



PPSM-70: Complaint Resolution

[PPSM-70: Resolución de quejas](#)

[PPSM-70: 申訴的解決](#)

[PPSM-70: Resolusyon sa Reklamo](#)

Responsible Officer:	Vice President – Systemwide Human Resources
Responsible Office:	SHR – Systemwide Human Resources
Issuance Date:	2/20/2024
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Scope:	<p>Employees, except for employees appointed to per diem positions, in the following personnel groups:</p> <ul style="list-style-type: none"> • Professional & Support Staff (excluding Sections III.A and V.F), • Managers & Senior Professionals–Manager 3 and Below and Equivalent (excluding Sections III.A and V.E), and • Managers & Senior Professionals–Above Manager 3 and Equivalent (excluding Sections III.B and V)

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I. POLICY SUMMARY

This policy provides direction and authority to resolve complaints made by employees in the Professional & Support Staff (PSS) and Managers & Senior Professionals (MSP) personnel groups.

II. DEFINITIONS

Detailed information about common terms used within Personnel Policies for Staff Members can be found in [Personnel Policies for Staff Members 2 \(Definition of Terms\)](#) and [Personnel Policies for Staff Members 3 \(Types of Appointment\)](#).

Administrative Review: An appeal at Step II of the Step I decision. For PSS employees, Administrative Review is one of three possible options available at Step II if an employee appeals the Step I decision.

Appeal: A request for a review of a decision.

Complaint: A written claim by an employee regarding a specific management action(s) that meets the criteria in Section III.A.3, III.B.4.a.i, or III.B.4.a.ii, as applicable.

Complaint Liaison: The office or individual designated locally to receive complaints eligible for review under this policy.

Conflict of Interest: For purposes of this policy, a situation where a factfinder, University hearing officer, and/or decision-maker has a bias or personal interest in the outcome that would prevent the individual from serving impartially.

Employee: For the purposes of this policy, an “employee” is defined as an active employee or a former employee who was involuntarily separated.

Factfinder: A person appointed by a location to determine whether the material allegations of the complaint are supported by the preponderance of the evidence.

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. See Sections III.B.8 and III.B.12.

Preponderance of Evidence: The standard that the employee or University must meet in order to prevail. It is satisfied when one party has shown that its version of the relevant events is *more likely than not* the correct version.

Remedy: Relief that addresses the adverse effect(s) of the management action(s) that was reviewed under this policy.

III. POLICY TEXT

A. Managers & Senior Professionals – Above Manager 3 and Equivalent Positions

1. Applicability

Section III.A of this policy applies to Manager & Senior Professional employees as follows:

a. Career Tracks

For positions that have transitioned to the Career Tracks structure, Section III.A of this policy applies to employees in MSP positions classified above Manager 3.

b. Non-Career Tracks

For positions that have not yet transitioned to the Career Tracks structure, Section III.A of this policy applies to employees in the MSP positions listed below until these positions transition to Career Tracks:

- MSP positions in salary grades 8 and above, except those MSP positions at UC Irvine Medical Center (covered under Section III.B.1.b below); and
- MSP positions at UC San Diego in salary grades E-F.

2. General

Employees appointed to positions above Manager 3 and equivalent serve at the pleasure of the Chancellor. Concerns about conditions and actions affecting employment are expected to be discussed with the individual's immediate supervisor. If the concerns cannot be resolved through such discussions, those concerns may be submitted in writing to the Chancellor for review. The Chancellor must take such action as deemed appropriate.

3. Discrimination Complaints

An employee who alleges a discriminatory practice pursuant to the [Anti-Discrimination policy](#) may submit a complaint pursuant to the procedures described in that policy and in any local implementing procedures.

B. Professional & Support Staff and Managers & Senior Professionals – Manager 3 and Below and Equivalent Positions

1. Applicability

Section III.B of this policy applies to all Professional & Support Staff employees. Section III.B of this policy applies to Manager & Senior Professional employees as follows:

a. Career Tracks

For positions that have transitioned to the Career Tracks structure, Section III.B of this policy applies to employees in MSP positions classified at Manager 3 and below.

b. Non-Career Tracks

For positions that have not yet transitioned to the Career Tracks structure, Section III.B of this policy applies to employees in the MSP positions listed below until these positions transition to Career Tracks:

- MSP positions in salary grades 1–7;
- MSP positions at UC Irvine Medical Center and UC Santa Barbara; and
- MSP positions at UC San Diego in salary grades A-D.

2. General

It is the policy of the University to address complaints that arise from employment with the University through the processes described in this policy. Locations may incorporate mediation and other complaint resolution techniques into local procedures.

The employee should attempt to resolve the issue informally with their immediate supervisor, although this does not extend the deadline for filing a written complaint (see Section III.B.5 below). An employee who alleges sexual violence or sexual harassment may choose to substitute the local implementing procedures for the [Policy on Sexual Violence and Sexual Harassment](#) rather than attempting informal resolution with their immediate supervisor under this section of this policy.

See Section V of this policy for the procedures regarding how to file and process a complaint.

3. Eligibility

With the exception of current and former per diem appointees, the following employees are eligible to file a complaint under this policy:

- a. PSS employees;
- b. MSP employees appointed at Manager 3 and below and equivalent positions;
- c. Former PSS employees who were involuntarily separated;
- d. Former MSP employees appointed at Manager 3 and below and equivalent positions who were involuntarily separated; and
- e. Former PSS employees separated by layoff and eligible for recall or preference for reemployment as provided in [Personnel Policies for Staff Members 60 \(Layoff and Reduction in Time from Professional and Support Staff Career Positions\)](#) may file a complaint alleging violations of recall and/or preference for reemployment rights.

Depending on the terms of their respective contracts, PSS and MSP contract employees may be eligible to file a complaint under this policy.

4. Scope

a. *Complaints Within the Scope of this Policy*

A complaint is a written claim by an employee regarding a specific management action(s) that is alleged to have:

- i. adversely affected that employee's existing terms and conditions of employment in a material way, or
- ii. adversely affected that employee's existing terms and conditions of employment in a material way *and* violated a provision of the *Personnel Policies for Staff Members (PPSM)*.

b. Matters Outside the Scope of this Policy

- i. Concerns or inquiries regarding classification standards, benefits, salary rates for job classes, salary ranges for classes, or the contents of the personnel policies. These concerns or inquiries may be submitted to the local Chief Human Resources Officer for consideration.
- ii. With the exception of a corrective salary decrease (which is within the scope of this policy), concerns or inquiries regarding an individual employee's rate of pay or change in rate of pay, unless the employee's complaint alleges that the action was taken for discriminatory or retaliatory reasons in violation of the [Anti-Discrimination policy](#) or Section III.B.14 of this policy. These concerns or inquiries may be submitted to the local Chief Human Resources Officer for consideration.
- iii. A request for review of a decision on the classification of a position, which will be processed in accordance with local procedures (see [PPSM 36 \(Classification of Positions\)](#)), unless the complaint alleges that the action was taken for discriminatory or retaliatory reasons in violation of the [Anti-Discrimination policy](#) or Section III.B.14 of this policy.
- iv. A management action taken pursuant to a policy or Presidentially-approved program that states that such an action may be taken at the "discretion," "sole discretion," or "judgment" of the University or its management (with the exception of Section III.C of [PPSM 64 \(Termination and Job Abandonment\)](#)), unless the complaint alleges that the action was taken for discriminatory or retaliatory reasons in violation of the [Anti-Discrimination policy](#) or Section III.B.14 of this policy.

5. Timeliness

The employee must file a written complaint within 30 calendar days after the date on which the employee knew or could reasonably be expected to have known of the event or action that gave rise to the complaint, or within 30 calendar days after the date of involuntary separation from University employment, whichever is earlier. If the complaint alleges a series of policy violations or pattern of management actions that are subject to review under this policy, the complaint must be filed within 30 calendar days after the most recent policy violation or management action.

For a complaint regarding a layoff, the employee must file the written complaint within 30 calendar days after the effective date of the layoff. If a laid off employee alleges a violation of recall or preference for reemployment rights, the employee must file the complaint within 30 calendar days after the date on which the employee could reasonably be expected to have known of the alleged violation,

but no later than 30 calendar days after the employee’s recall or preferential reemployment eligibility period ends, whichever is earlier.

A complaint is considered “filed” on the date it is postmarked, personally delivered, faxed, or emailed.

An employee may file a complaint regarding sexual violence or sexual harassment under both this policy and the [Policy on Sexual Violence and Sexual Harassment](#). If an employee chooses to do this, the complaint under this policy must be timely filed in accordance with this section.

6. Appeal to the Office of the President

An employee may appeal only the following local decisions to the Office of the President, Human Resources:

- whether the complaint was timely,
- whether the complaint is within the scope of this policy,
- whether the remedy granted as an early resolution (Section III.B.8) constitutes a make whole remedy, and/or
- the closure of the complaint due to the employee’s failure to participate (Section III.B.10).

The Vice President–Human Resources has the final authority for interpreting this policy. An employee’s appeal to the Office of the President must:

- be in writing;
- state why the local decision should be overturned;
- include copies of the original complaint, the local decision, and any documents that support the appeal; and
- be filed within 20 calendar days of the date of the local decision.

An appeal is considered “filed” on the date it is postmarked, personally delivered, faxed, or emailed.

7. Informal Resolution

At any stage after a complaint has been filed, either the employee or the University may propose to resolve the complaint informally. Mediation may also be an option.

When the employee and the University agree in writing to pursue informal resolution, the University may suspend deadlines during these efforts in accordance with local procedures. If at any time either the employee or the University wishes to stop pursuing informal resolution, written notification must be provided to the other party in accordance with local procedures. 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.

8. Early Resolution (Career Employees Only)

For the types of complaints described below, the University has discretion to grant a make whole remedy to a career employee in order to conserve University resources and resolve the complaint more quickly.

a. PSS Career Employees

For complaints regarding a letter of warning, corrective salary decrease, corrective demotion, suspension without pay, or termination, the University may grant a PSS career employee a make whole remedy no later than 60 calendar days before the scheduled Step III hearing date by notifying the employee in writing that a make whole remedy is being granted and specifying what the remedy will be.

b. MSP Career Employees – Manager 3 and Below and Equivalent Positions

For complaints regarding termination, the University may grant an MSP career employee appointed at Manager 3 and below and equivalent positions a make whole remedy at any time up until the Step III factfinder is appointed by notifying the employee in writing that a make whole remedy is being granted and specifying what the remedy will be.

The employee can appeal whether the remedy constitutes a make whole remedy in accordance with Section III.B.6 above. Once the deadline to appeal has passed or any appeal has been resolved, the make whole remedy will be provided to the employee and the complaint will be considered resolved and closed.

9. Withdrawal of a Complaint

Any withdrawal of a complaint must be in writing. For complaints that are at Step I or Step II, the employee can withdraw the complaint, in whole or in part, at any time. For complaints that are at Step III, the employee can withdraw the complaint at any time prior to 60 calendar days before a scheduled hearing (PSS) or at any time up until the Step III factfinder is appointed (MSP – Manager 3 and below and equivalent positions). After that, the employee may withdraw the complaint if the University agrees.

10. Failure to Participate

If an employee fails to participate in a timely manner in key aspects of the review process, the local office may consider the complaint resolved and closed on the basis of the last University response. If a Step I response has not yet been provided to the employee, the entire complaint will be dismissed.

Key aspects of the review process include (as applicable), but are not limited to, scheduling of and participation in factfinding, selection of the hearing officer, scheduling of and attendance at the hearing, and responding on a timely basis to communications from the University's Complaint Liaison.

The employee will be notified in writing when the complaint is dismissed or

closed due to failure to participate in the process. The employee can appeal this decision in accordance with Section III.B.6 above.

11. Evidentiary Standard

At Steps I, II, and III (see Section V below), the standard of proof will be the preponderance of the evidence.

12. Remedy

Any remedy granted to the employee will not exceed the restoration of any University pay, University benefits, and/or rights provided under University policy that were lost as a result of the management action. No interest will be earned or paid on any amount restored to the employee; nor will the remedy include payment of attorney's fees or costs incurred by the employee. Compensation will not be granted for any period of time that resulted from an extension of time requested by, or on behalf of, the employee, or any period during which the employee and University agreed in writing to pursue informal resolution under this policy. When calculating a backpay award, the University will offset the award by other income received by the employee during the relevant period, including severance pay and compensation earned from alternative employment. Benefit plan coverage may only be restored retroactively by the University to the extent allowed by benefit regulations and Plan rules. Loss of benefits that cannot be addressed by retroactive restoration of plan coverage will be addressed by the University through other means.

13. Conflict of Interest

If an employee or manager has concerns about a conflict of interest on the part of the factfinder, University hearing officer, and/or decision-maker, the employee or manager should raise those concerns with the office designated in local procedures. Such concerns must be raised promptly in accordance with local procedures. The local office will determine whether an actual conflict of interest exists. In situations where it is determined that the factfinder, University hearing officer, and/or decision-maker has an actual conflict of interest that would prevent the individual from serving impartially, the local office will designate a different factfinder, University hearing officer, or decision-maker in accordance with local procedures.

14. Retaliation

It is a violation of University policy to retaliate against any employee for using or participating in the complaint resolution process.

IV. COMPLIANCE/RESPONSIBILITIES

A. Implementation of the Policy

The Vice President–Systemwide Human Resources is the Responsible Officer for this policy and has the authority to implement the policy. The Responsible Officer may develop procedures or other supplementary information to support the

implementation of this policy. Such supporting documentation does not require approval by the President. The Responsible Officer may apply appropriate interpretations to clarify policy provided that the interpretations do not result in substantive changes to the underlying policy. The Chancellor is authorized to establish and is responsible for local procedures necessary to implement the policy.

In accordance with [Personnel Policies for Staff Members 1 \(General Provisions\)](#), the authorities and responsibilities delegated to the Chancellor in this policy are also delegated to the Executive Vice President–Chief Operating Officer, Vice President–Agriculture and Natural Resources, Principal Officers of the Regents, and the Lawrence Berkeley National Laboratory Director. Also in accordance with [PPSM 1](#), the authorities granted in this policy may be redelegated except as otherwise indicated.

B. Revisions to the Policy

The President is the Policy Approver and has the authority to approve policy revisions upon recommendation by the Vice President–Systemwide Human Resources.

The Vice President–Systemwide Human Resources has the authority to initiate revisions to the policy, consistent with approval authorities and applicable *Bylaws* and *Standing Orders* of the Regents.

The Executive Vice President–Chief Operating Officer has the authority to ensure that policies are regularly reviewed, updated, and consistent with other governance policies.

C. Approval of Actions

Actions within this policy must be approved in accordance with local procedures. Chancellors and the Vice President–Systemwide Human Resources are authorized to determine responsibilities and authorities at secondary administrative levels in order to establish local procedures necessary to implement this policy.

All actions applicable to PPSM-covered staff employees who are not Senior Management Group members that exceed this policy, or that are not expressly provided for under any policy, must be approved by the Vice President–Systemwide Human Resources.

D. Compliance with the Policy

The following roles are designated at each location to implement compliance monitoring responsibility for this policy:

The Top Business Officer and/or the Executive Officer at each location will designate the local management office to be responsible for the ongoing reporting of policy compliance.

The Executive Officer is accountable for monitoring and enforcing compliance mechanisms and ensuring that monitoring procedures and reporting capabilities are established.

The Vice President–Systemwide Human Resources is accountable for reviewing the administration of this policy. The Director–Systemwide Human Resources Compliance may periodically monitor compliance to this policy.

E. Noncompliance with the Policy

Noncompliance with the policy is handled in accordance with [Personnel Policies for Staff Members 62, 63, and 64](#) pertaining to disciplinary and separation actions.

V. PROCEDURES

A. Review Process

A designated local official will administer this policy. Local procedures must specify the deadlines for appeal at each step in the process. If an employee does not appeal by those deadlines, the complaint will be considered resolved and closed on the basis of the last University response.

Local procedures must include provisions that allow the employee and the employee's representative, if covered by these policies, a reasonable amount of paid time off to participate in hearings (PSS), factfinding (MSP – Manager 3 and below and equivalent positions), and meetings convened by the University to consider the employee's complaint.

The review of a complaint made by a PSS employee or an MSP employee appointed at Manager 3 and below and equivalent positions will follow the applicable process outlined below.

B. Filing a Complaint

The employee must submit a written complaint to the designated local office and use the locally designated form. The complaint must:

- a. identify the specific management action(s) to be reviewed;
- b. identify the date on which each management action to be reviewed occurred;
- c. specify how the employee was adversely affected;
- d. if filing under Section III.B.4.a.ii, also list the section(s) and specific provision(s) of the policy or policies alleged to have been violated and how each of those provisions was violated;
- e. specify the remedy requested; and
- f. provide any other information required by local procedures.

C. Initial Assessment

After an employee has filed a complaint per Section III.B above, the local official designated to administer this policy and will determine whether a complaint is timely (Section III.B.5), whether its claims are within the scope of this policy (Section III.B.4), and whether the complaint qualifies for review through Step II or Step III. The employee will be notified in writing of these determinations.

The local office may require the employee to provide additional detail. In such cases, the University's Complaint Liaison will identify the additional detail needed. If the employee does not provide the additional detail within the timeframe established in local procedures, the incomplete claims will not be accepted for review. If multiple claims are raised in the complaint, the local Complaint Liaison may choose to process the claims separately.

The employee may appeal a local decision regarding timeliness, scope, or failure to participate to the Office of the President, Human Resources, in accordance with Section III.B.6 of this policy.

D. Step I – Formal Review

A written Step I response will be provided to the employee in accordance with local procedures.

Any complaint filed under this policy regarding sexual violence or sexual harassment will be referred to the local Title IX Office for processing under the [Policy on Sexual Violence and Sexual Harassment](#). Any complaint filed under this policy regarding discrimination and/or harassment will be referred to the appropriate office for processing per the [Anti-Discrimination policy](#). The review conducted under those policies will serve as Step I under this policy. After those processes have concluded, the employee may submit a written appeal to Step II under this policy if there are sexual violence/sexual harassment and/or discrimination/harassment claims that were not resolved to the employee's satisfaction. The investigative report issued under the [Policy on Sexual Violence and Sexual Harassment](#) and/or the [Anti-Discrimination policy](#) may be used as evidence in proceedings under this policy.

E. Professional & Support Staff

1. Step II – Appeal

If any of the claims alleged in the complaint were not resolved to the employee's satisfaction at Step I, the employee may submit a written appeal. In that appeal, the employee must state which claims alleged in the complaint were not satisfactorily resolved at Step I, specify the remedy requested, and select one of the following Step II options:

- a. Administrative Review.** The Administrative Review will be conducted in accordance with local procedures and a written Step II decision will be provided to the employee. The decision is final and binding unless the complaint is eligible for review at Step III (Section V.E.2).
- b. Factfinding.** Local procedures will determine how the factfinder will be appointed. The factfinder will review the complaint and other relevant materials, conduct the factfinding in accordance with local procedures, and issue a report in accordance with local procedures that contains findings of fact. The report will be provided to the official designated in local procedures as the decision-maker. The decision-maker will issue a final and binding written Step II decision that will be provided to the employee in accordance with local procedures.

If the employee selects factfinding, the employee is not eligible to appeal the Step II decision to Step III.

- c. *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 (Section V.E.2).

2. Step III – Hearing (Career Employees Only)

If a career employee's complaint alleged a policy violation eligible for review at Step III (see below) 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 by a hearing officer, provided that the employee did not select the factfinding option at Step II.

a. *Complaints Eligible for Review at Step III*

The only complaints eligible for review at Step III are complaints that alleged the violation of a policy listed below:

1. [Anti-Discrimination](#), provided that the complaint alleged the discriminatory application of a personnel policy listed in Section V.E.2.a.2 through E.2.a.8 below
2. Compensation ([PPSM 30](#)), provided that the complaint alleged violation of one of the following sections of that policy:
 - a. Hours of Work (Section III.C)
 - b. Overtime and Over-Schedule (Non-Exempt Employees Only) (Section III.D)
 - c. Ancillary Pay (Section III.E.1-4)
3. Absence from Work ([PPSM 2.210](#)), provided that the complaint alleged violation of one of the following sections of that policy:
 - a. Vacation Leave (Section III.B), except with regard to scheduling
 - b. Sick Leave (Section III.C)
 - c. Leaves Related to Life Events (Section III.D.1-10)
 - d. Military and Other Service-related Leaves (Section III.E)
 - e. Holidays (Section III.H)
4. Layoff and Reduction in Time from Professional and Support Staff Career Positions ([PPSM 60](#)), provided that the complaint alleged violation of the provisions pertaining to notice, order of layoff, recall, preference for reemployment, or severance
5. Corrective Action ([PPSM 62](#)), provided that the complaint alleged violation of the provisions pertaining to temporary or indefinite within-range salary

decrease, corrective demotion, suspension without pay, and/or written warnings pertaining to such actions

6. Termination and Job Abandonment ([PPSM 64](#)), provided that the complaint alleged violation of Section III.B of that policy
7. Medical Separation ([PPSM 66](#))
8. Retaliation in violation of this complaint resolution policy

b. Hearing Process

The employee may choose to use either a University or non-University hearing officer. If the employee chooses to use a non-University hearing officer, the hearing officer's fee will be shared equally by the employee and the University. Local procedures will determine how hearing officers will be appointed and how hearings will be conducted.

The hearing process will provide an opportunity for the employee (or the employee's representative) and the University (or the University's representative) to examine witnesses and to submit relevant evidence. Each party must provide the other with relevant material to be introduced at the hearing and the names of all witnesses who are to testify at the hearing, with the exception of rebuttal materials and witnesses. To the extent possible, each party should provide this material at least seven calendar days prior to the hearing. Offers of settlement are not admissible, nor are documents prepared for mediation or other informal resolution efforts. In cases of corrective action or termination, the University will bear the burden of proof and will present its case first. In all other cases, the employee will bear the burden of proof.

Hearings must be recorded by a method determined by the University. If the University decides not to record the hearing by stenography, the employee may choose to do so. Any party choosing to record the hearing by stenography will be responsible for the stenographer's appearance fee unless the employee and the University agree to an alternate arrangement in advance. Any party requesting a transcript will be responsible for the fee for that transcript.

Hearing officers do not have authority to:

- Order that the hearing be recorded by stenography or order transcripts from the hearing,
- Issue subpoenas, or
- When rendering a decision, add to, delete from, or otherwise modify personnel or other University policies, plans, or benefit regulations, or local implementing procedures.

The hearing officer will issue a final and binding written Step III decision. The hearing officer is limited to restoring any University pay, University benefits, and/or rights provided under University policy that were lost as a result of the management action.

F. Managers & Senior Professionals – Manager 3 and Below and Equivalent Positions

1. Step II – Appeal

If any of the claims alleged in the complaint were not resolved to the employee's satisfaction at Step I, the employee may submit a written appeal for Administrative Review at Step II regarding the unresolved claims. The appeal must state which claims alleged in the complaint were not resolved at Step I and specify the remedy requested. The Administrative Review will be conducted in accordance with local procedures and a written Step II decision will be provided to the employee. The decision is final and binding unless the complaint is eligible for review at Step III (Section V.F.2).

Alternatively, if the University agrees, a career employee may elect to proceed directly to Step III for factfinding, provided that the complaint alleged a policy violation eligible for review at Step III (Section V.F.2).

2. Step III – Factfinding (Career Employees Only)

If a career employee's complaint alleged a policy violation eligible for review at Step III (see below) and those claims have not been resolved to the employee's satisfaction at Step I or Step II, the employee may submit the unresolved claims in writing for factfinding and specify the remedy requested.

a. Complaints Eligible for Review at Step III

The only complaints eligible for review at Step III are complaints that alleged the violation of a policy listed below:

1. [Anti-Discrimination](#)
2. Termination and Job Abandonment ([PPSM 64](#)), provided that the complaint alleged violation of Section III.C of that policy
3. Medical Separation ([PPSM 66](#))
4. Retaliation in violation of this complaint resolution policy

b. Factfinding

Local procedures will determine how the factfinder will be appointed. The factfinder will review the complaint and other relevant materials, conduct the factfinding in accordance with local procedures, and issue a report in accordance with local procedures that contains findings of fact. The report will be provided to the official designated in local procedures as the decision-maker. The decision-maker will issue a final and binding written Step III decision that will be provided to the employee in accordance with local procedures.

VI. RELATED INFORMATION

- [Personnel Policies for Staff Members 2 \(Definition of Terms\)](#) (referenced in Section II of this policy)

- [Personnel Policies for Staff Members 3 \(Types of Appointment\)](#) (referenced in Section II of this policy)
- [Anti-Discrimination](#) (referenced in Sections III.A.3, III.B.4.b.ii-iv, V.E.2.a.1, and V.F.2.a.1 of this policy)
- [Policy on Sexual Violence and Sexual Harassment](#) (referenced in Sections III.B.2, III.B.5, and V.D of this policy)
- [Personnel Policies for Staff Members 60 \(Layoff and Reduction in Time from Professional and Support Staff Career Positions\)](#) (referenced in Sections III.B.3.e and V.E.2.a.4 of this policy)
- [Personnel Policies for Staff Members 36 \(Classification of Positions\)](#) (referenced in Section III.B.4.b.iii of this policy)
- [Personnel Policies for Staff Members 64 \(Termination and Job Abandonment\)](#) (referenced in Sections III.B.4.b.iv, IV.E, V.E.2.a.6, and V.F.2.a.2 of this policy)
- [Personnel Policies for Staff Members 1 \(General Provisions\)](#) (referenced in Section IV.A of this policy)
- [Personnel Policies for Staff Members 62 \(Corrective Action\)](#) (referenced in Sections IV.E and V.E.2.a.5 of this policy)
- [Personnel Policies for Staff Members 63 \(Investigatory Leave\)](#) (referenced in Section IV.E of this policy)
- [Personnel Policies for Staff Members 30 \(Compensation\)](#) (referenced in Section V.E.2.a.2 of this policy)
- [Personnel Policies for Staff Members 2.210 \(Absence from Work\)](#) (referenced in Section V.E.2.a.3 of this policy)
- [Personnel Policies for Staff Members 66 \(Medical Separation\)](#) (referenced in Sections V.E.2.a.7 and V.F.2.a.3 of this policy)
- [Personnel Policies for Staff Members II-70 \(Resolution of Concerns\)](#)
- [Whistleblower Protection Policy](#)

VII. FREQUENTLY ASKED QUESTIONS

These Frequently Asked Questions pertain to complaints filed by Professional & Support Staff and Managers & Senior Professionals – Manager 3 and Below and Equivalent Positions.

Eligibility (Section III.B.3)

1. Can an employee who does not hold a career appointment file a complaint under this policy?

Employees who hold limited, casual/restricted, or floater appointments are eligible to file a complaint under this policy; however, only career employees are eligible for a

Step III–Hearing (PSS) or Step III–Factfinding (MSP-Manager 3 and below and equivalent positions). Rehired retirees are eligible to file a complaint if they have returned to a PSS or MSP position that is not a per diem position, and can file a complaint about their current employment only.

Employees who hold contract appointments may be eligible to file a complaint, depending on the terms of their contract. Employees who hold per diem appointments are not eligible to file a complaint under this policy.

2. I am a probationary employee. Can I file a complaint under this policy? If so, am I eligible to have my complaint reviewed at Step III?

A probationary employee is eligible to file a complaint under this policy and is eligible to have that complaint reviewed at Step III if the complaint alleged a policy violation that is eligible for review at Step III.

3. If I resign or retire before I file my complaint, can I still file?

If you resign before you have filed a complaint, you will not be able to file after you resign. If you retire before you have filed a complaint, you will only be eligible to file if you retired after an involuntary separation.

4. What if I have an active complaint pending when I resign or retire?

If you have an active complaint when you resign or retire, the complaint will remain active until it is resolved, unless you withdraw the complaint or fail to participate in the process.

5. I was involuntarily separated (terminated or laid off). Can I still file a complaint?

If you were involuntarily separated, you may file a complaint as long as it is timely.

6. Why can an employee separated by involuntary termination or layoff still file a complaint but an employee who chooses to resign cannot?

An employee who was involuntarily separated can file a complaint because the separation was initiated by the University. In contrast, a resignation is a voluntary separation that is initiated by the employee.

Scope (Section III.B.4)

7. Section III.B.4.a refers to “management action(s) that adversely affected that employee’s terms and conditions of employment in a material way.” What does “material” mean?

“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 effect on your existing terms and conditions of employment.

Management actions that affect your terms and conditions of employment in a material way include, but are not limited to, termination, discipline, letters of warning, and non-selection for transfer or promotion.

A management action that may affect your *future* terms and conditions of employment is not within the scope of PPSM 70 because those effects are only speculative at this point.

8. Why are only some alleged policy violations eligible for Step III?

The University has determined that the additional process of a hearing for career PSS employees or factfinding for career MSP employees appointed at Manager 3 and below and equivalent positions is warranted when the complaint alleges violations of the policies listed in Sections V.E.2 and V.F.2 of the policy.

9. What if I don't know which policies were allegedly violated by the management action?

If you are unsure whether a management action violated a specific personnel policy, contact the local office designated to respond to PPSM 70 complaints. The local Complaint Liaison can direct you to policies potentially relevant to your situation and assist you in identifying the relevant section(s) of the policy which should be included when you file your complaint. If there are no relevant policies, you may still file a complaint under Section III.B.4.a.i if you believe the management action(s) has adversely affected your existing terms and conditions of employment in a material way.

10. If the management action did allegedly violate a policy, do I have to list it when I file my complaint?

It is to your advantage to identify the policy and relevant section(s) that you believe were violated because you may be entitled to more process. If you don't list any policy when you file your complaint, then your complaint will be processed under III.B.4.a.i.

11. Section III.B.4.b.iv refers to policies that state a management action may be taken at the "discretion," "sole discretion," or "judgment" of the University or its management. What are the PPSM policies that use this language?

The policies that use this language include:

[PPSM 3 \(Types of Appointment\)](#), Section III.A.7 (Per Diem Appointment)

[PPSM 22 \(Probationary Period\)](#), Section III.E. (Release During Probationary Period), Section III.F. (Extension of Probationary Period)

[PPSM 30 \(Compensation\)](#), Section III.D.5 (Compensatory Time Off)

[PPSM 2.210 \(Absence from Work\)](#), Section III.D.1.d (Reinstatement), Section III.D.3.a. (Reduced Schedule or Intermittent Leave), Section III.G.2 (School Activities)

[PPSM 60 \(Layoff and Reduction in Time from Professional and Support Staff Career Positions\)](#), Section III.A. (General)

There may be other Presidential policies that also use this language.

Note: [PPSM 64 \(Termination and Job Abandonment\)](#) also contains this language; however, former MSP employees appointed at Manager 3 and below and equivalent positions are eligible to file a complaint regarding termination.

12. If a management action was taken at the “discretion,” “sole discretion,” or “judgment” of the University according to the policies listed above, can I ever file a complaint about that action?

Yes, but only if you believe the management action was taken for discriminatory or retaliatory reasons in violation of the [Anti-Discrimination](#) policy or Section III.B.14 (Retaliation) of PPSM 70.

13. Can I file a complaint about a counseling memo?

Generally, no. Counseling memos are not considered to be discipline for any purpose and are meant to be an informal way to communicate with you about issues that need to be addressed. Therefore, they typically do not affect your *existing* terms and conditions of employment in a material way. In contrast, a letter of warning is discipline, so you may file a complaint about it. Keep in mind that you can check with your local Human Resources office about removing certain documents, like counseling memos, from your personnel file after a period of time.

14. Can I file a complaint about my performance appraisal? Why or why not?

Yes, you can file a complaint about your performance appraisal. You must meet the timeliness deadline for filing and all other requirements as provided in the policy.

Complaints can be filed about performance appraisals because managers may use appraisal ratings to make certain decisions that affect an employee’s terms and conditions of employment. For example, deciding whether to provide a merit increase or determining the order of layoff may be based, at least in part, on an employee’s performance rating. Therefore, because performance appraisals can materially affect an employee’s terms and conditions of employment, it is appropriate to allow employees to file complaints about them.

Timeliness (Section III.B.5)

15. I believe I have experienced sexual harassment and want to file a complaint. What are my options?

You have the option to file a complaint regarding sexual harassment under both PPSM 70 and the [Policy on Sexual Violence and Sexual Harassment](#). Claims regarding sexual harassment will be reviewed using the process described in the [Policy on Sexual Harassment and Sexual Violence](#). If you file a complaint under PPSM 70 and that complaint also contains claims that are unrelated to the sexual harassment claims, your local Complaint Liaison may choose to process those claims separately.

After the sexual harassment review is finished, your department will take any action(s) it deems appropriate based on the findings. Your local Complaint Liaison will then notify you that Step I of this policy has been completed. That notice will also

advise you that, if you believe that any of the sexual harassment claims alleged in your complaint are not resolved, you may submit a written appeal to Step II under this policy within the time frame established in local procedures.

16. I received a notice of intent to terminate. Can I file a complaint immediately?

Employees are not eligible to file a complaint over an action that has yet to occur. Because a final decision to terminate has not yet been made and you have an opportunity to respond to the notice of intent, it would be premature to file a complaint now. The University will review any response you provide to the notice of intent before coming to a final decision. If the University decides to terminate your employment, you will receive notification of the termination decision; once that has happened, you will have 30 calendar days to file a complaint.

17. What if I resign or retire instead of going through the separation process?

Employees are not eligible to file a complaint over an action that has yet to occur. If you resign or retire at any time before a decision is issued, you will not be eligible to file a complaint.

Appeal to the Office of the President (Section III.B.6)

18. How do I file an appeal with the Office of the President?

Any appeal must be delivered to the Office of the President using one of the following methods:

- a. By U.S. mail or other mail carrier (such as Federal Express) or personal delivery to:
Systemwide Human Resources – 5th Floor
Attn: PPSM 70 Appeal
1111 Franklin Street
Oakland, CA 94607
- b. By facsimile transmission to (510) 217-9114 with “Attn: PPSM 70 Appeal” prominently indicated.
- c. By email (as an attachment) to PPSM70Appeal@ucop.edu with “Attn: PPSM 70 Appeal” in the subject line of the email.

If you file your appeal in multiple ways, the earliest date will be used to determine timeliness. The Office of the President will attempt to respond to your appeal within 60 calendar days.

Informal Resolution (Section III.B.7)

19. What are my informal resolution options?

The informal resolution options available to employees may vary by location. Examples might include using the local campus mediation procedures or the services of an ombudsperson. Contact your local Complaint Liaison to find out which options are available at your location.

20. After I filed my complaint, the University and I attempted informal resolution. We have not been able to reach agreement and I want the formal process to resume. How many days do I have left to submit my appeal to the next step of the formal process?

If you have not been able to reach agreement and want the formal process to resume, you must first notify the University that you want the formal process to resume. Once you provide that notice, there will be a period of ten (10) calendar days before the suspension of deadlines ends. After the ten (10) calendar days, you will then have as many days to submit your appeal to the next step as you had before that deadline was suspended. For example, if you had ten (10) days to submit an appeal and the deadline was suspended on day 3, then you would have seven (7) days left to submit the appeal when the formal complaint resolution process resumes.

Early Resolution (Career Employees Only) (Section III.B.8)

21. What is the purpose of early resolution?

Early resolution is a way for the University to resolve a complaint in favor of the employee without going through the entire complaint resolution process. This may conserve University resources and resolve the complaint more quickly.

22. Why is early resolution only granted for certain complaints?

Early resolution is only granted for certain complaints that are eligible for review at Step III because the make whole remedy for these complaints is easily identifiable.

23. Why are only complaints made by career employees eligible for early resolution?

Only complaints made by career employees are eligible for early resolution because only career employees are eligible to have a complaint reviewed at Step III.

24. What is a make whole remedy?

A make whole remedy is the remedy to which you would have been entitled under this policy if the complaint had gone through to Step III and if you had been completely successful at the end of the process.

25. If I am granted a make whole remedy, when will I receive it?

If the University has notified you in writing that it is granting a make whole remedy, you will receive that remedy within a reasonable period of time once the time limit for appeal has expired.

26. What if I don't think the remedy the University is granting me is a make whole remedy?

If you do not believe that the remedy specified by the University is a make whole remedy, you may appeal that issue to the Office of the President, Human Resources in accordance with Section III.B.6 of the policy. See question 18 for information on how to file an appeal.

Withdrawal of a Complaint (Section III.B.9)

27. How do I withdraw my complaint?

You may withdraw your complaint by contacting your local Complaint Liaison. Your withdrawal must be made in writing.

28. Why is there a deadline to withdraw my complaint?

The University has imposed a deadline because, if a complaint is withdrawn too close to the scheduled hearing date (PSS) or after the factfinder is appointed (MSP), the University may have already incurred non-refundable fees or be required to pay cancellation fees. There may also be other reasons why the University would want to continue the process.

Failure to Participate (Section III.B.10)

29. Why can my complaint be dismissed or closed if I fail to participate in the process?

The University intends to respond to and resolve complaints in a timely manner. In order to do so, the University needs you to communicate and make certain decisions in order to keep the process moving forward. If you fail to do that, the University may assume that you no longer wish to proceed with your complaint. You will be notified in writing if your complaint is dismissed or closed due to your failure to participate in the process. You may appeal this decision to the Office of the President, Human Resources under Section III.B.6 of the policy. See question 18 for information on how to file an appeal.

Remedy (Section III.B.12)

30. If I am reinstated after separation, what happens to the benefits I would have received between my separation and reinstatement?

Certain benefits (like UCRP) can be restored as if the separation had not occurred. Other benefits, such as health benefits, can only be restored to the extent allowed by benefit regulations and Plan rules. In that case, the loss of benefits will be addressed by the University through other means. Contact your local Human Resources Office for additional information.

31. I have a non-UC job that I have worked at for a long time. Will the wages from my non-UC job be offset if I am awarded back pay?

Only wages from employment you engaged in to replace the University income you lost as a result of the adverse job action will be offset from your backpay award.

Retaliation (Section III.B.14)

32. I filed a PPSM 70 complaint earlier this year and believe I have been retaliated against because I filed that complaint. Can I file a complaint about the retaliation?

Yes, you can file another PPSM 70 complaint because you are protected from retaliation for using or participating in the complaint resolution process. The complaint must be timely filed in accordance with Section III.B.5 of the policy.

33. I wanted to resolve my workplace issue with my supervisor informally. I brought the issue to my supervisor's attention and ever since then I think my supervisor has been retaliating against me. Can I file a complaint?

Yes. Section III.B.2 of the policy encourages employees to attempt to resolve their complaint with their supervisor before initiating the formal complaint resolution process. If you believe you were subjected to retaliation for participating in the complaint resolution process in this way, you can file a complaint under this policy.

Procedures (Section V)

34. Can I add new claims to a complaint I have already filed?

No, you will not be able to add new claims to a complaint that has already been filed. However, if the local Complaint Liaison believes that more detail is required in order to process your original complaint appropriately, you may be asked to provide additional detail regarding your complaint. You can bring new claims in a separate complaint if it is timely filed.

35. I am a PSS employee and not all of the claims in my complaint are eligible for review at Step III. What choice should I make at Step II?

You may only make one selection at Step II, even if your complaint includes claims that are only eligible for review through Step II and claims that are eligible through Step III. Therefore, you should carefully weigh your options before making a selection.

If you wish to preserve your right to proceed to Step III on any claims eligible for review at Step III, you should choose Administrative Review at Step II. However, you should be aware that this choice will eliminate your option to have a factfinding on any claims that are not eligible for review at Step III. Either all of the claims in your complaint will go through an Administrative Review, preserving your right to hearing but giving up your right to factfinding, or all of the claims in your complaint will go through factfinding and you will give up your right to hearing.

36. I am a PSS employee and I selected Administrative Review at Step II. So why is the University talking about factfinding?

Local procedures may give the University official conducting the Administrative Review the option to enlist the assistance of a factfinder. This does not change the fact that an Administrative Review is being conducted, so if your complaint contained claims eligible for review at Step III, you will still have the right to a hearing on those claims if they are not resolved at Step II. The right to go to hearing for eligible claims is only lost if *you* choose the factfinding option at Step II.

37. I am a PSS employee and I chose factfinding at Step II. What can I expect?

During the factfinding, the factfinder will review the complaint and other relevant materials, interview you and other relevant witnesses, and conduct the factfinding in accordance with local procedures. The factfinder will issue a report according to local procedures that contains findings of fact. The report will be provided to the official designated in local procedures as the decision-maker and that person will

issue a final and binding decision regarding your complaint in accordance with local procedures.

38. Who can serve as my representative?

Almost anyone can serve as your representative. For example, a fellow employee, a friend, an attorney, or a union representative. However, if you are not a supervisor and wish to have a fellow employee represent you, then you must ask an employee who is also not a supervisor. If you are a supervisor and wish to have a fellow employee represent you, then you must ask an employee who is also a supervisor.

39. Can my representative be present during informal resolution or factfinding?

Your representative can be present during any stage of the process; however, your representative may not disrupt the proceedings. If your representative is present during factfinding, your representative cannot speak for you. You must answer the factfinder's questions directly. Likewise, at a hearing, your representative cannot testify for you.

40. Can I appeal the decision issued by the hearing officer?

No, you cannot appeal the decision issued by the hearing officer because that decision is final and binding.

VIII. REVISION HISTORY

Policy changes effective **February 20, 2024**: Edits to align with Anti-Discrimination policy.

Policy changes effective **December 10, 2018**:

- Removed existing gendered pronouns and replaced with gender-neutral language.
- Updated web and document links, office titles, and typographical amendments.

Policy changes effective **November 20, 2018**:

- Replaced references to PPSM 12 (Nondiscrimination in Employment) with references to the Discrimination, Harassment, and Affirmative Action in the Workplace policy. PPSM 12 was rescinded effective November 20, 2018.
- Remediated to meet Web Content Accessibility Guidelines (WCAG) 2.0.

Policy changes effective **July 14, 2016**:

- Incorporation into this policy of *Personnel Policies for Staff Members 71 (Resolution of Concerns – Managers and Senior Professionals, Salary Grades VIII and IX)*.
- Added references to non-Roman numeral salary grades and classifications in use for MSP employees.
- Aligned with revisions to *Policy on Sexual Violence and Sexual Harassment*.
- Added Evidentiary Standard section (III.B.11), Filing a Complaint section (V.B), and Initial Assessment section (V.C).

University of California – Policy PPSM-70
PPSM-70: Complaint Resolution

Policy changes effective as of July 1, 2012:

- A former Professional & Support Staff or Managers & Senior Professionals I-VII employee who is involuntarily separated is eligible to file a complaint under this policy.
- Matters outside the scope of this policy now include:
 - Contents of the personnel policies.
 - An individual employee's rate of pay or change in rate of pay (with the exception of a corrective salary decrease), unless the action was allegedly taken for discriminatory or retaliatory reasons.
 - A management action taken pursuant to a policy or Presidentially-approved program that states that such an action may be taken at the "discretion," "sole discretion," or "judgment" of the University or its management, with the exception of *PPSM 65 (Termination of Career Employees—Managers and Senior Professionals, Salary Grades I through VII)*, unless the action was allegedly taken for discriminatory or retaliatory reasons.
- A complaint that alleges a series of policy violations or pattern of management actions must be filed within 30 calendar days of the most recent policy violation or management action.
- A complaint regarding layoff must be filed within 30 calendar days after the effective date of the layoff.
- An employee will be notified in writing regarding whether the complaint is timely, whether it falls within the scope of this policy, and whether it qualifies for review through Step II or Step III.
- If an employee does not appeal within the time limit(s) specified in local procedures, the complaint will be considered resolved and closed on the basis of the last University response.
- Whether the remedy granted under early resolution constituted a make whole remedy and the dismissal or closure of a complaint due to failure to participate can be appealed to the Office of the President.
- The review processes for Professional & Support Staff and Managers & Senior Professionals I-VII were split into two separate sections and significant detail was added to each section.
- Language regarding filing a complaint under both this policy and the local Sexual Harassment Complaint Resolution Procedures was clarified.
- New policy sections were added:
 - Informal Complaint Resolution
 - Early Complaint Resolution (Career Employees Only)
 - Withdrawal of a Complaint

University of California – Policy PPSM-70
PPSM-70: Complaint Resolution

- Failure to Participate
- Remedy
- Conflict of Interest
- Reformatted into the standard University of California policy template .

As a result of the issuance of this policy, the following documents are rescinded as of the effective date of this policy and are no longer applicable:

- *Personnel Policies for Staff Members 70 (Complaint Resolution)*, dated July 1, 2012
- *Personnel Policies for Staff Members 71 (Resolution of Concerns – Managers and Senior Professionals, Salary Grades VIII and IX)*, dated March 1, 2000

The following policies have been rescinded and are no longer applicable:

- *Personnel Policies for Staff Members 70 (Complaint Resolution)*, dated March 1, 2000
- *Personnel Policies for Staff Members 70 (Complaint Resolution)*, dated July 1, 1996
- *Staff Personnel Policy 280 (Employee Grievances)*, dated December 1, 1985