



Albert Einstein College of Medicine

Montefiore

STAFF GRIEVANCE & REVIEW POLICY

1. Scope

- 1.1. The Staff Grievance and Review Policy is applicable to all full- and part-time staff employees, not represented by a union (e.g. 1199, NYSNA). The Staff Grievance and Review Policy is not available to individuals employed in a temporary status.
- 1.2. Concerns of discrimination or harassment should be reported as per the reporting structure outlined in Einstein's [Non-Discrimination & Anti-Harassment Policy](#).
- 1.3. Group or "class" grievances are not permitted. In addition, an employee may not file a grievance on the behalf of another employee who has not personally elected to participate in the grievance process.
- 1.4. The Staff Grievance and Review Policy expressly excludes complaints pertaining to general levels of salary; merit increases; fringe benefits; performance management reviews; or, other broad areas of financial management and staffing.
- 1.5. No action may be taken with respect to a grievance that would conflict with or modify any Einstein policy and or any federal, state or local law, or any contract or grant which Einstein is a party.
- 1.6. The Staff Grievance and Review Policy is not intended to confer any contractual right to employment nor shall it be interpreted to conflict with, or modify in any way, the employment-at-will status of Einstein staff employees.

2. Purpose

- 2.1. In any organization there can be differences of opinion about working conditions, work rules, policies and other work-related issues. To resolve these differences, effective communication is essential. This policy is intended to supplement, rather than to discourage or replace, informal discussions between supervisors and employees. A supervisor should make every reasonable effort to resolve employee concerns outside the formal Staff Grievance and Review Policy. The procedures presented within this policy are to be applied only after every effort has been made to settle disputes informally.
- 2.2. It is the purpose of this policy to provide a prompt, orderly and formal means of receiving and responding to employee concerns.
- 2.3. An employee may not be retaliated against for raising concerns of this nature brought forward with a good faith belief that a problem exists.

3. Definition

- 3.1. A “grievance” is an expression of dissatisfaction relating to the administration or interpretation of policies, procedures, disciplinary actions or other conditions of employment which have negatively impacted an individual.

4. Staff Grievance & Review Procedure

- 4.1. The Staff Grievance and Review Procedure consists of three (3) steps, which are described below.
- 4.2. Grievances regarding involuntary termination or issue(s) involving the employee’s immediate supervisor will be heard beginning at Step 2 below.
- 4.3. Outside counsel will not be permitted to attend any of the meetings in the Staff Grievance and Review Procedure.
- 4.4. Appropriate witnesses may be permitted to attend such meetings with approval from the Director, Employee Relations.

Step 1: Supervisory Level

The employee should verbally present the concern to their supervisor within **five (5) working days** of the original cause, or from the date the employee should have reasonably learned of the cause, for the grievance.

The supervisor will acknowledge, review and respond verbally to the employee’s concerns within **five (5) working days** of hearing from the employee.

Step 2: Grievance Review Request

If an employee does not agree with the supervisor’s response in Step 1, the employee should submit a written request for a grievance review to their department head within **five (5) working days** of receiving the supervisor’s verbal response to Step 1.

All grievance reviews will be submitted in writing and will receive a written response. The employee submitting a request for a grievance review shall provide a detailed summary of the facts giving rise to the grievance and response desired to resolve the problem satisfactorily.

The department head or the department head’s designee will review and investigate the facts of the grievance with the assistance of the Director, Employee Relations. The department head will then arrange and conduct a meeting with the employee and the Director, Employee Relations within **five (5) working days**.

Regardless of the outcome of the meeting, the department head will provide the employee with a written response, briefly outlining the department head’s decision. This response will be delivered to the employee no later than **seven (7) working days** following the meeting.

Step 3: Review Committee

If the employee is not satisfied with the decision of the department head, the employee will give written notice within **five (5) working days** of receipt of the Step 2 written response to the Director, Employee Relations stating their intent to initiate Step 3: the Review Committee.

Committee selection

The Director, Employee Relations will arrange for the selection and education of an ad hoc committee of five members, consisting of nonsupervisory- and supervisory-level staff employees (not represented by a union). Reasonable efforts will be made to select panel members in a timely manner. An Employee Relations representative will serve as the nonvoting chairperson of the panel.

Selection process

The Director, Employee Relations will contact employees from a list of eligible employees until five (5) agree to serve on the Review Committee. The Director, Employee Relations will notify the employee's supervisor of the employee's selection and his or her obligation to serve on the Review Committee.

At the time of contact with each employee regarding their participation on the Review Committee, no reference will be made to the identity of the individual appealing, the facts of the grievance, or the identities of other Review Committee members. Any employee selected who already has knowledge of the facts or who otherwise has a conflict of interest with respect to the grievance will be disqualified.

Within **ten (10) working days** of panel selection, the Director, Employee Relations will notify all parties of the date, time and place of the hearing.

Prior to the date of the hearing, the aggrieved employee and their supervisor will each eliminate one name from the list of five (5) panel members. The remaining three (3) employees will constitute the hearing panel.

Hearing

At the hearing, parties will be expected to present all information relevant to a resolution of the grievance. The Review Committee members will interview the parties and consider presented material. The hearing will be held and concluded within a reasonable time frame. After all information has been presented, the Review Committee members will recommend a decision.

Within **five (5) working days** following the close of the hearing, the panel will file its written recommendation with VP for Human Resources or his/her designee.

Final decision

The VP for Human Resources or his/her designee will review the entire record (decision, corrective action, recommendation, review process) and recommendation and issue a final and binding written decision within **five (5) working days**.

In all cases, the VP for Human Resources or his/her designee may affirm, modify or reverse the recommendation of the hearing panel.

Time limits

Reasonable extensions of time may be granted upon mutual consent by the parties involved or at the discretion of the Director, Employee Relations.

Paid time for hearing

The Review Committee members will be compensated at their regular rate of pay for the time served while attending a grievance hearing. Grievance hearings held at times other than the aggrieved employee's regularly scheduled work hours are not considered as time worked and do not qualify for overtime pay for non-exempt staff employees.

Withdrawal of review

An employee may withdraw a grievance at any time. Once withdrawn, however, it may not be re-initiated. If the employee does not meet the time constraints outlined in this policy, employee grievance decisions will remain as defined by prior actions.

The supervisor or department head should document the withdrawal of any grievances.

Employee Relations Consultation

The Employee Relations Office is available to provide employees consultation on a problem and other assistance at any time prior to or during the grievance procedure.