

**681—3.25(8A) Grievances.** Disputes or complaints by permanent employees regarding the interpretation or application of institutional rules governing terms of employment or working conditions (other than general wage levels) or the provisions of these merit system rules (other than disputes whose resolution is provided for in rule 681—3.24(8A)) will be resolved in accordance with the following procedure, except at institutions where a varied procedure has been approved by the merit system director in accordance with subrule 3.25(1). Employees in an initial probationary period will be allowed access to the grievance procedure as outlined below, with the exception of dismissal during probation that cannot be appealed. A university representative may permit an oral presentation at any step if the university representative deems an oral presentation necessary. At each step of the grievance procedure, the employee may be represented by one or two coworkers of the employee's choosing. The name of such representatives will be noted on the written grievance and on each subsequent appeal. Presentations, reviews, investigations, and hearings held under this procedure may be conducted during working hours, and employees who participate in such meetings will not suffer loss of pay as a result thereof.

If an employee does not appeal a decision rendered at any step of this procedure within the time prescribed by these rules, the decision will become final. If a university representative does not reply to an employee's grievance or appeal within the prescribed time, the employee may proceed to the next step. With the consent of both parties, any of the time limits prescribed in these rules may be extended.

*Step 1.* An employee will first discuss the employee's problem with their immediate supervisor. It is presumed the majority of issues will be resolved at this point. If the employee is dissatisfied after such discussion, the employee may, within 14 days after the occurrence of the matter leading to the grievance or within 14 days after such time the employee has, or could reasonably be expected to have, knowledge of such occurrence, file a written grievance with their department head or designee. A written grievance will contain a brief description of the complaint or dispute and the pertinent circumstances and dates of occurrence. It will specify the university or merit system rule allegedly violated and will state the corrective action desired by the employee. The grievance will be signed and dated by the employee. The department designee will review the grievance and notify the employee of the decision in writing within 14 days after receiving the grievance.

*Step 2.* If the employee is not satisfied with the decision of the department head or designee, the employee may within seven days after receiving that decision, appeal it to the dean of the college or the head of the major operating division or designee(s) in which the employee is employed. The dean or the division head and the resident director or designee(s) will jointly represent the university at this step of the appeal procedure. The appeal will be in writing and will include all of the information included in the initial grievance and subsequent appeals, all the decisions related thereto, and any other pertinent information the employee may wish to submit. The appeal will be signed and dated by the employee.

The dean of the college or head of the division and the resident director or designee(s) will investigate the grievance and may affirm, reverse, or modify the decision of the department head. The university representative will notify the employee of their decision in writing within 14 days after receiving the appeal.

*Step 3.* If the employee is not satisfied with the decision rendered at Step 2 of the grievance procedure, the employee may within seven days after receiving that decision appeal it to the chief administrator of the institution. The appeal will be in writing and will include all of the information included in the initial grievance and subsequent appeals, all decisions related thereto, and any other pertinent information the employee may wish to submit. The appeal will be signed and dated by the employee.

The chief administrator or the chief administrator's designee will investigate the grievance and may affirm, reverse, or modify the decision rendered at Step 2. The university representative will notify the employee of their decision in writing within 14 days after receiving the appeal.

*Step 4.* If the employee is not satisfied with the decision rendered under Step 3 of the grievance procedure, the employee may within seven days after receiving that decision request a hearing before an arbitrator. Such a request will be in writing, will include all of the information included in the initial grievance and subsequent appeals, all of the decisions related thereto, and any other pertinent information the employee may wish to submit.

The appeal will be signed and dated by the employee and will be directed to the merit system director who will arrange for a hearing before an arbitrator as prescribed under subrule 3.25(2). The arbitrator will be expected to render a decision within 30 calendar days following the conclusion of the hearing.

The merit system director shall have the right to rule whether a case is grievable and arbitrable under the merit system. The merit system director shall have the right to refuse to refer to arbitration any grievance not found to be in full compliance with these rules involving the grievance procedure. The board shall retain jurisdiction to review decisions of the merit system director as to whether a matter is grievable or arbitrable upon appeal by an employee.

**3.25(1)** *Institutional grievance procedure.* An institution may develop a grievance procedure for all or a segment of its employees that varies from the procedure prescribed in rule 681—3.25(8A) provided that such a procedure begins with discussion between the employee and the employee's immediate supervisor and provides for a final hearing in accordance with Step 4 of the grievance procedure prescribed herein. This institutional procedure will incorporate all the rights provided employees in this chapter, will be made known to the employees to whom it applies, and must be approved by the merit system director. In the absence of an approved institutional procedure, the procedure prescribed in rule 681—3.25(8A) will apply.

**3.25(2)** *Appeals.* The board will approve the use of a single arbitrator in hearing an appeal. The selection of the arbitrator shall be made from a panel of arbitrators as referred from the Federal Mediation and Conciliation Service or the Iowa employment appeal board with a preference for those Iowans so certified.

The arbitrator will hear a dispute appealed to the last step of the grievance procedure and render a decision thereon subject only to review by the courts.

The arbitrator will establish procedures for the conduct of the hearing in a fair and informal manner that will afford each party reasonable and ample opportunity for case presentation and to rebut the presentation of the other. The arbitrator will be expected to render a decision to the involved parties and to the board within the prescribed time.

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