

## Procedure 70: Complaint Resolution - Professional and Support Staff (PSS) and Managers and Senior Professionals (MSP) I-VII

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**Responsible Office:** Human Resources

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**Revised:** April 2024

### A. Purpose and Scope

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UC Irvine Personnel Procedure 70: Complaint Resolution, in accordance with Personnel Policies for Staff Members (PPSM) [PPSM-70 Complaint Resolution](#), establishes the procedure for eligible non-represented UC employees to seek informal and formal resolution of eligible complaints regarding a management action that is alleged to have:

- Adversely affected that employee's existing terms and conditions of employment in a material way, or
- Adversely affected that employee's existing terms and conditions of employment in a material way *and* violated a provision of the PPSM.

### B. Authority and Responsibility

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The Sr. Director of Workforce Relations ("WR") or their designee shall administer this procedure. The Sr. Director of WR or their designee shall determine whether a complaint is timely and qualifies for review at any step of this process and may extend the deadlines contained in this procedure.

### C. Applicability

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UCI Personnel Procedure 70 applies to Professional Support Staff (PSS) and Management Senior Professionals (MSP) not represented by an exclusive bargaining representative. Current PSS and MSP employees, and former PSS and MSP employees who were involuntarily separated or laid off, may submit an eligible complaint under these procedures.

### D. Resolution Options and Procedures

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#### **Informal Resolution**

At any stage in the process, either the employee or the University may attempt to resolve the complaint informally with the immediate supervisor, or through the HR Mediation Program for Staff, Ombuds, or the Office of Equal Opportunity & Diversity (OEOD), where appropriate.

Please note: Attempts at informal resolution do not extend the time limits for the initial filing of complaints.

#### [UCI HR Mediation Program for Staff](#)

The HR Mediation Program for Staff allows staff to raise any issue, concern, or conflict and know that it will be respectfully received and responsibly dealt with at the lowest level possible through direct communication and collaboration. Mediation offers an opportunity for cooperative engagement and dispute resolution services. Contact [Mediation@uci.edu](mailto:Mediation@uci.edu) for additional information.

[Office of the Ombuds](#)

The Office of the Ombuds is an alternate channel for confidential, impartial, and informal dispute resolution services. When appropriate, the office will initiate an informal intervention with the goal of facilitating a resolution that is acceptable to all parties involved.

[Office of Equal Opportunity and Diversity](#)

UCI faculty, staff, and students who believe that they have been discriminated against based on any of the protected categories listed in the [UC Policy on Anti-Discrimination](#) have the right to seek resolution through the OEOD. OEOD offers both formal and informal resolution options. Use of the informal options does not preclude a complainant from later pursuing formal OEOD processes.

1. If a request to pursue informal resolution is submitted after a complaint has been filed, and upon written agreement, the Sr. Director of WR or their designee, may place the formal review of the complaint in abeyance until completion/termination of the informal resolution process.
2. If any party wishes to stop pursuing informal resolution at any time, written notification must be submitted to WR. WR will coordinate notification to all parties. Any suspension of deadlines will end ten (10) calendar days after that notification is provided and then the formal complaint resolution process will resume where it left off.

**Procedures for Step I Formal Review**

If informal resolution is not feasible or appropriate, eligible PSS and MSP employees (see [PPSM 70 III.B.3](#). Eligibility) may instead request resolution of their complaint through formal review.

**Step I Formal Request for Resolution, PSS and MSP:**

1. Within thirty (30) calendar days of the management action, eligible policy violation (see [PPSM 70 III.B.4](#) Scope), or knowledge thereof, eligible PSS and MSP employees may complete the [PPSM 70 Request for Formal Review form](#) and submit it to WR. For purposes of this procedure, the complaint, notices, and requests for extension of time are to be filed in one of the following ways:

In Person or by US mail: UC Irvine Human Resources  
Sr. Director, Workforce Relations  
111 Theory, Suite 200  
Irvine, CA 92617

By email: EWR@uci.edu

2. The formal request must cite the specific management action about which the employee is complaining and contain sufficient information for the reviewing party to adequately review and respond to the complaint. If the complaint involves any written documents, copies of those documents must be attached to the Request for Formal Review.

### Step I Intake and Review

1. WR will acknowledge receipt of the complaint and review it for technical eligibility, completeness, compliance with filing directions, applicability, etc.
  - a. If the complaint is technically flawed (i.e., does not contain the required information to process), WR will advise the employee that they must revise the complaint and resubmit it within fifteen (15) calendar days.
  - b. If the employee does not submit the technically revised complaint within fifteen (15) calendar days, WR will inform the employee in writing of their failure to participate and of closure of the complaint.
2. If the technically revised complaint is deemed ineligible based on its merits, WR will notify the employee that their complaint has been determined to be ineligible for processing.
  - a. Employees may submit appeals of certain determinations of ineligibility to the Office of the President in accordance with [PPSM 70](#) III.B.6.
3. When an eligible complaint has been received (see [PPSM 70](#) III.B.4 Scope), WR will notify the employee of the status, specifying which issues have been accepted for review. If all issues are accepted for review, specific issues may not be included in the notification. The complaint acceptance letter will be sent to the employee and the employee's representative, if any, no later than ten (10) calendar days after the complaint is received and accepted for processing.

### Sexual Violence/Sexual Harassment and/or Discrimination Reports

When a complaint includes allegations of discrimination or sexual harassment, the Sr. Director of WR or their designee may place the complaint in abeyance, pending consultation and/or referral to OEOD. When those issues are alleged, the employee may elect to substitute the campus Sexual Harassment Complaint Procedure or the Discrimination Complaint Procedure for attempted resolution with the employee's immediate supervisor or manager. Those procedures are administered by OEOD.

If the Sexual Harassment Complaint Resolution Procedure or the Discrimination Complaint Resolution Procedure is substituted for informal resolution with the employee's immediate supervisor or manager, the complaint will be reviewed for timeliness under the Sexual Harassment Complaint Resolution Procedure or the Discrimination Complaint Resolution Procedure, the final date for filing a formal complaint under PPSM 70 will be fifteen (15) calendar days from the date a decision is issued under the applicable OEOD Procedure.

When both parties mutually agree, a complaint previously filed under the Sexual Harassment Complaint Resolution Procedure or the Discrimination Complaint Resolution Procedure, may proceed directly to Step II of UCI Procedure 70 (see E. Appeal to Step II).

### Step I Response

1. WR will identify a Step I Reviewer to provide the Step I response. The Step I Reviewer is usually the next higher level of authority in the reporting hierarchy of the person whose action(s) gave rise to the complaint. The Step I response may not be delegated to, or written by, any person whose action(s) gave rise to the complaint.
2. The Step I Reviewer shall deliver the Step I response to WR within fifteen (15) calendar days of assignment. The Step I response shall include:
  - a. any relevant facts and reasons for granting, in whole or in part, or denying, in whole or in part, the requested remedy;
  - b. a summary of the alleged management action(s) and, if applicable, violation(s) of PPSM;
  - c. the summary of information collected and considered during the review of the complaint; and
  - d. a recommendation and basis for upholding, modifying, or denying the complaint and requested remedies.
3. Should the Step I Reviewer need additional time to respond to the complaint, the University can grant one extension for up to thirty (30) calendar days. WR shall notify the complainant in writing of any extensions. Any additional extension must be agreed upon by both parties in writing.
4. WR will provide each party with a copy of the decision and a copy of the materials upon which the decision was based.

#### **E. Appeal to Step II**

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If any of the claims alleged in the complaint are not resolved to the employee's satisfaction at Step I, the employee has fifteen (15) calendar days from issuance of the Step I response to request an appeal to Step II. At Step II, PSS employees may request Administrative Review, Factfinding, or to proceed directly to Step III (if allowed under PPSM 70). MSP employees may request Administrative Review.

#### **Procedures for Step II Administrative Review - PSS and MSP**

The Administrative Review process offers the PSS and MSP employees and, if applicable, the complainant's representative, the opportunity to present information and evidence to support their complaint for additional review by a Step II Reviewer. The Step II Reviewer may also independently interview other individuals determined to be helpful to obtain sufficient facts to render a fair decision.

1. The PSS or MSP employee completes the PPSM 70 [Step II: Request for Further Review-PSS](#), selecting "Administrative Review," or PPSM 70 [Step II Request for Further Review-MSP](#), respectively, within fifteen (15) calendar days from the issuance of the Step I response.
  - a. The request must specify the unresolved issues and reason for which the employee is requesting further review and must specify the requested remedy.

2. WR will determine eligibility for processing ([PPSM 70](#) see III.B.4 Scope, V.E.1 (PSS) Step II – Appeal, and V.F.1 (MSP) Step II – Appeal), inform the employee of the status, and assign a Step II Reviewer, if eligible.
3. The Step II Reviewer will complete and send the Step II response to WR for issuance to the employee within fifteen (15) calendar days from receipt of the appeal to Step II. WR will provide each party with a copy of the decision and a copy of the materials upon which the decision was based.
  - a. The Administrative Review response to uphold, modify, or rescind the action giving rise to the complaint is final and binding for issues that are only eligible through Step II (see [PPSM 70](#) V.E.2.a. and V.F.2.a).

### Procedures for Step II Factfinding - PSS only

At Step II, PSS employees may select Factfinding instead of Administrative Review. The Factfinding process assigns a separate impartial Factfinder, designated by WR, to complete an independent Factfinding Report. The Factfinder's investigation may include interviews and review of documents and other evidence. Findings will be documented in the Factfinding Report. The report is then provided to the Step II Reviewer to render a decision based on the Factfinder's independent findings.

NOTE: If Factfinding is selected, the employee is not eligible to appeal the Step II decision to Step III, even if the complaint alleged a policy violation that would otherwise be eligible for review at Step III.

1. The PSS employee completes the PPSM 70 [Step II: Request for Further Review- PSS](#), selecting "Factfinding" within fifteen (15) calendar days from the issuance of the Step I response.
2. WR will determine eligibility for processing and notify the employee of the status ([PPSM 70](#) see III.B.4 Scope and V.E.1 Step II – Appeal).
3. If eligible for processing, WR will appoint a Factfinder and notify the parties of the appointment. WR will also identify the Step II Reviewer and advise them of the next steps in the complaint resolution process and their role in providing a response.
4. The Factfinder's written report will be presented to the Step II Reviewer within forty-five (45) calendar days of the date of appointment as a Factfinder.
  - a. The report will include:
    - i. a clear statement of the issue(s) under review;
    - ii. the alleged policy violation(s), if any;
    - iii. the positions of the parties;
    - iv. a summary of the information received;
    - v. the findings of fact; and
    - vi. the applicable personnel policies.
  - b. The Factfinder's written report should not include any recommendations or remedies.
5. The Step II Reviewer shall deliver the Step II response to uphold, modify, or rescind the action giving rise to the complaint, to WR for issuance to the employee within fifteen (15) calendar days from receipt of the appeal to Step II. The Step II Reviewer's

response should be based on the findings rendered by the Factfinder. WR will provide each party with a copy of the decision and a copy of the materials upon which the decision was based.

### **Procedures for Request to Proceed Directly to Step III (Career Employees Only)**

If the University agrees, a career PSS or MSP employee may select the option to proceed directly to Step III for review, provided that the complaint alleged a policy violation eligible for review at Step III (see [PPSM 70](#) E.2.a (PSS) Complaints Eligible for Review or F.2.a., (MSP) Complaints Eligible for Review). All other issues not eligible for Step III will be considered resolved based on the Step II decision.

1. The PSS or MSP employee will complete the [Step II: Request for Further Review - PSS](#) or [Step II: Request for Further Review - MSP](#), respectively, selecting "Proceed Directly to Step III," and submit it to WR within fifteen (15) calendar days from the issuance of the Step I response.
2. WR will determine eligibility for processing and notify the employee of the status (see [PPSM 70](#) V.E.2.a (PSS) Complaints Eligible for Review or V.F.2.a., (MSP) Complaints Eligible for Review).
3. If eligible, the complaint will continue to Step III as described below, in accordance with the employee's personnel program type.

### **F. Appeal to Step III**

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If a career employee's complaint alleged a policy violation eligible for review at Step III (see [PPSM 70](#) V.E.2.a (PSS). or V.F.2.a., Complaints Eligible for Review (MSP)) and those claims have not been resolved to the employee's satisfaction at Step I or Step II, the employee can submit the unresolved claims for a final and binding decision. PSS employees may request a review hearing. MSP employees may request a review via Factfinding.

### **Procedures for Step III Hearing - PSS Only**

PSS employees may request a closed hearing for eligible complaint(s) that are not resolved at Step II, provided the employee did not select the Factfinding option at Step II.

1. PSS employees will complete the PPSM 70 [Step III: Request for Hearing](#) and submit it to WR. The request must be received within fifteen (15) calendar days from the issuance of the Step II response.
2. WR will determine eligibility for processing and notify the employee of the status (see [PPSM 70](#) V.E.2.a (PSS) Complaints Eligible for Review).
3. UCI hearing officers will be appointed by the Sr. Director of WR or their designee. Non-UCI hearing officers will be selected by mutual agreement between the parties.
4. The hearing shall be recorded by the University if no stenographic record is agreed to by the parties in advance. The recordings are for the use of the hearing officer and shall remain the property of the University.

5. Unless both parties otherwise agree, the hearing shall be closed to everyone other than the hearing officer, the employee, the employee's representative, the department head/designee and/or supervisor, the department's representative, a Human Resources representative, and the person designated to record the hearing. Witnesses shall be excluded from the hearing except when testifying.
6. Except by written mutual agreement of the parties, only issues that were accepted for review in the formal complaint may be introduced at the hearing, but additional information or details may be requested to make an informed and impartial decision. In addition, the parties shall attempt to stipulate, in writing, the statement of the issues to be submitted for review at the hearing.
7. Each party shall, upon request, provide the other with copies of the materials to be introduced at the hearing and the names of witnesses who will testify on the party's behalf. To the extent possible, such materials and names of witnesses shall be exchanged at least seven (7) calendar days prior to the hearing.
8. The Hearing Officer shall provide a written decision within thirty (30) calendar days of the close of the hearing. The written decision to uphold, modify, or rescind the action giving rise to the complaint shall be final and binding. WR will provide each party with a copy of the decision and a copy of the materials upon which the decision was based.

### **Step III Factfinding - Eligible MSP Employees only**

MSP employees may request a Factfinding for eligible concerns (see [PPSM 70 V.F.2.a Complaints Eligible for Review at Step III](#)) which were not resolved at Step II. Factfinding is final and binding. Reports are sent to the Step III Reviewer, or Designee, for final Step III response.

1. MSP employees may complete the MSP PPSM 70 [Step III: Request for Factfinding](#) and submit it to WR within fifteen (15) calendar days from the issuance of the Step II response.
2. WR will determine eligibility for processing and notify the employee of the status (see [PPSM 70 V.F.2.a.](#), (MSP) Complaints Eligible for Review at Step III).
3. WR will identify the Factfinder and Step III Reviewer. WR will advise them of the next steps in the complaint resolution process and their role in providing a response.
4. The Factfinder's written report will be presented to the Step III Reviewer within forty-five (45) calendar days of the date of appointment as a Factfinder.
  - a. The report will include:
    - i. a clear statement of the issue(s) under review;
    - ii. the alleged policy violation(s), if any;
    - iii. the positions of the parties;
    - iv. a summary of the information received;
    - v. the findings of fact; and
    - vi. the applicable personnel policies.
  - b. The Factfinder's written report should not include any recommendations or remedies.
5. The Step III Reviewer shall issue a final and binding Step III decision within fifteen (15) calendar days after receipt of the Factfinding Report to uphold, modify, or rescind the action giving rise to

the complaint. The Step III Reviewer's decision will be based on the findings rendered in the Factfinder's report. WR will provide each party with a copy of the decision and a copy of the materials upon which the decision was based.

## **G. Administration**

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### **Pay Status**

1. Time spent by the employee and/or the employee's representative in preparing a case will be during non-working hours and without pay.
2. Requests by an employee and/or employee's representative for reasonable amounts of paid time off to resolve or present a formal complaint will be submitted in writing to the Sr. Director of WR or their designee. Approval to participate in hearings and meetings convened by the University will be made on an operational needs basis and will not be unreasonably denied.

### **Costs and Fees**

1. Hearing Officers and Factfinders:
  - a. When assigning a non-University hearing officer or in the absence of agreement, Human Resources will obtain a panel of prospective hearing officers from either the American Arbitration Association or the Federal Mediation and Conciliation Service.
  - b. The non-University hearing officer's fee and all fees incurred in obtaining a list of hearing officers shall be borne equally by the University and the employee, except for costs related to cancellation or postponement. These shall be borne entirely by the requesting party.
2. Stenographer:
  - a. Expenses for stenographic services will be borne by the party requesting such services, unless both parties agree otherwise in advance.

### **Representation**

1. When an employee elects to be represented, the employee must submit the name, mailing address, email address, and telephone number of the representative in writing to the Sr. Director of WR or their designee.
  - a. If represented, the employee must designate one point of contact for their representative.
2. An employee or agent of an employee organization that represents non-confidential employees will not participate in the handling of complaints on behalf of confidential employees.
3. Supervisors will not represent non-supervisory staff members. Non-supervisory staff members will not represent supervisory staff members.

## **H. References**

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## UCI Human Resources

- [PPSM-30, Compensation](#)
- [PPSM-60, Layoff and Reduction in Time from Professional and Support Staff Career Positions](#)
- [PPSM-62, Corrective Action](#)
- [PPSM-64, Termination and Job Abandonment](#)
- [PPSM-66, Medical Separation](#)
- [PPSM-70, Complaint Resolution](#)

### **UCI Administrative Policies & Procedures**

- [Section 700-17](#), Guidelines for Reporting and Responding to Reports of Sex Offenses
- [Section 700-18](#), Guidelines for Reporting and Responding to Reports of Discrimination and Harassment

## PPSM 70 COMPLAINT REQUEST FOR REVIEW

### I. REQUESTER

First Name:	Last Name:	Middle Initial:	Employee ID:
Position Title:	Department:	Email:	Telephone:
Representative Name (if applicable):	Representative Email:	Representative Telephone:	

### II. SUPERVISOR

First Name:	Last Name:
Email:	Telephone:

### III. STATEMENT

**Please provide a statement detailing all the following:**

- 1) The specific management actions giving rise to your complaint that you are requesting to be reviewed.
- 2) When the actions occurred (or when you became aware).
- 3) How your terms and conditions of employment were adversely affected by these actions.

**If you are alleging that the act(s) violated any UC policies, please also include the following in your statement:**

- 1) The policies allegedly violated, including the specific section(s) and provision(s).
- 2) How the management actions about which you are complaining violated those policy provisions.

**Providing the following information in your statement can help the University process your complaint more efficiently:**

- 1) Relevant documentation, specifically including copies of the management actions about which you are complaining.
- 2) Any attempts you have made to resolve the situation informally, including the dates of such attempts and the name(s) of the person(s) contacted.
- 3) Names of any witnesses who observed any of the management actions about which you are complaining.

### STEP I STATEMENT Management Action

**Management action** within the scope of this procedure is a specific act taken by the University that adversely affects your terms and conditions of employment in a material way. Such actions may include, but are not limited to, termination, discipline, letters of warning, and corrective salary decrease.

**The specific management action(s), taken by \_\_\_\_\_, giving rise to my complaint is/are (attach additional pages, if necessary):**

**This occurred on [INSERT DATE], or between [DATE Begin-DATE End]:**

**“Material”** means that the effect of the management action is not trivial and that a reasonable person would agree that the action affected your existing terms and conditions of employment in a serious/substantial way. There may also be circumstances where one action would be considered trivial, but that action, together with other actions, rises to the level of a material impact on your existing terms and conditions of employment.

**The terms and conditions of my employment were materially and adversely impacted by this action as follows:**

**STEP I STATEMENT- Policy Violation (if applicable)**

This action violated the following PPSM or other eligible policy:

**STATEMENT- Additional Information**

Please provide additional relevant details (Example: witnesses, attempts at informal resolution, etc.):

**IV. REQUESTED REMEDY**

Resolution under this policy is limited to **“Make Whole Remedy:** Restoration of University pay, University benefits, and/or rights provided under University policy that the employee could have been awarded if the employee prevailed at a Step III Hearing (PSS) or Step III Factfinding (MSP-Manager 3 and below and equivalent positions) under this policy.”

**My requested Make Whole Remedy is:**

**V. COMPLAINANT'S SIGNATURE**

**Print Name**

**Signature**

**Date**

**FOR HUMAN RESOURCES ONLY:**

Complaint Filing Number \_\_\_\_\_

Date Received: \_\_\_\_\_

Eligible

Ineligible

Needs Revision

Untimely

OEOD Consult Only

OEOD Referral

OEOD Outcome:

**PERSONNEL PROCEDURES UC IRVINE STAFF MEMBERS**  
**Procedure 70: Complaint Resolution**  
**Professional & Support Staff (PSS)**

**Step II: Request for Further Review**

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Name: \_\_\_\_\_

Complaint Number: \_\_\_\_\_

Please use the space below to explain why you are appealing this matter to Step II:

In accordance with Section E of the campus Complaint Resolution Procedure, please indicate below if you are requesting a Factfinder. If you request factfinding at Step II, the Vice Chancellor's decision shall be final and binding. Select one of the following options:

Administrative Review       Factfinding       Step III Hearing\*

**\*Note:** Proceed Directly to Step III (Career Employees Only). If the University agrees, a career employee may select this option to proceed directly to Step III for hearing, provided that the complaint alleged a policy violation eligible for review at Step III (See Section V.E.2.a, UC Policy PPSM 70, Complaint Resolution).

Employee signature \_\_\_\_\_ Date \_\_\_\_\_

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**PERSONNEL PROCEDURES UC IRVINE STAFF MEMBERS**  
**Procedure 70: Complaint Resolution**  
**Managers & Senior Professionals (MSP)**

**Step II: Request for Further Review**

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Name: \_\_\_\_\_

Complaint Number: \_\_\_\_\_

Please use the space below to explain why you are appealing this matter to Step II:

Select one of the following options:

Administrative Review

Step III Factfinding\*

**\*Note:** Proceed Directly to Step III (Career Employees Only). If the University agrees, a career employee may select this option to proceed directly to Step III for Factfinding, provided that the complaint alleged a policy violation eligible for review at Step III (See Section V.F.2.a, UC Policy PPSM 70, Complaint Resolution).

Employee signature \_\_\_\_\_ Date \_\_\_\_\_

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**PERSONNEL PROCEDURES UC IRVINE STAFF MEMBERS**  
**Procedure 70: Complaint Resolution**  
**Professional & Support Staff (PSS)**

**Step III: Request for Hearing**

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Name: \_\_\_\_\_

Complaint Number: \_\_\_\_\_

I am requesting a formal hearing in accordance with the provisions of Staff Policy 70 because the following portions of my complaint have not been adequately resolved:

I elect to have my complaint heard by:

- University-appointed Hearing Officer
- Non-University Hearing Officer

I understand that if I elect a Non-University Hearing Officer, the hearing officer's fee will be shared equally by both parties [employee and the University). Expenses for stenographic services will be borne by the party requesting such services, unless both parties agree otherwise in advance. Any party requesting a transcript will be responsible for the fee for that transcript.

My election of a Non-University Hearing Officer may be revoked by me at any time prior to incurring any fees.

Employee signature \_\_\_\_\_ Date \_\_\_\_\_

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**PERSONNEL PROCEDURES UC IRVINE STAFF MEMBERS**  
**Procedure 70: Complaint Resolution**  
**Managers & Senior Professional (MSP)**

**Step III: Request for Factfinding**

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Name: \_\_\_\_\_

Complaint Number: \_\_\_\_\_

I am requesting factfinding in accordance with the provisions of Staff Policy 70 because the following portions of my complaint have not been adequately resolved:

Employee signature \_\_\_\_\_ Date \_\_\_\_\_

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