

# FLORIDA GULF COAST UNIVERSITY

## NOTICE OF REGULATORY ACTION

September 12, 2008

### REGULATION TITLE:

Complaint Review Procedure for USPS Employees

### REGULATION NO.:

FGCU-PR5.011

### SUMMARY:

Approve repeal of Regulation FGCU-PR5.011 Complaint Review Procedure for USPS Employees. This regulation will be replaced by FGCU-PR5.020 Grievance Procedures. Previously the Grievance Procedure only applied to Administrative & Professional (A&P) and Non-Unit Faculty. With this change, FGCU-PR5.020 now applies to USPS employees as well.

### FULL TEXT:

The full text of the regulation being proposed is attached and can also be found at <http://www.fgcu.edu/generalcounsel/promulgation.asp>

### LAW IMPLEMENTED:

Not applicable.

### UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:

Director Human Resources

### UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:

Vice President for Administration and Finance

### PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:

Diane St. John, Administrative Assistant, [dstjohn@fgcu.edu](mailto:dstjohn@fgcu.edu); (239) 590-1101 (Phone), (239) 590-7470 (Facsimile); 10501 FGCU Blvd. South, Fort Myers, FL 33965-6565

**ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED IN WRITING ON OR BEFORE SEPTEMBER 26, 2008 BY 5:00 P.M. THE COMMENTS MUST IDENTIFY THE REGULATION ON WHICH YOU ARE COMMENTING.**

**THIS NOTICE WAS POSTED ON THE FGCU WEBSITE ON: SEPTEMBER 12, 2008.**



**REGULATION: ~~FGCU-PR5.011~~**

**~~Complaint Review Procedures for~~**

**~~USPS Employees~~**

Effective  
Date of  
Regulation:

~~4/17/1997~~  
**REPEAL**

- ~~(1) General. This complaint review procedure is available to University Support Personnel System (USPS) employees. The purpose of this procedure is to provide a prompt and efficient process for the investigation and resolution of work place complaints filed by USPS employees. The University encourages informal resolution of work place disputes and encourages open communication so that resort to formal complaint procedures can be avoided.~~
- ~~a. Exclusions. Suspensions, reductions in pay, transfers, layoffs, demotions and dismissals shall not be considered as complaints under this process. Review of those actions shall be handled under the provisions governing arbitration appeals for USPS employees. An employee also has no right to file a complaint concerning performance evaluations unless it is alleged that the evaluation was based on factors other than the employee's performance on the job.~~
  - ~~b. Time Limitations. Time limitations contained in this rule are established to ensure timely consideration and response management to the complaint. The employee and the Director of Human Resources may mutually agree to extend any time limitation.~~
  - ~~c. Available Review. Employees with permanent status in the USPS shall have access to the full complaint review procedure. Employees who have not achieved permanent status in the USPS, may utilize the complaint review procedure through Step 2.~~
  - ~~d. The FGCU Complaint Review Procedure Form, Form BR-G100 (10/26), which is incorporated by reference, has been approved by the University President and is available upon request at the Office of Human Resources, 10501 FGCU Blvd., South, Fort Myers, FL 33965-6565.~~
- ~~(2) Definitions.~~
- ~~a. A "complaint" for the purposes of this process, is the allegation by an employee that any condition affecting the employee's terms and conditions of employment is unjust, inequitable, or creates a problem.~~
  - ~~b. The terms "days" shall mean calendar days. In the event a time limit expires on a Saturday, Sunday, or on a State holiday, an action will be~~

~~considered timely if it is accomplished by 5:00 p.m. on the following business day.~~

~~(3) STEP 1.~~

- ~~a. When a complaint arises, an employee should arrange a meeting with the immediate supervisor within seven days from the date that the employee became aware of the act or conditions which form the basis of the complaint. The complaint may be expressed orally or in writing.~~
- ~~b. The immediate supervisor must respond to the employee's complaint within seven (7) days of the first meeting. If a written complaint is provided to the supervisor, the response shall be in writing. If the complaint is provided orally, the response may be provided in writing at the discretion of the supervisor.~~

~~(4) STEP 2.~~

- ~~a. If an employee is dissatisfied with the response of his or her immediate supervisor then the employee can advance the complaint by completing PART A of the Complaint Review Procedure Form. The complaint will not be reviewed by supervisors above the level of the immediate supervisor unless the complaint is filed in written form. A member of the staff of the Office of Human Resources, shall assist the employee in completing the written complaint form upon request. The employee shall specifically state the nature of his or her complaint and the action desired to resolve the complaint.~~
- ~~b. The complaint at Step 2 should be filed with the employee's immediate supervisor within seven (7) days of receiving the immediate supervisor's Step 1 response. The employee also shall furnish a copy of the written complaint to the Director of Human Resources who will determine if the complaint can be resolved at the University level. If the complaint is denied at Step 2, the employee shall be notified in writing. Copies of the complaint and the letter of denial will be sent to the employee, department head and University President.~~
- ~~c. Upon receiving Form HR-G100 (10/26), incorporated by reference, from the employee, the immediate supervisor shall complete Part B of the form and forward it to the next level of supervision.~~
- ~~d. The second level supervisor is encouraged to consult with others including other levels of management as necessary in order to fully investigate the complaint where it is considered appropriate. The second level supervisor may also arrange a meeting with the employee and either party may request that a member of the Human Resources staff be present at the meeting to provide assistance as needed. If the second level supervisor~~

~~deems it appropriate, the written complaint may be forwarded to the next higher level of supervision for review.~~

- ~~e. Part C of form HR-G100 (10/26), incorporated by reference, shall be completed by the second level supervisor and returned to the employee within fourteen (14) calendar days of receipt of the written complaint.~~

~~(5) STEP 3.~~

- ~~a. If an employee is dissatisfied with the response at Step 2, the employee may request a Step 3 review by a complaint hearing officer within seven (7) days of receiving the Step 2 response.~~
- ~~b. The employee shall submit the request for a Step 3 review (Part D of Form HR-G100 (10/26), incorporated by reference) together with the complete file of the complaint to the Director of Human Resources, and provide a copy to his or her immediate supervisor. The employee may submit any additional information deemed pertinent for consideration by the hearing officer, including the name(s), job titles and telephone number(s) of individuals who have first-hand information concerning the complaint. The employee shall indicate, in detail, the information that can be provided by the listed individuals. If the employee desires to have a representative present, the name, title, and telephone number of the representative shall be included in the documentation submitted to the Director of Human Resources.~~
- ~~c. Upon notification that the employee has requested a Step 3 review, the employee's department head shall immediately submit to the Director of Human Resources, the names of those who participated in the departmental review. The department shall also specify the name, title, and telephone number of the departmental employee who will act as a representative by completing Part E of form HR-G100 (10/26), incorporated by reference.~~
- ~~d. All information and materials submitted for the complaint review hearing officer must be complete and concise, identifying the problem and stating the action or remedy that the employee desires. The Director of Human Resources may request additional information or clarification from all parties to the complaint.~~
- ~~e. The Director of Human Resources shall be responsible for ensuring a complaint review hearing officer is appointed to hear the complaint within fourteen (14) days from the date that the employee filed for Step 3 review.~~

~~(6) Selection of Complaint Review Hearing Officer.~~

- ~~a. Upon receipt of a request for Step 3 review, the University President, or designee, shall appoint an individual from the University Community outside the division of the complaining employee, to act as the complaint review hearing officer.~~

- ~~b. The complaint review hearing officer may conduct a formal complaint hearing, perform further investigative interviews, or review the written record, in order to establish facts, conclusions and recommendations.~~
- ~~c. The complaint hearing officer shall:
  - ~~i. Assure the review is thorough and objective.~~
  - ~~ii. Arrange for a suitable place to conduct the investigative interviews, or if a complaint hearing is conducted, provide reasonable advance notice to the parties.~~
  - ~~iii. Assure that all interviews or hearings are conducted in an orderly manner".~~
  - ~~iv. Tape record investigative interviews, or the complaint hearing, if conducted.~~
  - ~~v. Prepare a written report containing findings of fact, conclusions of law, and a recommendation for the resolution of the complaint by the President.~~~~

~~(7) Final Decision by President.~~

- ~~a. The President shall furnish the employee with a written decision on the complaint within sixty (60) days from the date it is filed at Step 2.~~
- ~~b. The decision of the President shall be final in all complaints.~~

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~~Specific Authority 240.227(1) FS. Law Implemented 240.227(1), (5) FS. History - New 4-17-97.~~