange a meeting with the immediate supervisor. This meeting must be held within 30 calendar days from the date that the employee became aware of the act or condition that is the basis of the complaint. The complaint may be expressed orally or in writing. It is the intent of Florida State University that, whenever possible, complaints be resolved at this stage through discussions between the employee and the immediate supervisor. The immediate supervisor must respond to the employee's complaint within five calendar days of the first meeting.

#### 5. Filing A Written Complaint (Step 2)

Employees who do not consider their complaint resolved after meeting with their immediate supervisor shall file their complaint in writing using the University's USPS and A&P Complaint Procedure Form. (Complaint Form - Part A) The complaint will not be reviewed by a higher level supervisor(s) unless the complaint is filed in writing. The complaint form must be provided to the employee's immediate supervisor within five calendar days of receiving the reply to the initial action (Step 1) from the immediate supervisor.

The employee shall sign the Complaint form and submit one copy of the written complaint to the immediate supervisor, one copy to HR, Employee & Labor Relations, and retain a copy for employee's ~~his or her~~ records. Upon receiving the complaint from the employee, the immediate supervisor will provide a written response on Complaint Form - Part B and forward it to the next level supervisor. The second level supervisor will respond to the complaint using Complaint Form – Part C. The second level supervisor may forward the complaint to the next higher level supervisor for review.

**NOTE:** *If requested, a member of HR, Employee & Labor Relations, will assist both the employee and the supervisor in completing the written complaint form. The employee should be specific in the written complaint and clearly show what action is requested to resolve the complaint.*

The second level supervisor should arrange a meeting with the complainant to ensure a full and complete discussion of the issue with all levels of management deemed appropriate. The second level supervisor is encouraged to consult with others as necessary to fully investigate the complaint where it is considered appropriate.

Efforts to resolve the complaint should be made up to and including review at the dean, director, or department head level, if necessary. The written response from these levels of supervision shall be returned to the employee within ten calendar days of receipt of the written complaint.

At the request of either the complainant, or the dean, director, chairperson, or vice president, a member of the HR, Employee & Labor Relations, staff will be present at the meeting to provide assistance as needed.



### 6. Request For Review by Complaint Review Officer (Step 3)

If the written response provided by the immediate and second level supervisor are unsatisfactory to the employee, the employee may request a further review by a Complaint Review Officer within five calendar days of receiving the written response. The employee must submit the request for review by a Complaint Review Officer (Complaint Form - Part D), along with the complete file of the complaint, to the Director of HR, Employee & Labor Relations, or employee's his/her designee, with a copy to the employee's immediate supervisor. The employee should submit any pertinent information to be included in the complaint file for consideration by the Complaint Review Officer. The Complaint Procedure provides for the use of witnesses, and as such the written information provided should include the name, job title, and telephone number of individuals who have first-hand knowledge or information concerning the complaint. The employee should also indicate, in detail, the information that can be provided by the listed individuals.

If the employee desires to have a representative respond to the questions of the Complaint Review Officer, the name, title, and telephone number of the representative should also be included in the documentation submitted to the Director of HR, Employee & Labor Relations, or employee's his/her designee.

At the same time the employee requests a review by a Complaint Review Officer, the employee's supervisor should immediately submit Complaint Form - Part E to the Director of HR, Employee & Labor Relations, or his/her designee. The department must include the name, title, and telephone number of the departmental representative who will provide additional information if requested by the Complaint Review Officer.

All written material submitted for the Complaint Review Officer's review must be complete, concise, and specific including, clearly identifying the problem and specifically stating the action or remedy that the employee desires. Should the Director of HR, Employee & Labor Relations, or employee's his/her designee feel that the written complaint is not sufficiently specific or that the requested information has not been provided, a request may be made for additional information from all parties. The Director of HR, Employee & Labor Relations, or his/her designee shall be responsible for ensuring that the employee's complaint is either resolved at Step 1 or 2, or a Complaint Review Officer is appointed within ten calendar days from the date the appointment of a Complaint Review Officer was requested.

### 7. Selection of Complaint Review Officer

Upon receipt of the request for review by a Complaint Review Officer, the Director of HR, Employee & Labor Relations, or employee's his/her designee, shall appoint an individual from the University community, outside of the division of the employee filing the complaint, to act as the Complaint Review Officer.

### 8. Responsibilities of Complaint Review Officer

The Complaint Review Officer may choose between conducting a complaint meeting;



performing an investigation; or reviewing the written record, to establish facts, conclusions, and recommendations. The Complaint Review Officer:

- a. Assures the review is thorough and objective.
- b. Assures the review is fair and completely impartial.
- c. Makes arrangements for a suitable place to conduct the investigative interviews, or conduct the complaint meeting, if applicable, and provides notice to all parties.
- d. Assures that the investigative interviews or the complaint meeting is conducted in an orderly manner.
- e. Assures that the investigative interviews or the complaint meeting is documented.
- e. Prepares a written summary of the findings of fact, conclusions of law, if applicable, and makes recommendations to the appropriate University vice president for final University action.

#### **9. Final Decision by University Vice President**

The Division vice president shall furnish the complainant a written decision on the complaint within ninety ~~90~~ days from the date the complaint is filed at Step 2. The decision of the Division vice president shall be final in all complaints.

#### **10. Failure to Comply with Complaint Procedure**

An employee who believes that their supervisor(s) failed to comply with the Complaint Procedure should contact HR, Employee & Labor Relations. HR, Employee & Labor Relations, will review the matter and take appropriate action to ensure that management fulfills its responsibility to comply with the Complaint Procedure.

### **III. LEGAL SUPPORT, JUSTIFICATION, AND REVIEW OF THIS POLICY**

The Board of Trustees has delegated its authority over personnel programs to the President which is further delegated to the Vice President. Constitutional authority, state statutes, Florida Board of Governors regulations, and University regulations authorize the policy:

Florida Constitution Article IX, Section 7;

Sections 110.117, 1001.706(6)(a),-Florida Statutes;

Florida Board of Governors Regulation 1.001 (5)(a);

Florida State University Board of Trustees Regulations FSU-4.001.

This policy shall be reviewed by the Chief Human Resources Officer every seven years for its effectiveness. The Office of Human Resources shall make recommendations to the Vice President for Finance and Administration for any modification or elimination.



FLORIDA STATE UNIVERSITY

/s/ Name of Approving Official

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[Proof of approval retained in file]