



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

**Responsible Executive:** Vice President for Finance and Administration  
**Approving Official:** Vice President for Finance and Administration  
**Effective Date:** Subsequent to required 21-day notice  
On expiration of notice and final approval by Responsible Official  
**Revision History:** 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), prior to the before filing of 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 the Office of Human Resources, HR, Employee & Labor Relations or his/her designee.

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

**OVERVIEW** 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 provide a formal mechanism to allow employees to bring complaints and problems to the attention of management with the assurance that they will receive appropriate review and to address those complaints. There shall be no acts of retaliation reprisals to be taken against any of the participants for participation in this Complaint Procedure.

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 that is administered by the Employee Assistance Program (EAP) prior to the filing of a formal complaint or grievance. Additional information regarding the EAP Mediation Program may be obtained from visiting the University's EAP Office or website at <https://eap.fsu.edu/>. Any 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 Employee & Labor Relations or his/her designee. **SPECIFIC**



## AUTHORITY

~~Florida State University Board of Trustees Regulations FSU-4.~~

## OBJECTIVE

This policy ~~to~~ establishes the procedure and responsibilities for processing internal ~~the~~ complaints ~~of~~ 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 ~~(see Complaint Procedure Flowchart)~~ 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 of the University to~~ by any step of this procedure and/or failure to ~~to~~ communicate the decision ~~to~~ the ~~complaint~~ within the specified time limit shall permit the complainant to proceed to the next step. The Failure of 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, ~~or Federal,~~ or University observed holiday, or during other University approved closures, the action will be considered timely if it is ~~accomplished~~ 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 ~~thirty (30) days prior to~~ before the complaint was filed ~~filing of the complaint.~~



## 2. Applicability

- a. USPS Employees: ~~a-~~ Employees with regular status in a the USPS position shall have access to the full Complaint Procedure. Employees who have not obtained ~~achieved~~ regular status in a the 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: ~~b-~~ Employees who are on an A&P Regular and Multi-Year appointments ~~s~~ 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~~ employees' ~~in~~ 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 from ~~the~~ HR, Employee & Labor Relations, Section in of the Office of Human Resources ~~or~~ by visiting their website: ~~Department:~~ FSU USPS and A&P Complaint Procedure Form. ~~An employee who files a complaint shall furnish a copy to Employee & Labor Relations.~~

## 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 ~~thirty (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 ~~(5)~~ calendar days of the first meeting.

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

~~Regular~~ employees who do not consider their complaint resolved after meeting with their immediate supervisor shall file their complaint in writing using the University's an FSU USPS and A&P Complaint Procedure Form. (Complaint Form - Part A) The complaint will not be reviewed by a higher level supervisor ~~(s)~~ above the level of the immediate supervisor unless the complaint is filed in written form ~~writing~~. The complaint ~~at Step 2 form~~ should must be filed provided to with the employee's immediate supervisor within five ~~(5)~~ calendar days of receiving the reply to the initial action (Step 1) from the immediate supervisor.

*NOTE: At the same time, the employee shall furnish a copy of the written complaint to the Director of Employee & Labor Relations on the behalf of the Chief Human Resources Officer who will determine if the complaint can be resolved through the*



~~review of a Complaint Review Officer (CRO), is one over which the University has control. If it is determined that the subject matter of the complaint is beyond the review of a CRO control of the University, the employee shall be notified in writing. Copies of the complaint and the decision that the grievance is beyond the control of the University will be sent to the appropriate vice-president.~~

~~Limitations on Complaints: Under this procedure, an employee shall not have the right to file a complaint concerning performance evaluations and/or other documents, 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.~~

~~**NOTE:** If requested, a member of 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 employee shall sign the Complaint form and ~~ould~~ submit one ~~(1)~~ copy of the written complaint to the immediate supervisor, ~~one (1) copy to HR, Employee & Labor Relations,~~ and retain a ~~one (1)~~ 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 the form~~ and forward it to the next level of ~~supervision~~ supervisor. ~~(Complaint Form - Part B) (This should be done expeditiously since there is a ten (10) day limitation on the response time at Step 2.)~~ 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. ~~If the second level supervisor deems it appropriate, the written complaint may be forwarded to the next higher level of supervision 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 ~~for~~ a meeting with the complainant to ensure a full and complete discussion of the ~~issue problem~~ with all levels of management deemed appropriate. The second level supervisor is encouraged to consult with others as necessary ~~in order~~ 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 ~~dDean, dDirector, or dDepartment hHead~~ level, if necessary. The written response from these levels of supervision shall be returned to the employee within ten ~~(10)~~



calendar days of receipt of the written complaint. ~~(Complaint Form – Part C)~~

At the request of either the complainant, or the ~~d~~Dean, ~~d~~Director, ~~c~~Chairperson, or vice-president, a member of the HR, Employee & Labor Relations, staff will be present at the meeting to provide assistance as needed. ~~The Human Resources staff member will assist in any problem resolution and ensure that no violation of University rules or regulations occurs.~~

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

If the ~~review by the second level supervisor, and 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 ~~(5)~~ calendar days of receiving the written response. ~~to the employee's written complaint (Step 2).~~ The employee ~~should 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 ~~complete~~ complaint file for consideration by the ~~Complaint R~~eview ~~O~~fficer. The Complaint Procedure ~~does~~ 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. ~~(Complaint Form – Part D)~~

If the employee desires to have a representative respond to the questions of the ~~review officer~~ ~~Complaint Review Officer~~, the name, title, and telephone number of the representative should also be included in the documentation submitted to the Director ~~or designee~~ 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 ~~department~~supervisor should immediately submit ~~Complaint Form - Part E~~ to the Director of HR, Employee & Labor Relations, or ~~his/her~~ designee. ~~of Employee Labor Relations, the names of those who participated in the departmental review.~~ The department ~~should must also~~ include the name, title, and telephone number of the departmental representative who will provide additional information if requested by the Complaint Review Officer. ~~(Complaint Form – Part E)~~

All ~~of the~~ written material submitted for the Complaint Review Officer's review must be complete, concise, and specific ~~including, to the point of~~ 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 ~~of Employee Labor Relations~~ feel that the written complaint is not sufficiently specific or that the requested information has not been provided, ~~a request the Director or designee of Employee Labor Relations may be made for~~



~~request~~ additional information from all parties ~~to the complaint~~. The Director ~~of HR, Employee & Labor Relations, or his/her~~ designee ~~of Employee Labor Relations~~ shall be responsible for ~~assuring ensuring that~~ the employee's complaint is either resolved at Step 1 or 2, or ~~to ensure~~ a Complaint Review Officer is appointed ~~to hear the complaint~~ within ten ~~(10)~~ 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 ~~complaining~~ 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, ~~in order 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, (if if appropriate required)~~, and provides notice to all parties.
- d. Assures that the investigative interviews or the complaint meeting ~~(if required) are is~~ conducted in an orderly manner.
- e. Assures that the investigative interviews or the complaint meeting ~~(if required) are are is documented. recorded by a recording instrument.~~
- ~~f. Assures that all witnesses provide oral evidence only under oath or affirmation.~~
- eg. 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 ~~V~~ice ~~P~~resident

The ~~University Division v~~ice ~~p~~resident shall furnish the complainant a written decision on the complaint within ~~ninety ninety 90(90)~~ days from the date ~~it the~~ ~~complaint~~ is filed at ~~the written step (Step 2)~~. The decision of the ~~University Division v~~ice ~~p~~resident shall be final in all complaints.

## 10. Failure to Comply with Complaint Procedure

An employee who believes that ~~the University their~~ supervisor(s) failed to comply with the Complaint Procedure should contact ~~HR, Employee & Labor Relations to~~



advise of the failure to comply ~~with the Complaint Procedure~~. HR, Employee & Labor Relations, The Office of Human Resources 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.

/s/ Name of Approving Official

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[Proof of approval retained in file]