

**LSU HEALTH CARE SERVICES DIVISION
BATON ROUGE, LOUISIANA**

POLICY NUMBER: 4504-21

CATEGORY: Human Resources

CONTENT: Grievance Policy, Definitions, Applicability, Standards, Responsibilities, Implementation of Grievance Procedures

APPLICABILITY: This policy applies to all classified employees of the LSU Health Care Services Division Administration (HCSDA) and the Lallie Kemp Medical Center. (LKMC)

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GRIEVANCE POLICY

I. POLICY STATEMENT

It is the policy of the LSU Health Care Services Division (HCSD) to resolve employee problems at the lowest possible supervisory level and at the earliest possible opportunity after such problems are recognized; and that each employee in the HCSD without fear of reprisal, has access to the grievance procedure for resolving such problems.

The grievance process should be viewed and treated as a highly valuable problem resolution tool and upward communication channel.

Note: Any reference herein to Health Care Services Division (HCSD) also applies and pertains to Lallie Kemp Medical Center (LKMC).

II. IMPLEMENTATION

This policy and subsequent revisions to this policy shall become effective upon approval signature and date of the HCSD Chief Operations Officer.

III. RESPONSIBILITIES

Each Appointing Authority is responsible for assuring that managers and supervisors within their organizational authority comply with the provisions and the intent of this policy. Each employee will be advised of this policy and it will be available for review or, upon request, an employee will be provided a copy.

The Human Resources Director or designee responsible for the grievance function at LKMC is responsible for providing guidance and counsel to appointing authorities, managers, supervisors and employees in grievance-related matters and for monitoring and coordinating grievance activity.

IV. EXCEPTIONS

Those employees currently covered by a labor agreement shall also abide by the language of this policy. Should this policy differ in procedures or language from the labor agreement, employees who are members of the recognized bargaining unit are also bound by the provisions included in the labor agreement.

V. **GENERAL PROVISIONS**

In any organization it may be expected that conditions leading to dissatisfaction and misunderstanding may arise between employees and the employer. When employees believe they have been treated unfairly, their attitude and their work may be affected. Through the establishment of this grievance procedure, each organizational unit is provided a means to resolve these problems.

Before filing a written grievance, an employee is encouraged to try to resolve the matter through discussion with the appropriate supervisor. For the purpose of this policy, "grievance" is defined as a disagreement or dispute between the employer and an employee.

Matters within the exclusive jurisdiction of the Department of Civil Service or the Civil Service Commission cannot be adjudicated through the Grievance Resolution Procedure. Presently, these matters include, but are not limited to the following:

- A. Official disciplinary actions: dismissal, suspension without pay, reduction in pay, reassignment, and involuntary demotion.
- B. Position allocations or reallocations acted upon by the Department of Civil Service
- C. Discrimination practiced by the violation of federal or state law or a Civil Service rule
- D. Performance Ratings/PES (Refer to HCSD Policy #4533)
- E. Adverse impact because of the violation of a Civil Service rule
- F. Complaints about letters of improvement, warning, reprimand or counseling.
- G. Non-disciplinary Separations (Refer to Civil Service Rule 12.6)
- H. Layoff of a Permanent Employee

Allegations of discrimination should be filed under procedures prescribed by Federal and State laws for that purpose.

This grievance procedure is a method of determining the specific cause for a disagreement, and finding the best way to resolve the situation. This procedure is intended for use when a valid problem within the jurisdiction of this procedure arises.

The decision to utilize this grievance procedure shall be the voluntary decision of the individual employee. The employee may not modify the grievance statement once the grievance process has commenced.

One (1) grievance may not be filed by a group of employees, but shall be filed on an individual basis.

The employee shall have the right, but shall not be required, to be represented by a co-worker of choice at all written steps.

Neither party may be represented by legal counsel, nor may adversarial or confrontational means be used in a grievance meeting or hearing.

An employee who is covered by union membership shall have the right to be represented by a local representative or any other union representative at the employee's request and in accordance with the union agreement with this department.

Neither party may be represented by legal counsel, nor may adversarial or confrontational means be used in a grievance meeting or hearing.

Any employee, including the steward or union representative in the processing of the grievance through this procedure, may be granted reasonable on-duty time to investigate the grievance and represent the grieving employee without loss of pay and without charge to annual or compensatory leave credits. However, employees have no right to use excessive amounts of work time for grievances as determined by the Appointing Authority. The employer has a responsibility to ensure that the effective and efficient operations of the work unit continue without disruption. Grievance rights do not relieve an employee of the responsibility to do assigned work.

No employee may use his or her position to coerce, attempt to coerce, or influence in any improper manner, any hearing officer or member of a grievance committee. Any HCSD employee who uses his or her official position to coerce, or influence in any improper manner any person involved in the grievance process, shall be subject to disciplinary action.

Any HCSD employee who takes reprisal action of any kind against another employee who makes use of this grievance procedure shall be subject to disciplinary action.

VI. **REASONS FOR DISMISSAL BY RESPONDENT**

At any time after the filing of a grievance in writing, a respondent may summarily dismiss the grievance on any of the following reasons;

- A. The grievance has not been made in the required manner or within the prescribed time period for filing at the initial or succeeding steps.
- B. The employee has failed to appear at the time and place fixed for the hearing or meeting on the grievance.
- C. The employee has withdrawn or abandoned the request for grievance consideration.
- D. The employee is not employed by the HCSD; is employed in a temporary job status; or unclassified job status.
- E. The action is appealable to the Director of Civil Service or to the Civil Service Commission.
- F. The person against whom the grievance is filed does not work for the HCSD.
- G. A decision on the grievance would be ineffective or moot.
- H. The remedy requested cannot be granted.
- I. The appointing authority has determined the grievance to be frivolous.
- J. The grievance is being used to impede the efficient operation of the agency.

When a respondent dismisses a written grievance, written notification will be provided to all interested or involved parties of the reasons for the summary dismissal. This notification shall also include transmittal of a copy of the summary dismissal to the Human Resources Director or designee and the Appointing Authority.

VII. **PROCESSING THE GRIEVANCE**

Written notice of a grievance shall be on forms prescribed by this policy. (See Attachment 1) Non-adherence to required forms may be cause for the appointing authority to dismiss the grievance.

A. Step 1

1. The employee or the employee's representative shall present the grievance in writing, including specific reasons and pertinent dates, to the immediate supervisor within ten (10) calendar days following the date he/she first obtained knowledge or was notified of the action or decision causing the grievance. The grievant may not modify the grievance statement once the grievance is filed.

Note: This step may be skipped if the grievance is directly related to the immediate supervisor.

2. The immediate supervisor shall, within ten (10) calendar days take appropriate steps to investigate the grievance and meet with the employee.
3. Within ten (10) calendar days following the meeting on the grievance, the employee will receive a written response from the supervisor.

B. Step 2

1. If the employee is not satisfied with the decision of the immediate supervisor (Step 1), the employee may submit the grievance in writing to the Step 2 respondent (the Department Head/Service Director) within ten (10) calendar days following receipt of the Step 1 response.
2. The Step 2 respondent, within fourteen (14) calendar days, shall take appropriate steps to:
 - a. Investigate the grievance, which may include meeting with the grieving employee and then provide response within (14) calendar days.
 - b. Respond in writing to the grievant within (14) calendar days

C. Step 3

1. If the employee is not satisfied with the decision issued by the Step 2 respondent, the employee may submit the grievance in writing to the Step 3 respondent (the Hospital Administrator) within ten (10) calendar days following receipt of the decision in Step 2. The Step 3 respondent or designee within fourteen (14) calendar days shall take appropriate steps to:

- a. Review any and all information received from Step 2 respondent to the grievant, or
 - b. Investigate the grievance, which may include meeting with the grievant; or
 - c. Direct a hearing be conducted before a Grievance Committee to be held within twenty-one (21) calendar days following receipt of the grievance.
2. If an investigation is conducted or hearing is conducted, a response to the grievance will be rendered within fourteen (14) calendar days after completion of the investigation or hearing.

D. Step 4

1. In the event the employee is not satisfied with the decision of the Step 3 respondent, the employee may within ten (10) calendar days from receipt of the Step 3 response, submit the grievance to the HCSD Chief Operations Officer (COO) or designee.
2. The COO shall have the exclusive right to determine if additional action should be taken. The employee should clearly and factually state how and why it is felt that the Step 3 respondent erred in the ruling.
3. The COO will render a decision within sixty (60) calendar days following receipt of the grievance. One (1) copy of the COO's decision will be forwarded to the Step 3 respondent and one (1) copy to the Hospital Administrator and one (1) copy to the Human Resources Director.

E. Modification of Steps

1. An organizational unit may modify the steps to fit its management structure. Grievances that cross organizational lines may be filed directly with the first level manager with jurisdiction over both parties.
2. If an employee claims harassment by anyone in the employee's chain of command, the employee may skip the grievance step that would directly involve that individual and may proceed to the next step.

F. Employee and Respondent Processing Responsibilities

1. The employee bears the responsibility of advancing the grievance and being at every meeting or hearing scheduled.
2. If at any time during the processing of the grievance, a respondent does not have the authority to resolve the grievance, the respondent shall so indicate in the response section of the grievance form and immediately return the form to the employee.

G. Time Limitations

1. Failure of the employee to take action within the time limits set forth in Section VIII (Steps 1-4) or failure to attend a scheduled meeting or hearing shall result in abandonment of the grievance.
2. Failure of the respondent to take action within the time limits as set forth in Section VIII shall be cause for the employee to advance the grievance to the next step.

H. Extension of Time Requirements

The time requirements at each step of a grievance may be extended by the mutual consent of the employee and/or his representative and the step respondent.

VIII. **GRIEVANCE HEARING**

A. Grievance Committee

1. The determination to hold a hearing is at the discretion of the Step 3 respondent.
2. The Grievance Committees may be designated as ad hoc.
3. Grievance Committee membership must come from within the business unit at which the hearing is being held.
4. Each Grievance committee shall be composed of an odd number of members, the number to be determined by the Appointing Authority. For an ad hoc committee, the employee and respondent will each select an equal number of individuals to serve as committee members. (i.e., for a three (3) member committee each will select one (1) member; for a five (5) member committee each will select two (2) members, etc.)

5. The odd number will be an individual that the committee members mutually agree on. If mutual agreement cannot be reached within seven (7) calendar days of the Committee being formed, the procedure for selecting the odd number will be: each committee member shall submit two (2) names and the odd number will be selected by lot.
6. The Chairman of the grievance committee will be determined by a vote of the full committee membership. Care should be exercised in the selection of Grievance Committee members to assure that all are neutral and unbiased, yet of such discipline to be familiar with the subject nature of the problem.

B. Notice of Hearing

The employee shall be given notice at least ten (10) calendar days in advance of the hearing, provided that, by consent of the Grievance Committee chairman and the employee, such notice may be waived.

C. Time and Place of Hearing

The place of the grievance hearing shall be specified by the respondent or his designated respondent and shall be in a convenient place accessible to the employee. All such hearings shall be held on the employer's premises or on other premises mutually agreed upon by the parties and within regular working hours; provided, that with the approval of the appointing authority, any such hearings may continue beyond normal working hours.

Note: The Grievance Hearing may be postponed by the mutual consent of the employee and/or his representative and the Grievance Chairman.

D. Conduct of Hearing

1. The aggrieved employee and the employer shall have the right to call, examine, and cross-examine witnesses who are employees of the HCSD and who have knowledge of the grievance issue(s). A grievance hearing is an internal formal matter and will be conducted as such. Its primary purpose is to be a process which encourages open communication between employee and employer and demonstrates a complete assessment of all facets of a situation; the outcome being clarification of issues, relief when appropriate and/or, if no relief, a clear explanation as to why such is not considered appropriate or within management's capability.

2. Necessary travel expenses of HCSD witnesses called under step 1 above and the Grievance Committee Members shall be paid by the employer as provided for by travel reimbursement regulations.
3. Both parties may produce witnesses other than employees of the HCSD and such witnesses shall be subject to examination and cross-examination. Witness fees or expenses will be borne by the party requesting the witness' appearance.
4. The aggrieved employee shall have the right to require the production of books, papers, records, and other items which are within the control of the Department which are pertinent to the grievance issue(s), and which are not held to be confidential by provision of state statute, public law, or constitutional law(s). Affidavits and ex-parte statements, offered during the course of grievance hearing, may be received and considered by the Grievance Committee.
5. The Grievance Committee shall have the right to examine and cross-examine any witness.
6. The Grievance Committee shall have the right to limit corroborative evidence.
7. When a pending case involves substantially the same question or complaint as presented in a prior case, the Grievance Committee may consider any part of the record in such previous case as it may deem relevant; provided, that in the application of this provision no party shall be deprived of the right to cross-examine any witness.
8. The testimony of all witnesses may be received under oath.
9. The Grievance Committee, on request of the aggrieved employee or on its own motion, may order that the witnesses in any hearing be separated so as to preclude any witness other than the parties and their representative from hearing the testimony of any other witness.
10. The Grievance Committee, on request of the aggrieved employee or on its own motion, may order all non-participants to be separated from the hearing.
11. When two (2) or more grievance petitions involve similar or related circumstances, the respondent may order a joint hearing of any or all the matters at issue or may order that all such petitions be consolidated.

12. Any HCSD employee required to testify shall not be subjected to any disciplinary action by the appointing authority because of presenting testimony, but may be held accountable for actions revealed by testimony.
13. As previously stated in Part VI, neither party may be represented by legal counsel, nor may adversarial or confrontational means be used in a grievance meeting or hearing.

IX. **FORMS**

Attachment 1 to this policy, designated as the HCSD Grievance Form, shall be the required grievance procedure form. Continuation sheets may be attached if additional space is needed. The Human Resources Director or designee shall be responsible for forms supply and the necessary duplication of the grievance form and instructions.

The form will be used for recording the employee's grievance and the action taken by respondents at appropriate steps of the grievance procedure. At each step of the grievance the respondent shall return the original copy of the grievance and response to the employee for his personal use.

The grievant may not modify the grievance statement once the grievance process has commenced.

X. **GRIEVANCE MAINTENANCE AND DISPOSITION**

Respondents will maintain a copy of all grievances as filed at their level and copy of their response a minimum of two (2) years. This document should be maintained in a general alphabetical file labeled Grievances. Grievances **shall not** be retained in an employee's official personnel file or the Performance Appraisal activity file.

XI. **DEFINITIONS**

As used in connection with this grievance procedure, the following words and terms shall have the meanings as denoted:

- A. Abandonment of Grievance - the failure of an employee to pursue the grievance through the grievance procedure within specified time limit.
- B. Ad hoc - for one specific purpose; designated for one specific grievance.
- C. Affidavit - a signed and sworn statement offered for consideration in connection with a grievance procedure hearing or meeting.

- D. Appointing Authority - the officers and employees authorized by statute or by lawfully delegated authority to make appointments to positions in the state service. Authority normally extends and includes an organizational unit or may be referred to as organizational authority.
- E. Books - pamphlets or bound volumes which are not held to be confidential by State statute, public law, or Constitutional law.
- F. Consolidation - the combining of two (2) or more grievances involving basically the same controversy for purposes of a joint hearing or meeting.
- G. Cross-examination - the questioning of a witness by an adverse party after direct examination by the party calling the witness.
- H. Designated Appointing Authority - any person duly authorized by the appropriate Executive Director/Appointing Authority to resolve grievances at the Step 3 level.
- I. Employee - any regular full-time or regular part-time classified employee of the HCSD.
- J. Employer - HCSD Administration (HCSDA) and/or Lallie Kemp Medical Center (LKMC).
- K. Examination - the questioning of a witness during grievance procedure hearing or meeting.
- L. Ex-parte Statement - a written statement made by one (a) person, offered for consideration in connection with a grievance procedure hearing or meeting.
- M. Grievance - a disagreement, dispute or complaint between an employee and management; an alleged act of unfair treatment of an employee; or, an alleged violation of Department/Hospital policy and procedures. Excluded from this definition are those matters listed in Section VI, A-H.
- N. Grievance Committee - a group of persons designated to conduct a grievance hearing and provide resulting recommendations. The committee must be made up of an odd number of members; usually three (3) or five (5) with one serving as chairman.
- O. Grievance Committee Chairman - an individual designated by the Committee to serve as chairman.

- P. Grievance Hearing - a hearing conducted by a grievance committee at which the employee and the party against whom the grievance is lodged have a reasonable opportunity to be heard.
- Q. Grievance Procedure - the written procedure prescribed for the processing of employee grievances.
- R. Grieving Employee - an individual whose work environment is affected by a Supervisor/Appointing Authority and the individual's perception that the Supervisor/Appointing Authority has taken such action to cause dissatisfaction and/or misunderstanding, injury and/or unfair treatment. One who believes to be an aggrieved employee.
- S. Human Resources Director - that person who holds the title of Human Resources Director or one who has been assigned or delegated the responsibility and authority to process personnel actions and/or to monitor the grievance procedure.
- T. Joint Hearing - uniting of two or more grievances involving similar or related circumstances for the purpose of hearing. (See Consolidation)
- U. Jurisdiction - the right to make decisions concerning the subject matter in a given case.
- V. Meeting - the granting of an audience to the employee by the respondent or a designated respondent (as allowed by the procedures); the purpose being an opportunity to be heard prior to the rendering of a decision by the respondent.
- W. Notice - advance notification to all parties involved in a grievance procedure hearing, or meeting setting forth the date, time, and place.
- X. Papers - documents and writings which are not held to be confidential by state statute, public law, or constitutional law.
- Y. Records - official records of the State which are not held to be confidential by state statute, public law, or constitutional law.
- Z. Representative - the persons, authorized by an aggrieved employee to represent him/or in the processing of a grievance. However, the employee may not be represented by an attorney.
- AA. Respondent - the individual at each step of the grievance procedure responsible for responding to the employee.

- BB. Reprisal - an act of retaliation taken against an employee because he/she utilized the grievance procedure.
- CC. Service Director - the highest level program supervisor below the designated appointing authority.
- DD. Supervisory Employee - an employee with responsibility for and authority to make decisions and/or recommendations relating to appointment, termination, performance, pay change, work assignment, scheduling or direction; or employees with responsibility for and authority to assign, schedule and direct the work of other employees and whose recommendations regarding appointment, termination, performance, pay changes, etc., are given substantial weight in the final outcome of such decision.

ATTACHMENT 1 – OFFICIAL GRIEVANCE FORM

Instructions:

Employee filing a grievance should read the Grievance Policy carefully as well the procedures/steps required to process. Employee should also duplicate copies of pages 3, 4, and 5 prior to completion of the Grievance Form.

Page 1:

- Identifying Information of Grievant
- Grievance Statement
- Must be filed and submitted to immediate supervisor within 10 calendar days following date employee first obtained knowledge of or was notified of the action or decision causing the grievance
- May not modify grievance statement once the grievance is filed
- Include specific reason(s), date(s), witness name(s) if applicable, attachment(s) to support grievance statement , if applicable

Page 2:

- Relief Sought

Page 3:

- Response(s) from appropriate staff
- Duplicate blank page for more than one respondent
- Completed by Respondent, not employee
- Original grievance form with response returned to employee within required time frame
- All responses must accompany the original grievance if elevated to the next level
- Only responses from appropriate staff can be included
- No responses can be deleted after the grievance is submitted

Page 4:

- Continuation of Grievance to next step
- Duplicate blank page for more than one respondent
- Top part of form completed by Respondent, not employee
- Original returned to employee within required time frame
- Employee Decision to accept/not accept response
- Elevate to next step, if applicable, within required time frame
- Grievant must attach blank pages 3, 4, and 5 to original grievance any time grievance is elevated to the next level in the grievance process

Page 5:

- Additional Sheets/Continuation

- Duplicate for use for additional comments of the Grievance Statement, Relief Sought, Response and/or Employee Comments

HCSD GRIEVANCE FORM

(revised 10/07)

This form is utilized by an employee to document a grievance which remains unresolved after verbal discussion between employee and supervisor. For policy which governs the use of this form, contact your Human Resources Department.

Employee Name: _____
(Print or Type)

Medical Ctr/Division: _____ Work phone # _____

Home Address: _____
(Street) (City, State, Zip Code)

Date Grievance Filed: _____ Soc. Sec. # _____

GRIEVANCE STATEMENT

(The grievant may not modify the grievance statement once the grievance process has commenced.)

For continuation of statement, attach additional sheets.
Are additional sheets attached? Yes _____ No _____

RELIEF SOUGHT

Employee Signature: _____

Date: _____

For continuation of Relief Sought Statement, attach additional sheets.

Are additional sheets attached? Yes _____ No _____

Response to Grievance
(DUPLICATE THIS FORM FOR STEP RESPONSES)

Circle appropriate step: 1 2 3 4

EMPLOYEE NAME: _____

RESPONDENT'S NAME: _____

RESPONDENT'S TITLE: _____

RESPONDENT'S WORK PHONE #: _____

DATE GRIEVANCE RECEIVED BY RESPONDENT: _____

RESPONSE

For continuation of response statement, attach additional sheets.
Are additional sheets attached? Yes _____ No _____

CONTINUING GRIEVANCE TO THE NEXT STEP – COMPLETED BY RESPONDENT
(DUPLICATE THIS FORM FOR CONTINUING GRIEVANCE TO THE NEXT LEVEL)

Circle appropriate steps. If the response to Step 1 2 3 4 is not
acceptable, you may submit this grievance to the next Step 1 2 3 4 for
review to:

NAME: _____

TITLE: _____

ADDRESS: _____

RESPONDENT'S SIGNATURE _____ DATE _____

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EMPLOYEE'S DECISION

DATE ABOVE RESPONSE RECEIVED: _____

ACCEPT RESPONSE _____ DO NOT ACCEPT RESPONSE _____

ELEVATING GRIEVANCE TO NEXT STEP _____ YES _____ NO

EMPLOYEE'S SIGNATURE _____ DATE _____

EMPLOYEE'S COMMENTS:

For continuation of statement, attach additional sheets.
Are additional sheets attached? Yes _____ No _____

ADDITIONAL SHEET/CONTINUATION OF:

Please Check: _____ Grievance Statement
 _____ Relief Sought _____
 _____ Response to Respondent(s)
 _____ Employee Comments

EMPLOYEE NAME: _____

Comments Continued:

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