

CALIFORNIA INSTITUTE OF TECHNOLOGY

STAFF PERSONNEL MEMORANDA

Subject: Staff Problem Resolution Policy and Grievance Process	Memo No. 13 Pages: 5 Date: January 9, 2009
Approved by: Julia M. McCallin, Associate Vice President for Human Resources	

(This supersedes Memo No. 13 dated May 10, 1993)

1.0 Policy

The Institute encourages open communication between employees and managers. Employees are expected to raise work related concerns or problems with their supervisor or with higher management who will make a reasonable effort to resolve these concerns in a timely manner. When these concerns or questions cannot be resolved informally, the Institute provides a grievance process to eligible employees to address and resolve these concerns or problems.

No employee will be retaliated against for using or participating in the Institute's problem resolution process in good faith.

2.0 Overview

Employees and managers involved in any work related problem or concern should start by consulting with Employee Relations.

The problem resolution/grievance processes provide employees with a means for obtaining review of work related concerns or problems involving the interpretation and application of Institute policies and procedures, including employee discipline and terminations. Oral warnings are not grievable. Concerns and problems which relate to issues such as unlawful harassment, discrimination, and equal employment should be raised using the specific complaint procedures for these types of concerns or problems.

Concerns involving benefits (e.g., services provided by insurance carriers), workers' compensation claims, probationary releases, resignations in lieu of discharge for cause, discipline of another employee, security clearances, Institute access, and actions such as garnishments and tax withholdings are examples of concerns which are not subject to the problem resolution/grievance processes.

The Associate Vice President for Human Resources or Director for Human Resources for employees at the Jet Propulsion Laboratory (JPL) will determine if a concern or problem will be addressed through the grievance process.

Both employees and managers may consult with Employee Relations for assistance at any step of the problem resolution/grievance processes.

During either the informal or formal problem resolution process, interviews and/or meetings with employees and management may be conducted. No external representatives, such as attorneys, will be permitted to attend interviews or meetings.

No tape or other recordings will be made of interviews or meetings.

Complaints concerning involuntary terminations and discharge for cause will be considered as a request for the grievance processes.

3.0 Eligibility

The grievance process is available to regular benefit-based employees who have completed their initial probation period.

4.0 Problem Resolution

4.1 Informal Problem Resolution

An employee must bring a work related concern or problem to the attention of his or her immediate supervisor or manager before using the formal problem resolution or grievance processes. If the circumstances of the complaint are such that it would be inappropriate for the immediate supervisor to address the complaint, the employee may bring his or her complaint to another manager or Employee Relations. Management or Employee Relations will look into the concern or problem and will respond to the employee within a reasonable time.

If an employee wishes the complaint to be confidential, it may be brought to the Ombuds, the Staff and Faculty Consultation Center (campus) or for employees at JPL, the Employee Assistance Program, all of which are confidential resources available to employees.

4.2 Formal Problem Resolution Process

Step 1

An employee may use the formal problem resolution process if a satisfactory resolution of the work related problem or concern has not been reached between the employee and management, or if the employee is not satisfied with the proposed resolution.

To initiate the formal process, the employee is responsible for submitting a written summary of the problem or concern on the Formal Problem Resolution Request form which is to be delivered to Employee Relations within 60 calendar days of the original incident or event about which the employee wishes to complain. The employee's summary should include a description of the concern or problem, the employee's suggestions about ways in which the problem or concern could be resolved, the specific remedy or resolution the employee desires, and a copy of the written response, if any, made during the informal process. Employee Relations will promptly refer the problem or concern to the appropriate level of line management to review the matter and attempt to resolve the employee's concerns. Management will respond in writing to the employee within 10 working days.

The Formal Problem Resolution Request form is available at:
<http://cit.hr.caltech.edu/HRForms/formalproblemresolution.pdf>

Step 2

If the employee is not satisfied with the resolution of his or her concerns or problem, the employee may appeal this determination by submitting a request to the next level of management in his or her organization within 10 working days of receiving management's response to the employee's formal request. The employee's appeal may be reviewed by Human Resources. The manager will inform the employee within 10 working days of his or her determination regarding the employee's concerns.

5.0 Grievance

If an employee is not satisfied with the outcome of the Problem Resolution processes, the employee may appeal the matter to a Grievance Committee. The appeal must be submitted in writing to Employee Relations within 10 working days of the employee's receipt of management's decision in the Formal Problem Resolution process. If an employee does not submit an appeal within this time period, the complaint will be considered resolved based on management's decision in Step 2 of the Formal Problem Resolution process.

Employee Relations will review the appeal and the employee's complaint. If certain issues, facts, Institute policies or solutions were not considered during the Problem Resolution processes, Employee Relations may return the appeal to the appropriate manager for further consideration before arranging for a Grievance Committee. If there is no reason for further management consideration of the complaint, Employee Relations will schedule a meeting of the Grievance Committee within a reasonable time.

The Grievance Committee will consist of three voting members selected from a list of individuals provided by the Associate Vice President of Human Resources or the JPL Director for Human Resources. Committee members are not to be affiliated with the work area where the problem arose or with the employee's work area. Committee members will have completed training regarding their role as a Grievance Committee member before serving on a committee. The employee will select two Committee members from the list. Human Resources will select

the third member who will be the Committee chair. The chairperson will facilitate and conduct the review meeting(s) and the orderly presentation of the facts and other evidence presented.

Also serving on the Committee will be a non-voting advisor, the Senior Director of Employee Relations or the JPL Deputy Director for Human Resources or their designees.

An Employee Relations representative will be assigned to the Committee for the purpose of handling administrative matters such as scheduling meeting dates, obtaining relevant documents, scheduling witnesses and assisting in the preparation of the Committee's report.

The employee and manager may provide Employee Relations with copies of any documentation they wish the Grievance Committee to review and consider in making a decision. All documentation must be provided to Human Resources at least 10 working days prior to the Grievance Committee meeting.

At the Grievance Committee meeting, the Committee will discuss and review, as applicable, the problem, issues, facts and relevant Institute policies with the employee, management and any witnesses, as well as the process that will be followed for the hearing. The rules for any presentations also will be explained by the Chairperson. Generally, the employee will present the complaint first; however, in the case of a complaint in protest of termination, the manager will proceed first.

No external representatives such as attorneys will be permitted to attend the meeting (s) on behalf of either party. The employee and manager involved may, however, request the presence of another Institute employee to assist them. Such assistants must be regularly assigned to the same geographical location as the person whom they are assisting. The assistant must be a regular benefit-based employee of the Institute who is on the active payroll of the Institute. The assistant cannot be a witness during the Grievance process. If not available to assist during the date(s) the Committee meets, the meetings will proceed without the assistant's presence.

No tape or other recordings will be made of the Committee meeting(s).

Both the employee and the manager must respond promptly to all communications and requests and must attend all meetings in which they are scheduled to participate. Failure of the employee to do so may be grounds for the Chairperson to dismiss the complaint. Failure of management to do so will be reported immediately to the manager's superior for appropriate action and noted in the Committee's final report. Any complaint that has not been heard within 60 days of the filing date due to the unavailability of the employee will be dismissed unless an extension is granted by the Associate Vice President of Human Resources or the Director for Human Resources for employees at JPL.

All Grievance Committee meetings are confidential. Confidentiality is necessary to protect the privacy of the individuals involved and to encourage a frank and candid review of the issues. The Chairperson will advise all parties (including witnesses) to consider all matters relevant to

the grievance process as confidential, and will instruct the participants to refrain from discussing or otherwise disclosing information presented during the process to outside parties. If necessary, the Chairperson or the participant from Human Resources may inform the offices whose duties require information related to the complaint and its resolution.

Upon determining that the pertinent evidence and testimony has been received, the Committee will deliberate in private. If necessary, advice of legal and other consultants may also be obtained by the Committee in private. When a decision has been reached by majority vote, the Committee will prepare a written report reflecting its recommendations concerning the disposition of the complaint which it will submit for consideration to the Associate Vice President of Human Resources or in the case of a JPL employee, the Director for Human Resources at JPL within a reasonable time from the final Committee meeting date.

The Associate Vice President of Human Resources or the Director for Human Resources or designee will make a decision concerning the complaint and notify the parties, the Committee and Employee Relations of the decision within a reasonable time of receiving the Committee's report. Their or their designee's decision is final and binding on all parties.

6.0 Exceptions

Any exception to this policy requires the approval of the Associate Vice President of Human Resources or designee for campus staff, or by the Director for Human Resources at JPL or designee for JPL staff.