



## Ohio Administrative Code

### Rule 3364-25-41 Dispute resolution for non-faculty employees not subject to collective bargaining agreements.

Effective: April 6, 2020

---

#### (A) Policy statement

The university of Toledo recognizes that workplace administrative disputes may occasionally arise during the course of conducting university operations. To more efficiently and professionally resolve these disputes, the university establishes a procedure of redress.

#### (B) Purpose of policy

Administrative disputes are best resolved between the employees and the university by working together on the issue informally. For issues which remain in dispute after the informal process occurs, a formal approach is also available. Adverse employment actions on the basis of an employee's utilization of the dispute resolution process, is prohibited. This policy does not replace or supplant any right of employees who are entitled to appeal to the state personnel board of review "SPBR" or other external forums.

#### (C) Procedure

(1) Eligible employees: employees who have successfully completed their probationary period and who are not covered by a collective bargaining agreement are eligible for the dispute resolution process. Employees covered by a collective bargaining agreement must utilize those procedures. In accordance with section 9.84 of the Revised Code, non-employees may not participate in this procedure. Employees may have the assistance of one other employee in preparing and presenting the dispute. No employee from human resources ("HR") or legal can provide assistance in this manner.

(2) Dispute defined: a dispute is an unresolved issue concerning the interpretation of, application of, or compliance with university policies, rules, regulations, or procedures. Determinations which discontinue the appointment of an unclassified employee are not subject to this policy. A complaint



dealing with alleged discrimination, harassment or failure to accommodate is subject to the compliance office and human resources and therefore, is not subject to this policy. (See applicable policies under the compliance office).

The dispute resolution process for unclassified non-union staff may not be utilized for purposes of establishing or changing university policy, appointment category, pay, benefits, promotions or transfers.

(3) Informal resolution - discussion with supervisor:

(a) In an effort to encourage prompt, fair and amicable solution, the employee having the complaint should meet with his/her immediate supervisor to discuss the problem. If an employee's complaint involves his/her immediate supervisor, the employee should follow the chain of command. At any point in this informal resolution process, either the employee or supervisor may request assistance from human to achieve an amicable resolution.

This informal discussion must take place within ten working days after:

(i) the date on which the incident occurred, or

(ii) the date the employee first learned of the circumstances that are the basis of the complaint.

(b) In the event either party is not at work throughout the entire ten working day period, the employee shall contact the immediate supervisor within ten working days after the absent party returns to work.

(c) In the event the supervisor and the employee cannot determine a solution or have exhausted all methods within their control at the discussion level, the employee may choose to contact the department of human resources and talent development within five working days after the discussion procedure set forth in paragraph (C)(3)(a) of this rule.

(4) Formal resolution - written complaint

(a) All complaints should be processed on the request for resolution form provided by human



resources (see: <http://www.utoledo.edu/depts/hr/laboremployee/docs/dispute-resolution-form.pdf>). The form is to be completed and forwarded to the next level of management above the employees immediate supervisor within five working days after the last attempt between the supervisor and the employee to resolve the issue. Informational copies of the written complaint shall be sent to the associate vice president and chief human resources officer or designee. Response to the written request for resolution is to be made, in writing, to the employee within five working days from the date of receipt, with informational copies to be sent to the vice president for human resources or designee.

(b) Upon receipt, the employee shall review the decision to determine its acceptability. If it is unacceptable, the employee may appeal within five working days.

(5) Appeal:

(a) Any appeal by the employee shall first be made to the divisional vice-president or designee. The divisional vice president or designee shall meet with the employee and relevant parties to the dispute and shall have ten working days to render a written decision in the matter. Upon receipt, the employee shall review the decision to determine its acceptability. If it is unacceptable, the employee may appeal within five working days to the associate vice-president and chief human resources officer or designee.

(b) The associate vice president and chief human resources officer or designee shall confer, within ten working days, with parties having relevant information to the dispute. The vice president of human resources or designee shall respond, in writing within ten working days, to the employee, through the divisional vice president. The decision of the associate vice president and chief human resources shall be the final resolution to the dispute.

(c) All formal hearings at each step of the dispute resolution process will normally be held during the employee's normal working hours. Active hourly employees, who are required to meet in formal hearings during their non-working hours, will be compensated and the time will be considered as worked hours.

(d) The time limits set forth in the policy may be extended by agreement between the employee and a



manager in writing only.

(e) If the employee fails to perfect an appeal within the specified procedural time limits, any further procedural steps or action on the dispute is prohibited and the dispute shall be considered as withdrawn.