

**NOTICE OF PROPOSED REGULATION AMENDMENT**

Date: February 12, 2010

**REGULATION TITLE:**

University Complaint Procedure for University Support Personnel  
System Employees

**REGULATION NO.:**

UF-3.058

**SUMMARY:** The amendment reflects changes that are required to comply with the Genetics Information Nondiscrimination Act (GINA) of 2008 that went into effect on November 21, 2009.

**AUTHORITY:** BOG Regulation 1.001

**COMMENTS CONCERNING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.** The comments must identify the regulation you are commenting on.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION**

**IS:** Rebecca J. Holt, Administrative Assistant, 123 Tigert Hall, Post Office Box 113125, University of Florida, Gainesville, Florida 32611, 352-392-1358 office, 352-392-4387 facsimile, regulations@ufl.edu.

**NAME OF PERSON WHO APPROVED THE PROPOSED REGULATION:** Paula Varnes Fussell, Vice President for Human Resource Services

**THE FULL TEXT OF THE PROPOSED REGULATION IS ATTACHED TO THIS NOTICE.**

REGULATIONS~~RULES~~ OF THE  
UNIVERSITY OF FLORIDA

~~6C1~~-3.058 ~~Finance and Administration~~-University Complaint Procedure for University Support Personnel System Employees.

(1) General Information.

(a) The purpose of this regulation~~rule~~ is to establish a prompt and efficient procedure for addressing employee complaints by University Support Personnel System (USPS) employees.

(b) The primary objective of the complaint procedure is to maintain sound employee relations. This process allows employees to bring complaints to the attention of management with the assurance that they will receive a review and be accorded fair and equitable treatment without regard to race, creed, color, sex, sexual orientation, religion, national origin, political opinions or affiliations, age, genetic information, veteran status as protected under the Vietnam Era Veterans' Readjustment Assistance Act, disability, or marital status.

(c) A permanent status employee may file a complaint concerning employment or alleging that the University failed to comply with the University complaint procedure and request specific action by the appropriate university official.

(d) A USPS employee who does not have permanent status may file a complaint concerning only nondisciplinary matters affecting the employee's terms and conditions of employment with the immediate supervisor and, finally, the next level supervisor. The USPS Complaint Form, DHR-USPS/CF-12/02 which is incorporated herein by reference, developed and maintained by ~~the Division of~~ Human Resources Services, 903 West University Avenue~~432A Stadium~~, Post Office Box 115002, Gainesville, Florida 32611.

(2) Definitions.

(a) The term “complaint,” for the purposes of this process, is defined as an allegation made by the employee that any condition affecting the employee’s terms and conditions of employment is unjust, inequitable, or creates a problem. An employee shall not have the right to file a complaint concerning evaluations of performance unless the employee alleges that the evaluation is based on factors other than performance.

(b) The term “complainant” shall mean a USPS employee who has been directly affected by an act or omission of the University or its representative and who has filed a complaint under this process.

(c) The complaint procedure is an informal, non-adversarial, in-house means of addressing employee complaints. Complaints will not be processed which are or become the subject of any other administrative or judicial proceeding.

(d) The arbitration appeal process covers suspensions, reductions in pay, transfers, layoffs, demotions with a reduction in pay, job abandonment, and dismissals. These actions are not subject to the complaint procedure.

(e) The vice president responsible for the area in which the complainant is employed and/or the [Vice President](#)~~Director of Division of~~ [Human Resources Services](#) or designee has been designated to resolve complaints on behalf of the University.

(3) Time Limits.

(a) A complaint shall be filed no later than ten (10) working days from the date that the complainant knew or should have known of the act or omission about which the complaint is being made.

(b) All time limits contained in the complaint procedure may be extended by mutual agreement of the parties. An extension should be freely granted unless to do so would impede the resolution of the complaint.

(c) Upon the failure of the complainant to file a complaint within the time limits provided in this procedure or any extension thereof, the complaint shall be deemed to have been resolved at the prior step.

(d) The term “days” shall mean working days.

(4) Step One: Oral Discussion with Supervisor: An employee may informally present a complaint to the employee’s supervisor for discussion, consideration, and resolution within ten (10) working days from the date that the complainant knew or should have known of the act or omission about which the complaint is being made. Informal resolution is encouraged and a written complaint should only be filed after an informal resolution has proven unsuccessful. The supervisor should respond to the employee within ten (10) working days from the date of the discussion.

(5) Step Two: Department Head Review.

(a) If the employee is not satisfied with the Step One decision, the employee may present a written complaint to the administrative head of the employee’s department within ten (10) working days from receipt of oral reply from the employee’s supervisor. A copy of the written complaint shall be furnished to the employee relations manager assigned to the area. The written complaint should be clear, concise, and specifically detail what action is requested to resolve the complaint. Complaint resolutions which are beyond the reasonable control of the University shall be denied.

(b) The administrative head of the employee's department, generally the director or a designee, will arrange for a meeting with the employee. The department head determines the scope of the review of the complaint and will decide if consultation with others is appropriate. The department head will provide a written response to the complainant within twenty (20) working days from the receipt of the written complaint.

(6) Step Three: Final Decision by Vice President. If the employee is not satisfied with the Step Two decision, a written request for review may be made through the employee relations manager to the vice president for the area in which the complainant is employed. The request for review must be made within ten (10) working days from the date of the receipt of the written response in Step Two. A copy of the request should also be provided to the department head. The vice president will review the written record and furnish a decision in writing to the employee within twenty (20) working days from the date of receipt of the complaint. A review of the written record is sufficient and no meeting is required. The decision of the vice president, or the vice president's designee, shall be final in all complaints.

~~Specific~~ Authority: [BOG Regulation 1.001-1001.74\(4\) FS.](#)

~~Law Implemented 1001.74(19) FS.~~

History--New 3-6-85, Formerly 6C1-3.58, Amended 2-9-87, 11-20-90, 7-15-97, 2-11-03, 7-19-05, [Formerly 6C1-3.058, Amended \\_\\_\\_\\_\\_.](#)