NOTE: THIS POLICY, LIKE ALL OTHER MUSC HUMAN RESOURCES POLICIES, IS NOT A CONTRACT OF EMPLOYMENT AND SHOULD NOT BE RELIED UPON AS SUCH. THIS POLICY MAY BE CHANGED AT ANY TIME BY THE MEDICAL UNIVERSITY OF SOUTH CAROLINA.

1. POLICY
   A. The Grievance Procedure provides the Medical University with a process for ensuring that employees are treated fairly and equitably. It allows for the objective review of the application of certain personnel actions.
   B. All covered employees, in classified or unclassified non-faculty positions, are entitled to grieve terminations, suspensions, demotions, punitive reclassifications, and reassignments to a location in excess of thirty miles from the original work location.
   C. A covered employee is a full-time or part-time employee occupying a part or all of an established full-time equivalent (FTE) position who has satisfactorily completed the one year probationary period. This definition does not include probationary, temporary, research grant or time-limited employees.
   D. Probationary, temporary, research grant or time-limited employees may seek to resolve adverse actions by contacting the MUSC Director of Human Resources Management or her designee. The employee will be required to present a complaint in writing. An appropriate review or investigation will be conducted to include any necessary input from the respective department official. The concerned employee will be provided a written response.
   E. Promotions are not usually grievable or appealable except in instances where the University or, in case of appeals, the State Human Resources Director, determines that a qualified covered employee was not considered for a position for which the employee appropriately applied or would have applied if the employee had known of the job opportunity.
F. Salary decreases based on performance are adverse employment actions that may be grieved.

G. A reduction in force is grievable by an affected employee only if the University, or appealable if the State Human Resources Director, determines that there is a material issue of fact that the agency inconsistently or improperly applied its reduction in force policy or plan.

H. The following employment actions do not constitute a basis for a grievance or an appeal:
   1. A covered employee who is promoted and subsequently demoted prior to serving six months of satisfactory service in the higher class with a higher state salary range, provided the demotion is not to a lower class with a lower state salary range than occupied prior to the promotion;
   2. A covered employee who is promoted and subsequently demoted with a reduction in pay prior to completing six months of satisfactory service in the higher class with a higher state salary range, provided the pay is not reduced to a lower rate of pay than that which the employee received prior to the promotion;
   3. A covered employee receives a salary increase for accepting additional job duties, and/or responsibilities and subsequently has the additional duties taken away prior to performing the additional duties for six months, provided the salary reduction is equivalent to the amount received for the additional job duties;
   4. When an employee is promoted one organizational level above his/her former level, that action is not grievable for any other qualified employees;
   5. A covered employee who voluntarily resigns or voluntarily accepts a demotion, reclassification, transfer, reassignment or salary decrease;
   6. A covered employee's position is reclassified to a class with a lower salary range, unless a determination is made that the reclassification was punitive; and,
   7. Reassignments, reclassifications, and transfers within the state salary range are not adverse employment actions, which can be grieved.

I. Any employee who files or participates as a witness in a grievance proceeding or appeal will be free from reprisal or retaliatory action.

II. INFORMATION
   A grievance must be initiated by submitting a written intent to grieve statement within fourteen (14) calendar days of the effective date of the grievable action. This fourteen (14) calendar day time frame cannot be waived.
   A. The covered employee must contact a Compensation/Employee Relations Analyst in the Department of Human Resources Management to obtain and complete an Employee Grievance Application Form.
C. The completed application is to be taken by the covered employee to the immediate supervisor. The supervisor is to review and discuss the matter with the individual in an effort to resolve the situation. After the discussion, the supervisor is to sign the application and indicate if he/she wishes to uphold, rescind or modify the original action.

D. Should the covered employee be unwilling to accept the decision of the supervisor, he/she may discuss the matter with the department head. The department head will review the application, sign it and elect to uphold, rescind or modify the original action. The entire application, including Steps 1 and 2, must be completed and returned within eight (8) calendar days to the Compensation/Employee Relations Analyst from whom it was obtained, or her designee. The requirement to return the completed application within eight (8) days may be waived under extenuating circumstances, provided a written agreement is reached by all concerned parties. A covered employee may waive the right to grieve if the completed grievance application is not returned within eight (8) days or the date agreed upon. It is the covered employee’s personal responsibility to ensure the application is returned.

E. If the covered employee is unwilling to accept the decision of the department, a grievance hearing will be scheduled. The individual will be notified in writing of the time, date and place of the hearing.

II. UNIVERSITY GRIEVANCE COMMITTEE AND PANEL

3. The Grievance Committee

The Grievance Committee consists of a minimum of eighteen members who are appointed by the Vice President for Finance and Administration. Members are appointed for a minimum term of two years. The Committee consists of classified and unclassified employees from various departments and colleges.

4. The Grievance Panel

1. A panel of five members, with one serving as the chairperson, will be appointed by the Department of Human Resources Management to hear the grievance.

2. Approximately five days before the hearing the panel will receive documentation pertinent to the grievance.

3. No committee member will be asked to serve on a panel to hear a grievance involving his/her department. Any panelist with any preconceived opinion about a grievance should ask to be excused from serving on a panel.

4. A hearing will not be held unless a quorum of four committee members is present.

II. THE UNIVERSITY GRIEVANCE HEARING
The chairperson explains and conducts the proceedings and takes appropriate action to ensure an equitable, orderly and expeditious hearing.

A. All testimony of witnesses will be under oath or affirmation. No employee will be disciplined or otherwise prejudiced in employment for exercising his/her right to grieve or for serving as a witness in the proceedings.

B. Each party has the right to be accompanied, represented and advised by legal counsel, other representatives or be self-represented before the grievance panel. The covered employee's representation is at his/her own expense.

C. The decision of the panel may be determined by a simple majority.

D. The findings and recommendations of the panel will be transmitted in writing to the President within three (3) working days after the grievance hearing.

E. The President will review the recommendations of the panel and all pertinent documentation and make a final decision on behalf of the Medical University. The President's decision shall be rendered in writing to the covered employee within forty-five (45) calendar days of the initiation of the grievance.

The forty-five (45) calendar day period for action by the Medical University may not be waived except by mutual written agreement.

II. STATE APPEAL

A. If the covered employee is not satisfied with the decision rendered by the Medical University, or if MUSC fails to render a decision within forty-five (45) calendar days from the initiation of the grievance, the individual may appeal to the State Director of Human Resources who will determine whether to dismiss the appeal, remand or forward the appeal for further action.

B. A covered employee has the right to be represented or advised by legal counsel, other representatives or be self-represented. Representation is at the covered employee’s expense.

C. The covered employee must submit the appeal to the State Director of Human Resources within ten (10) calendar days of receiving the President's letter (decision) or within fifty-five (55) calendar days of the date the covered employee submitted an intent to grieve statement to the MUSC Department of Human Resources Management, whichever occurs last. Failure to file a written appeal within the allotted time will constitute a waiver of the right to appeal.

D. Upon receipt of an appeal from a covered employee, the State Human Resources Director will determine whether the appeal is timely and complies with the jurisdictional requirements of the State Employee Grievance Procedure Act. If the Director determines that the appeal is untimely or fails to comply with the requirements of the Act, he will notify the covered employee or his/her representative that the appeal is denied and no further action will be taken concerning the appeal.
D. If the State Human Resources Director determines that additional action by the Medical University is required, he may remand the appeal to the University.

E. Should the State Human Resources Director determine that the appeal is timely and appropriate, he will forward the appeal either (1) to the mediator-arbitrator for mediation-arbitration or (2) after the mediation process has been completed, to the designated committee panel and committee attorney for a hearing, whichever is appropriate based on the employment action.

1. **Mediation**
   a. Mediation is a confidential alternative dispute resolution process, which is informal and nonadversarial. The objective of the process is to assist disputing parties to reach a mutually acceptable agreement.
   b. A mediator is an impartial third party who acts to encourage and facilitate the resolution of a dispute without prescribing what the resolution should be.
   c. Employment actions which may be resolved through the mediation-arbitration process include terminations, salary decreases based on performance, demotion, punitive reclassifications, lack of consideration for a promotion, suspension for ten days or less and involuntary reassignments. In these cases, the arbitration decision is final in terms of administrative review.
   d. Within 30 days from receipt of the final written decision, the covered employee or the Medical University may request reconsideration of the decision.
   e. The mediator has the sole authority to determine when the mediation is not viable, an impasse exists, or that mediation should end.

2. **State Employee Grievance Committee Hearings**
   a. If a resolution through mediation cannot be accomplished, the State Human Resources Director shall forward the appeal to a panel of the State Employee Grievance Committee.
   b. Within 20 calendar days of the conclusion of the hearing, the panel shall make its final decision.
   c. Within 30 days from receipt of the final written decision, the covered employee or the Medical University may request reconsideration of the decision.
   d. The decision of the panel of the Grievance Committee is final in terms of administrative review.

| Approved by: | Information Contact | Reviewed |
| John C. Sutusky, PhD | Human Resources Development, Performance and Records Management | October 2001 |