

Wright State University
Department of Human Resources

**Dispute Resolution Procedures for Classified Staff
Not Represented by a Bargaining Unit**

01/16/02

In any workplace, there is potential for misunderstandings and conflicts. In most cases employees will be able to resolve these differences by talking with their immediate supervisors. Employees are encouraged to promptly discuss any work-related problem or dispute with their supervisors. If the employee is not satisfied with the immediate supervisor's response or if the employee is uncomfortable going to his/her supervisor with the problem, the university provides dispute resolution procedures.

The following dispute resolution procedures are available to all classified staff not covered by a union contract. The intention of the dispute resolution procedure is to ensure employees fair treatment and prompt resolution of disputes. No retaliation or adverse action will be taken against an employee for filing a dispute resolution, regardless of the outcome.

Dispute resolution procedures do not replace Wright State University procedures for filing discrimination or sexual harassment complaints. Those complaints should be submitted to the Office of Affirmative Action.

PLEASE NOTE: There are informal and formal dispute resolution procedures available to assist employees.

1. Informal Dispute Resolution Procedures

The informal dispute resolution procedure is available to all classified staff not covered by a union contract. This procedure is intended to help an employee resolve any work-related problem.

Level 1. Discussion Between the Employee and the Immediate Supervisor

Employees are encouraged to discuss any work-related problem with their immediate supervisor at anytime. This discussion should take place as early as possible after the conflict or dispute arises. The discussion will be conducted in a fair and equitable manner. If an error has been made, proper remedy should be made at this step.

If the employee believes the issue is too sensitive to discuss with the immediate supervisor, he/she may proceed to directly to Level 2.

Level 2. Discussion With the Next Level of Management

A meeting may be requested between the employee and the next level of management or designee within the unit's organizational structure. This meeting shall be requested in writing and scheduled within ten workdays of the submission of a written request, unless an extension is mutually agreed upon. A brief description of the conflict or dispute should be included. A copy of the written request along with the description of the conflict or dispute should be forwarded to the Department of Human Resources. The next level manager or designee will confirm the date, time and location of the meeting.

If the employee desires, a fellow employee may be included in the meeting to assist in explaining the employee's position. The reviewing manager may also include another administration representative at this meeting. The reviewing manager may seek guidance from the Office of General Council or Assistant Vice President (AVP) for Human Resources, especially regarding legal and policy related issues.

Following the meeting, the reviewing manager will gather any additional information necessary to make a decision, provide the employee with a written explanation or answer, and forward a copy to the Department of Human Resources. This answer should normally be given within ten workdays of the meeting.

2. Formal Dispute Resolution Procedure

An employee is encouraged to complete the Informal Dispute Resolution Procedure before proceeding to the Formal Dispute Resolution Procedure. However, if an employee chooses not to use the informal procedure or if the result was unsatisfactory, the formal procedure is available to all non-probationary, classified staff not covered by a union contract.

The formal procedure is limited to complaints alleging that a classified staff member's employment has been or is being adversely affected by an improper application or interpretation of university rules, regulations, policies, or procedures. This procedure may also be used to resolve complaints regarding disciplinary suspensions that cannot be appealed to the State of Ohio Personnel Board of Review (SPBR). Employees may refer to section 4004.6 for additional information.

The formal dispute resolution procedure will not apply to and may not be used for issues that employees have the right to appeal under Ohio civil service laws and regulations, or for the interpretation and application of any group insurance or benefit plans.

Level1 The employee initiates the formal dispute resolution procedure by submitting a completed Request for Dispute Resolution form to the next level of management,

Dean, Director, or Assistant Vice President within the unit where the dispute occurred and a forwarding copy to the Department of Human Resources. Completed forms must be submitted within ten workdays of the reviewing manager's report or the date of the event that caused the complaint. Forms are available from the Department of Human Resources, 280 University Hall. The Department of Human Resources will maintain a file of dispute resolution requests and responses and will place in individuals' personnel files only those materials that record agreements reached or changes made as a result of the dispute resolution procedure. The complaint must contain:

- A description of the alleged improper application or interpretation and all pertinent information.
- The specific University rule, regulation, policy, or procedure that has been violated.
- Any materials exchanged during the informal dispute resolution procedure, if applicable.
- A requested resolution.

The next level of management, Dean, Director, Assistant Vice President, or designee shall schedule a formal meeting within ten workdays of submission of a request. If the employee desires, a fellow employee may be included in the meeting to assist in explaining the employee's position. The next level of management, Dean, Director, Assistant Vice President, or designee, may also have an additional person present at the meeting. Guidance may be obtained from the Office of General Counsel or the AVP for Human Resources, especially concerning interpretation of legal or university policy issues.

A written response will be provided to the employee and a copy forwarded to the Department of Human Resources within ten workdays of the meeting.

Level 2

If the matter has not been satisfactorily resolved at Level 1, the employee may refer the issue to the Provost for resolution. The employee shall submit a written request for reconsideration to the Provost within five workdays of delivery of the response in Level 1 and a copy forwarded to the Department of Human Resources. This request may include additional information or reasons why the decision should be reversed or modified. The Provost may, depending on the complaint and circumstances, designate someone to meet with the parties to gather additional information or to work out a mutually agreeable resolution. The Provost will normally issue a formal response and forward a copy to the Department of Human Resources within ten workdays.

The decision of the Provost or designee is final.

4004.6 Additional Information

Pursuant to State of Ohio civil service laws and regulations classified staff may appeal certain personnel actions to the State Personnel Board of Review (SPBR). Key personnel actions that may be appealed include:

- Results of a position audit or a refusal to perform such a position audit.
- Disciplinary action that includes a removal, suspension for more than three days, fine in excess of three days pay, or disciplinary reduction in pay or position.
- Retaliatory action taken against an employee for properly reporting an OSHA violation.
- Layoff, job abolishment, displacement
- Disability separation, denial of reinstatement from a disability separation.
- Transfer or non-disciplinary reduction in pay or position.

The Department of Human Resources has brochures available that provide more information about the type of issues that may be appealed and the SPBR appeals procedures.

Additional information regarding the SPBR appeal process is available from the SPBR at:

65 East State Street, 12th Floor
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(Voice) 614.466.7046
(Fax) 614.466.6539
<http://www.state.oh.us/pbr>