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Classified Employee Grievance Procedures Policy

Responsible Office: Human Resources Division

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1.0 Purpose

To define the procedures for handling grievances from classified employees. This policy does not apply to employees covered by the Personnel Agreement between Georgia Health Sciences University (GHSU) and the Medical College of Georgia Health Inc. (MCGHI), and whose services are "leased" to MCGHI under the terms of that agreement. These employees are referred to as "Leased Employees" and they are subject to the grievance procedures of MCGHI. Upon a final determination by MCGHI, a leased employee does have the right to appeal to the President of GHSU.

2.0 Procedures

INFORMAL RESOLUTION: Conflicts and disagreements between employees and their supervisors are inevitable. It is the policy of Georgia Health Sciences University to resolve these disputes fairly, and at the lowest possible level. When these conflicts or disagreements occur, employees should first attempt to resolve them through discussion with their supervisor. However, an employee must follow their supervisor's orders, even if they disagree with them, unless the orders are clearly illegal or unsafe, in which case the matter should be brought immediately to the next higher authority. When discussion with their supervisor fails to resolve a dispute, an employee has several other options. They may take the issue up with the next higher authority, or, they may consult the Human Resources Division. The GHSU Informal Mediation Program is also available to help resolve disputes (See [GHSU Administrative Policy and Procedure 1.4.30](#)). Georgia Health Sciences University encourages the use of all of the informal methods of dispute resolution described above, even after an employee has filed a grievance.

3.0 Grievances:

3.1 A classified employee may only file a grievance if:

- The employee has been demoted, or their salary has been reduced; or,
- The employee has been suspended; or,
- The employee has been discharged.

Even in the above circumstances, classified employees may not file a grievance if:

- They are still in their probationary period; or,
- They have been adversely affected by a reorganization, program modification or financial exigency (such employees may apply to the Board of Regents for review); or,
- The issue underlying the grievance is a charge of discrimination on the basis of race, sex, age, disability or religion (such charges should be directed to the Affirmative Action/EEO Officer); or,
- The issues being grieved have been previously heard by any administrative panel at Georgia Health Sciences University.

In his discretion, the President may direct that a hearing be held concerning any matter related to the employment of a classified employee.

3.2 A classified employee may file a grievance by completing [Attachment A](#), and submitting it to the Director of Human Resources. Without good cause for the delay, a grievance must be filed within ten working days of the notice of suspension or discharge. If filed after that time, the grievance must be accompanied by a written explanation for the delay. The Director of Human Resources will rule on whether the employee had good cause for filing the grievance late. Good cause consists of fraud, severe illness, or other circumstances beyond the employee's control, which significantly impaired their ability to file the grievance.

3.3 The Director of Human Resources shall refer any appropriate grievance to a Hearing Officer, and inform the appropriate manager or supervisor that the grievance has been filed. This manager or supervisor would normally be the one who imposed the suspension or discharge underlying the grievance. For the purposes of the grievance, this manager or supervisor is called the respondent. Hearing Officers will be appointed by the Provost to serve for a specific period of time. The Hearing Officer is responsible for:

Assembling the Hearing Panel

- Assembling the Hearing Panel, appointing a Chair of the Panel, and providing them with copies of the grievance and other appropriate documents. [See Attachment B.](#)
- Making all arrangements for the hearing.
- Counseling both the grievant and the respondent concerning the hearing and answering their questions concerning the procedures which will be followed.
- Presiding at the hearing.

3.4 In his or her discretion, the Hearing Officer may require each party to submit, in advance of the hearing, a written statement of their position, copies of all documents to be produced, a list of witnesses who will be called, the identification of their advisor or spokesperson, if any, and any grounds which a party may have for questioning the fairness or impartiality of the Hearing Officer or any member of the Hearing Panel. Copies of any such materials should be given to the other party involved. In his or her discretion, the Hearing Officer may furnish any relevant documents to the panel members in advance of the hearing.

3.5 Hearings shall be held in private. Either party may request that the Hearing Officer remove any member of the panel on the basis that the panel member cannot be fair and impartial regarding the matter at issue. The Hearing Officer shall rule finally on all such challenges. If the Hearing Officer himself is challenged, the Provost shall rule finally concerning that challenge.

3.6 The Hearing Officer shall preside and rule finally on all matters of procedure. The grievant has the burden by a preponderance of the evidence to show either: (a) that management's actions were based on facts, which are untrue; or (b) that management's actions were unreasonably harsh. The order of the hearing is within the discretion of the Hearing Officer, but normally would include, in order:

- A brief opening statement by the grievant.
- A brief opening statement by the respondent.
- The presentation of documentary or testimonial evidence by the grievant. The grievant's documents should be marked as, "G-1," "G-2," etc. If witnesses are called, the grievant shall question the witness, followed by the respondent, and then the panel members. In the Hearing Officer's discretion, each party and the panel may continue to question a witness in turn so long as new and relevant testimony is being offered.
- The presentation of documentary or testimonial evidence by the respondent. The respondent's documents should be marked, "R-1," "R-2," etc. The questioning of the respondent's witnesses follows the same procedure as with the grievant's, except that the respondent questions their witnesses first, followed by the grievant and then the panel.
- In the Hearing Officer's sole discretion, each party may present further documents or testimony to rebut evidence from the other side.
- A closing argument (not normally to exceed ten minutes) from the grievant.
- A closing argument (not normally to exceed ten minutes) from the respondent.
- A very brief final statement from the grievant.

3.7 The Script in [Attachment C](#) may be used for the Hearing Officer's convenience. The parties may present any relevant written or testimonial evidence. Each party is responsible for arranging for the attendance of their own witnesses, though either party may request the assistance of the Hearing Officer if a witness has refused to come, or if a witness' supervisor has refused to allow them to attend. All supervisors should make all reasonable efforts to allow relevant witnesses to attend grievance hearings. All Georgia Health Sciences University employees are required to cooperate in grievance hearings, if their testimony is relevant. Either side may bring one advisor or spokesperson to the hearing. This advisor or spokesperson should not be a potential witness at the hearing, unless they are merely a character witness for one of the parties. The *advisor* may be anyone, including an attorney. Such advisors are not allowed to participate in the hearing, though they may advise the party for whom they are present. A *spokesperson* may be anyone from GHSU who voluntarily agrees to be the party's spokesperson, and this spokesperson may help present the case. The Hearing Officer has the discretion to impose time limits within which each party must present their case. The Hearing Officer may require the attendance of witnesses or the production of documents other than those presented by the parties.

3.8 The Hearing Panel shall then deliberate in private. As stated above, the grievant has the burden to show that management's actions were based on facts, which are untrue, or that management's actions were unreasonably harsh. In considering these questions, the panel should remember several points:

- The grievant has the burden to prove their case by a preponderance of the evidence. By saying that the grievant has the burden of proof,

we mean that management does not have to prove that their actions were appropriate; rather, the grievant must prove that they were inappropriate. For the grievant to prove this, their evidence must amount to a "preponderance of the evidence." This phrase simply means that the evidence in favor of a point is more convincing than the evidence against it. In other words, if the weight of the evidence tips the scales in favor of the grievant, even slightly, then the grievant has established a preponderance of the evidence. The weight of the evidence does not depend on how many witnesses or documents a side presents, but on how convincing and believable those witnesses and documents are.

- A grievant's past misconduct may be relevant, no matter how long ago it occurred. [See Classified Employee Disciplinary Policy \(1.4.07\)](#).
- While progressive discipline is often appropriate, it is not required. See paragraph 3.1.4 of the Disciplinary Policy. For instance, just because a grievant has not been suspended or even warned, this does not mean that they cannot be discharged.
- The panel is not to decide whether they would have handled the situation in question the same way as management did. Rather, they should decide whether the underlying facts are true, and if so, whether the actions taken by management were consistent with GHSU policies, and also whether these actions were reasonable under the circumstances. It is inevitable that different managers will impose different discipline for the same offense. So long as each manager's decision is reasonable, this does not violate GHSU policies, and should not form a basis for recommending that the manager's decision be overturned. [See paragraph 3.1.4 of the Disciplinary Policy](#) for a discussion of these points.

3.9 The Hearing Panel is charged with making a recommendation to the Provost based on the evidence presented at the hearing. The panel's recommendation shall be based on the findings and opinions of any two members of the panel. If any member disagrees with the recommendation of the panel as a whole, they should explain their dissent in the recommendation.

3.10 The Provost shall forward the Panel's recommendations, along with his own, to the President within five working days, absent good cause. The President shall rule finally on the matter. An employee may appeal the decision of the President to the Board of Regents pursuant to Article VIII of the Bylaws of the Board of Regents of the University System of Georgia.

4.0 Amendments

4.1 The Director of Human Resources may amend the attachments to this policy.

1 The Hearing Panel shall consist of three persons from the list of panel members as selected by the Provost. The Provost may select panel members from outside the pre-selected list as necessary. In cases involving alleged conduct which did or could have adversely affected a patient, at least one panel member shall have relevant experience in the clinical area or field in question.

2 Absent good cause, the hearing should be held within fifteen working days of the submission of the grievance.

3 Note: Witnesses should not be allowed in the room where the hearing is taking place except when they are testifying. Of course, the parties themselves may be present at all times, even if they testify at some point during the hearing.

4 The recommendation must be issued within five working days of the close of the hearing, and should follow the suggested format and content in [Attachment D](#).

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