



RUTGERS POLICY

Section: 60.4.4

Section Title: Managerial, Professional, Supervisory, Confidential and Administrative Staff

Policy Name: Problem Solving Procedure for Managerial, Professional, Supervisory, and Confidential (MPSC) Personnel

Formerly Book: 3.5.4

Approval Authority: Senior Vice President for Administration

Responsible Executive: Senior Vice President for Administration

Responsible Office: University Human Resources

Originally Issued: 11/1969

Revisions: 4/12/2004; 12/13/2005; 6/30/2006 (title changes); 5/5/2008; 11/9/2009 (Updated titles), 9/9/2013 (Updated title and Section 3), 4/8/2014

Errors or changes? Contact: policies@hr.rutgers.edu

- 1. Policy Statement**
Regularly appointed Managerial, Professional, Supervisory, and Confidential (MPSC) staff members have reasonable employment protection and have recourse to the "due process" procedure outlined in this policy for the resolution of an alleged violation of university policy or administrative regulation with respect to conditions of employment, or for grieving disciplinary actions.
- 2. Reason for Policy**
To provide a procedure for use by any managerial, professional, supervisory, or confidential staff member for the resolution of an alleged violation of university policy or administrative regulation.
- 3. Who Should Read This Policy**
MPSC staff members
Employees of the university who supervise MPSC staff
This policy is applicable only to employees in Rutgers positions. A Rutgers position is a position which, historically, was associated with the Rutgers University before June 30, 2013. Individuals employed in Rutgers positions are processed through the PeopleSoft (RIAS) payroll system. These positions may be governed by different negotiated agreements and policies from those that would be applicable to individuals in legacy UMDNJ positions. In this regard, individuals employed in Rutgers positions may be eligible for different non-State benefits than individuals who hold legacy UMDNJ positions.
- 4. Related Documents**
Problem Solving Procedure for MPSC Personnel form
<http://uhr.rutgers.edu/GetAForm.htm>

5. **Contacts**
University Human Resources
848-932-3020

Office of Labor Relations staff
<http://uhr.rutgers.edu/uhr-units-offices/office-labor-relations/contact-us>

6. **The Policy**

60.4.4 PROBLEM SOLVING PROCEDURE FOR MANAGERIAL, PROFESSIONAL, SUPERVISORY, AND CONFIDENTIAL (MPSC) PERSONNEL

I. Forward

Regularly appointed, Managerial, Professional, Supervisory, and Confidential (MPSC) staff members have reasonable employment protection and have recourse to the following "due process" procedure for the resolution of an alleged violation of university policy or administrative regulation with respect to conditions of employment, or for grieving disciplinary actions. Whether or not pursued, this procedure shall constitute the full and exclusive right and remedy for any and all such claims by such staff members.

This procedure is available for use by any MPSC staff member. It applies to persons appointed under grants and/or contracts if and only if those grants and/or contracts make no alternative provisions concerning employment protection. The procedure may not be used to grieve the reduction or expiration of grants, the expiration of individually negotiated contracts, or supervisory evaluation of job performance or monetary awards for performance-based compensation. It does not apply to probationary, student, casual, or temporary employees, or to employees having access to a formal grievance procedure established under any other university policy or pursuant to a collectively negotiated agreement. It does not apply to employees who serve at the pleasure of the Board of Governors or the President.

In processing a grievance under this procedure, employees may solely have the assistance of a university administrative staff member of their choosing to help present their case. However, in the interest of solving problems in an informal manner, such an administrative staff member may not be an attorney nor may a faculty member who is an attorney serve in this representative role in Steps 1, 2, or 3 outlined below.

The use of or appearance as a witness, adviser, or representative in this procedure will not in any way jeopardize a staff member's present employment status or future employment opportunities.

II. Problem Solving Procedure

A written decision made at any step that is not appealed to the next succeeding step by the staff member within the procedural time limits or mutually agreed upon extensions shall be considered a binding and final settlement. If the university does not issue a decision within the time limits provided, the staff member may, within two weeks of the day the decision is due, appeal to the next step by filing the proper form. If the staff member does not appeal to the next step within the time limits set forth in this problem solving procedure to the next step, the allegation shall be considered to have been withdrawn.

To be valid, a decision of a supervisor, the section head, or the Vice President for Faculty and Staff Resources or his or her designee must be within the extent of his or her authority.

A staff member who has a problem should first informally discuss it with the person who precipitated the concern (normally the immediate supervisor). If the problem is not resolved with this informal discussion, then the following procedure applies.

Step 1

The staff member must specify in writing on the appropriate form* either the nature of the disciplinary action taken against the employee or the university policy (ies) alleged to have been violated. Within twenty (20) work days of the disciplinary action or alleged policy violation, the staff member shall present the completed form to the person who took such disciplinary action or is alleged to have violated the policy (ies) (normally the immediate supervisor). For purposes of this policy, this person shall be referred to as the Step 1 hearing officer. Within five (5) work days of receipt of the form, the Step 1 hearing officer shall arrange a meeting with the staff member for a hearing on the allegations. Within five (5) work days of this meeting the Step 1 hearing officer shall provide a written response to the staff member with a copy to the Office of Labor Relations.

Step 2

If the staff member is not satisfied with the response of the Step 1 hearing officer, the staff member may proceed to Step 2. To proceed, within five (5) work days of receipt of the Step 1 hearing officer's answer the staff member must submit a request for a Step 2 hearing on the appropriate form (available from the Office of Labor Relations) along with the written Step 1 form and answer. The request for a Step 2 hearing is to be submitted to the next level of authority beyond the Step 1 hearing officer. For purposes of this policy, the next level of authority shall be referred to as the Step 2 hearing officer.

Within one five (5) work days of receipt of the Step 2 request, the Step 2 hearing officer shall arrange a meeting with the staff member and the Step 1 hearing officer for a hearing on the allegations. Within five (5) work days of this meeting the Step 2 hearing officer shall provide a written response to the staff member with a copy to the Office of Labor Relations.

Step 3

If the staff member is not satisfied with the response of the Step 2 hearing officer, within five (5) work days of receipt of the Step 2 hearing officer's response, the staff member may submit a written request for a meeting with the Vice President for Faculty and Staff Resources or his or her designee on the appropriate form*. This written request must be submitted to the Office of Labor Relations. In extraordinary circumstances the staff member may petition for assignment of an alternate designee by submitting the reason for such request in writing to the Vice President for Faculty and Staff Resources.

Within ten (10) work days of receipt of the meeting request, the Vice President for Faculty and Staff Resources or his or her designee shall convene meeting for a hearing on the allegations. Prior to convening this meeting, the Vice President for Faculty and Staff Resources, or his or her designee, shall attempt to mediate the dispute between the staff member and the person/department that precipitated the staff member's concern.

If the dispute is not resolved through mediation, the Vice President for Faculty and Staff Resources, or his or her designee, shall convene the meeting as set forth above. Within ten (10) work days of the Step 3 meeting, the Vice President for Faculty and Staff Resources or his or her designee shall provide a written response to the staff member.

Step 4: Fact-Finding

If the staff member does not accept the written decision of the Vice President for Faculty and Staff Resources, or his or her designee, within ten (10) work days of the receipt of the Step 3 answer, a formal request for fact-finding may be submitted to the Office of Labor Relations on the appropriate form* citing the question(s) to be posed to the fact-finder. The staff member shall include the name of the person, if any, who will assist in the presentation of the issue.

Within five (5) work days of receipt of the request for fact-finding, the Office of Labor Relations will send information to the staff member concerning the procedure for requesting a list of ad hoc neutrals, from which a fact-finder will be selected and the procedure for making this selection. The staff member shall, within twenty (20) work days from his or her initial request for Step 4, request the list from either the American Arbitration Association or the Public Employment Relations Commission.

The designated fact-finder will arrange for a meeting of the parties involved, will conduct the fact-finding to hear the alleged violation, will take the necessary steps to uncover all relevant information, may summon witnesses, and will make a written report and recommendation. Hearings or other fact-finding proceedings shall be conducted in closed session; these proceedings may not be videotaped or tape-recorded and ordinarily will not require the use of transcripts.

The designated fact-finder will submit a written report and recommendation, together with all documents submitted, to the President of the university, within twenty (20) work days of the completion of the hearing.

The President shall review the case and make a decision, within twenty (20) work days of receipt of the fact-finder's report and recommendation.

III. Costs and Expenses

The university and the grievant shall each pay one-half of the total costs and expenses of the neutral fact-finder. Each party shall be responsible to pay for any other costs associated with its representation at the fact-finding.

* Available at <http://uhr.rutgers.edu/GetAForm.htm>