Baptist Health South Florida

POLICY NO.: BHSF-5200
TYPE: Administrative

POLICY TITLE: Resolution of Grievances

Responsible Department: Human Resources

Creation Date: 12/01/95
Review Date:
Revision Date: 2014/09/15

SUBMITTED BY (AUTHOR): Gary Lyew-Ayee
Title: Sr. Human Resources Site Consultant

APPROVED BY: Paula Allen
Title: Assistant Vice President, HR Leadership and Employee Communications

APPROVED BY: Adriene McCoy
Title: Corporate Vice President and Chief HR Officer

PUBLISHED (Released): 2014/09/16

SUMMARY & PURPOSE:
To provide employees of Baptist Health South Florida (BHSF) with a formal process for resolving job-related issues, complaints or conflicts.

POLICY:
Most issues which arise in the workplace can be resolved through discussion of the concerns among those who are involved. Employees are encouraged, but not required, to initially discuss and attempt to resolve any disputes and/or complaints directly with their immediate leader. Leaders have the responsibility to fairly and fully consider the issues that employees bring to them and make any appropriate adjustments in order to resolve workplace problems.

A grievance process is available to employees whose disputes and/or complaints have not been resolved to the employee's satisfaction by the employee's leader or for employees who choose to directly make use of the formal grievance process. Employees using the formal grievance process must complete, sign and submit the Grievance Form (*available on the intranet or in the Human Resources Department*). On the grievance form, the employee should provide a summary of the facts and major issues giving rise to the dispute and/or complaint and the resolution/remedy the employee is requesting. If the employee has tried to resolve the grievance with his/her leader and has been unsuccessful in doing so, the complaint should state why the leader's action did not resolve the issue. Participation in the grievance process does not exempt employees from following Baptist Health policies and procedures, including but not limited to job performance, attendance and conduct. NOTE: Any employment decision made as a result of an incident of workplace violence is a disqualifier for consideration in the grievance process, Informal Discussion and Agreements (aka Step1 Verbal warning) and performance evaluations scored overall as 'Fully Meets or Exceeds Expectations' do not qualify for the grievance process described herein.

Employees are responsible for submitting their grievances no later than 30 calendar days after the occurrence of the circumstances giving rise to the grievance. Grievances submitted after this timeframe will not be considered.

Employees and leaders may obtain assistance from and be represented by Human Resources at any stage of the grievance process. Employees who do not feel comfortable discussing their grievance with their leader or who would

like assistance in preparing their grievance should request assistance from their Human Resources Representative. If the grievance is escalated to Step 4 – Adjustment Board, an appointed Employee Relations Representative will be available to assist the employee in preparing for the Adjustment Board meeting.

Baptist Health employees are not entitled to representation by co-workers, family members or legal counsel during the grievance process.

SCOPE/APPLICABILITY:

This policy applies to all Baptist Health South Florida employees up to and including the Director level who have completed the introductory period of employment. During the introductory period, employees are not eligible to use the Resolution of Grievance policy and procedures.

PROCEDURES TO ENSURE COMPLIANCE:

1. Definition:
   Grievance - A dispute or complaint arising between the employee and Baptist Health in the application of Baptist Health's rules, regulations, policies and procedures that results in adverse employment action. Performance evaluations scored overall as 'Fully Meets or Exceeds' do not constitute adverse employment action and therefore do not qualify for the grievance process described herein.

2. Procedure:
   a. Step One - Department Director
      i. The employee must complete and sign a Grievance Form setting forth his/her grievance and submit it to the Human Resources department. The Human Resources Representative will route the Grievance Form to the Department Director.
      ii. The Department Director will privately meet with the employee to discuss the grievance. The employee and/or the Director may request that a representative from Human Resources attend the meeting. If the grievance involves disputed facts, the employee may submit written statements from other employees who may have witnessed the events in question or who have first-hand knowledge of the facts in dispute.
      iii. The Department Director will investigate the grievance and will respond to the employee in writing as soon as reasonably possible, but no later than 15 calendar days after receipt of the grievance from the employee. In the event a Department Director is not available a Director from another department may be assigned to review and respond to the grievance. If the grievance is complex or there are unusual circumstances requiring the Department Director to need additional time to respond to the grievance, the employee will be notified in writing if the response will take longer than 15 calendar days. The Department Director will provide the employee with the response to the grievance and shall forward a copy of the response to Human Resources.

      NOTE: *If the Department Director is the grievant or is the subject of the grievance, the grievance should be initiated at Step Two.*

   b. Step Two – Human Resources Director
      i. If the grievance has not been settled to the employee's satisfaction by the Department Director, the employee must complete, sign and submit the Grievance Form to the Human Resources department within 15 calendar days after receiving the response from the Department Director. The Human Resources Representative will route the Grievance Form to the Human Resources Director.
      ii. The Human Resources Director will privately meet with the employee to discuss the grievance. If the grievance involves disputed facts, the employee may submit written statements from other employees who may have witnessed the events in question or who have first-hand knowledge of the facts in dispute.
      iii. The Human Resources Director will investigate the grievance and will respond to the employee in writing as soon as reasonably possible, but no later than 15 calendar days after receipt of the grievance from the employee. If the grievance is complex or there are unusual circumstances

requiring the Human Resources Director to need additional time to respond to the grievance, the employee will be notified in writing if the response will take longer than 15 calendar days.

c. Step Three - Vice President
   i. If the grievance has not been settled to the employee's satisfaction by the Human Resources Director, the employee must complete, sign and submit the Grievance Form to the Human Resources department within 15 calendar days after receiving the response from the Human Resources Director. The Human Resources Representative will route the Grievance Form to the area Vice President.
   ii. Grievances referred to the Vice President must include a copy of the Grievance Form submitted to the Human Resources Director plus the employee's reasons why the Human Resources Director's decision did not satisfactorily resolve the grievance.
   iii. When presented with a grievance, the area Vice President 1) may review all pertinent documents and make a decision without meeting with the employee, or 2) may meet with the employee to discuss the grievance.
   iv. The Vice President shall issue a written decision to the employee, with a copy to Human Resources, no later than 15 calendar days after receipt of the grievance from the employee. If the grievance is complex or there are unusual circumstances requiring the Vice President to need additional time to respond to the grievance, the employee will be notified in writing if the response will take longer than 15 calendar days.

d. Step Four - Adjustment Board.
   i. If the grievance has not been settled to the employee's satisfaction by the responsible Vice President, it may be referred to the Adjustment Board for final resolution. The employee must complete, sign and submit the Grievance Form to the Human Resources department. The employee must request a review by the Adjustment Board no later than 15 calendar days after receipt of the Vice President's response to the grievance.
   ii. Employees submitting a request for review by the Adjustment Board must include copies of all Grievance Forms submitted during the grievance process, including any forms, documents or witness statements provided to the Department Director, Human Resources Director, and Vice President, as well as a statement from the employee explaining the employee's reasons why the Vice President's decision did not satisfactorily resolve the grievance.
   iii. Once the Adjustment Board request has been received by the Human Resources Department, all documents must be sent to the appointed Employee Relations Representative as soon as possible but no later than 48 hours from receipt of the documents.
   iv. Once this request and supporting documents have been received by the appointed Employee Relations Representative, he/she will contact the employee to review/discuss the employee's grievance and will accompany the employee to the Adjustment Board meeting.
   v. The employee is prohibited from bringing any other party (i.e.: a co-worker, family member, attorney) to the Adjustment Board meeting.
   vi. A terminated employee may request copies of documents that would have been previously provided to him/her during the course of their employment (i.e. corrective actions, performance evaluations) from the appointed Employee Relations Representative.
   vii. Human Resources will prepare the documents for the Adjustment Board meeting. Each member participating in the Adjustment Board meeting will receive a package that includes a table of contents, tabs for each section, an overview, grievance letters, corrective action history, Human Resources policies that may apply and any other information that is pertinent to the case.
   viii. The Adjustment Board shall be comprised of the Corporate Vice President and Chief Human Resources Officer or designee (Chairperson), the Director of Pastoral Care, two leadership employees and three peer-level employees. Human Resources will select the board members. All Adjustment Board members must have satisfactory performance, no corrective action for at least six months and at least one year of service with Baptist Health. None of the Adjustment Board members will be from the unit, division or area in which the employee works. The role of the Chair will be to facilitate the Adjustment Board meeting and to ensure that both sides have had an opportunity to present their case.

ix. The leader and the grievant will each have 15 minutes to present their case. After the cases have been presented each side will have 15 minutes for rebuttal.
x. The Adjustment Board members will be given an opportunity to question both the leader and grievant.
xi. After the Adjustment Board meeting, the Adjustment Board will meet in private to discuss the grievance and reach a decision. Typically, but not in all cases, this decision will be announced to the parties involved on the day of the Adjustment Board meeting. The Chairperson will follow-up with a written decision, within 5 business days of the Adjustment Board meeting, setting forth the disposition of the grievance. Copies of the Chairperson's decision will be provided to the employee, with a copy to Human Resources.
xii. The decision of the Adjustment Board shall be final and all parties must comply with the decision.

NOTE: In accordance with Human Resources Policy 5100 Preventing Workplace Violence, the grievant must behave in a professional and orderly manner at all times during the grievance process. Any act of aggression or violence (physical or verbal) will result in the termination of the grievance process and, if applicable, will subject the employee to disciplinary action up to and including immediate termination. Any employee receiving such disciplinary action including immediate termination will not be entitled to grieve the disciplinary action.

SUPPORTING/REFERENCE DOCUMENTATION:
N/A

RELATED POLICIES, PROCEDURES, AND ASSOCIATED FORMS:

- BHSF Administrative Policies - Human Resources
  - 5100 Preventing Workplace Violence
  - 5150 Introductory Period
  - 5500 Performance Evaluation
  - 5300 Corrective Action
- BHSF Grievance Form

ENFORCEMENT & SANCTIONS:
Violation of this policy may lead to disciplinary action, up to and including termination of employment.