

POLICIES

FILING AN APPEAL & REVIEW OF EMPLOYMENT ELIGIBILITY

FILING AN APPEAL:

An appeal is a request by a student employee to have an employment decision reviewed by a party other than the decision maker.

An appeal process is in place for students who disagree with a decision or action that was taken in relation to their student employment. Examples where an appeal may be appropriate would be in cases of:

- Formal disciplinary actions
- Termination

University Housing Human Resources will conduct a thorough investigation and review of the facts to ensure that the proper discipline steps were followed by the employing unit and that the student employee was treated fairly. Some pieces of a fair employment discipline investigation include:

- The student was given the opportunity to respond to the allegations
- The student knew of the rule/policy
- The work rules were applied similarly across the division, and the appropriate work rule was selected for the situation
- The outcome makes sense with the history of the student's employment record
- Throughout the discipline process, the employing unit followed the proper procedures and met all departmental and divisional expectations

To file an appeal, the student should submit, in writing, to the University Housing Human Resources department (email is acceptable – hr@housing.wisc.edu) their intent to file an appeal. This should be completed within 14 calendar days of the termination or disciplinary action taken. If a student fails to file a timely appeal, it is possible that not all facts of the situation may be available and a decision will be made on the best available information at the time.

Response times may also increase due to the time required to research relating records.

The notice of appeal submitted by the student should minimally include the following information: student name, position title, work unit, date of action taken, reason for the appeal (why the student believes the discipline process wasn't fairly administered), and desired remedy. If the appeal is not timely, the student should address the reason for the time delay.

Appeal Decisions

Human Resources will conduct a thorough review of the facts surrounding the appeal as necessary and may present the appeal to either the Assistant/Associate Director of the area or to an appeal committee for a decision. At the time of the decision, Human Resources will issue a formal written notice to the student, normally within 14 calendar days of the appeal being received. The decision may be that the discipline or termination is upheld, overturned, or a more appropriate work rule is identified. In the cases of an overturned termination, the student may be reinstated to the job.

All appeal decisions issued are final, unless either party has new information that becomes available and was not known at the time of the initial appeal decision.

EMPLOYMENT ELIGIBILITY REVIEW:

Eligibility & Eligibility Categories:

Students at UW-Madison must meet certain qualifications in order to be eligible for student employment (see *Definition and Eligibility of Student Employment Policy*). If a student meets these qualifications, they can be hired as a student employee.

Once employed, there are certain scenarios at the time of separation in which a student's future employment eligibility with University Housing can be impacted, as indicated in the chart below:

| Separation Reason | Impact to Future Employment Eligibility |
|--|---|
| Resigned with Notice | None |
| Resigned without Notice | Eligibility is lost but will be reinstated 4 months from the date of the separation |
| No Show at Orientation | Eligibility is lost but will be reinstated 4 months from the date of the separation |
| Failure to complete employment paperwork | Eligibility is immediately reinstated upon appeal |
| Termination due to disciplinary action | *See attached document – based on work rule violation |

If a student employee's employment eligibility with University Housing is impacted, they will be notified by their supervisor.

A student employee's future employment eligibility can be impacted in one of four ways:

- Reinstatement eligibility for employment with University Housing immediately upon appeal
- Reinstatement eligibility for employment with University Housing after 4 months
- Review eligibility for employment with University Housing after 4 months
- Permanent bar of employment eligibility with University Housing

For disciplinary actions that result in termination, the terminated individual will be assigned a category for future employment eligibility, based on the violation that caused the termination. The termination letter will indicate what category is assigned. Additionally, if a student is terminated for disciplinary reasons, there may be impacts to future or concurrent appointments with University Housing, depending on the work rule violation that resulted in the action.

Attachment 1 indicates what work rule violations correspond with what employment eligibility category. If the terminated student has another job (current and/or future) with University Housing, and the violation is in the "review eligibility after 4 months" category or the "permanent bar of employment eligibility" category, the current and/or future jobs will also be terminated. If the violation is "reinstatement eligibility after 4 months", the current and/or future jobs will not be impacted.

Review Process of Employment Eligibility

A review process is in place for students who would like to have their employment eligibility reviewed. This would be appropriate for any student employee whose disciplinary action/termination resulted in assignment to the "review eligibility for employment after 4 months" category.

Student employees whose employment statuses are assigned to the "reinstatement eligibility for employment after 4 months" category do not need to submit for review. Their eligibility will be automatically reinstated after 4 months.

Student employees whose disciplinary action/termination resulted in the “*permanent bar of employment eligibility with University Housing*” category are not able to have their employment eligibility reviewed or reinstated. (They may, however, file an appeal if they disagree with the termination/action causing the eligibility bar, or if they disagree with the work rule identified as being in violation of).

Reviews of employment eligibility will be conducted via a hearing in front of the Employment Eligibility Review Committee.

The primary objective of the Employment Eligibility Review Committee will be to hear the student present their case (in-person) as to why they want their employment eligibility reinstated. The committee will then discuss and decide whether or not the student may be eligible for re-employment with University Housing. If employment eligibility is to be restored, the committee must decide when the student will be eligible.

Requesting a Review of Employment Eligibility:

To request an employment eligibility review, student employees must submit their request, in writing, to the Human Resources department (email is acceptable – hr@housing.wisc.edu). Students should also include in the request their availability (dates/times) for the next two weeks, in at least 45 minute increments. This request can be submitted at any point, but no earlier than 4 months following the date of the action (termination).

Human Resources will coordinate scheduling the review committee, in conjunction with the student employee’s availability, and a follow-up email will be sent to the student employee with the final date, time, and location for the hearing.

Employment Eligibility Review Decisions:

Decisions may be communicated to the student either by a formal written response from Human Resources, incorporating the committee discussion points, and/or a documented phone conversation by a committee member.

Attachment 2 is a chart outlining the difference between student grievances, student appeals, and the employment eligibility review.

Attachment 1: Work Rules – Employment Eligibility Categories

A. Work Performance

Review
4 Months

1. Insubordination, including disobedience or failure or refusal to carry out assignments or instructions.
2. Loafing, loitering, sleeping or engaging in unauthorized personal business.
3. Unauthorized disclosure of confidential information or records.
4. Failure to provide accurate and complete information whenever such information is required by an authorized person.
5. Failure to comply with health, safety, and sanitation requirements, rules and regulations.
6. Negligence in performance of assigned duties, including poor quality or quantity of work.
7. Falsifying records, i.e., lying.
8. Giving false information to other state agencies or to employees responsible for record keeping, e.g., timecard fraud.

Permanent

B. Attendance & Punctuality

Remove
4 Months

1. Failure to report promptly at the starting time of a shift or leaving before the scheduled quitting time of a shift without specific approval of the supervisor.
2. XX Unexcused or excessive absenteeism (including tardies) in a XX week period.
3. Failure to observe the time limits and scheduling of lunch, rest or wash-up periods.
4. Failure to notify the supervisor promptly of unanticipated absence or tardiness, i.e., call in procedure violation for absences/tardiness.
5. No Call / No Show (not calling in or showing up at all on your scheduled day of work.)

C. Use of Property

Review
4 Months

1. Unauthorized posting or removing notices or signs from bulletin boards.
2. Unauthorized improper use, or abuse of University property or equipment, including: computers, email, copier, telephone, radios, and vehicles, etc. (this is not an inclusive list)
3. Unauthorized possession or removal of University or another person's private property.
4. Unauthorized use, including, lending, borrowing, losing, or duplicating University keys.
5. Unauthorized entry to University property, including unauthorized entry outside of assigned hours of work or entry to restricted areas.

Permanent

D. Personal Actions & Appearance

Review
4 Months

1. Unauthorized solicitation for any purpose.
2. Unauthorized or improper use or possession of uniforms, identification cards, badges or permits.
3. Failure to exercise good judgment or being discourteous in dealing with fellow employees, students or the general public.
4. Threatening, attempting or doing bodily harm to another person.
5. Threatening, intimidating, interfering with or using abusive language towards others.
6. Unauthorized possession of weapons.
7. Making false or malicious statements concerning other employees, supervisors or students of the University.
8. Use of alcoholic beverages or illegal drugs during working hours.
9. Reporting for work under the influence of alcoholic beverages or illegal drugs.

Permanent

E. Appearance

Remove
4 Months

1. Inappropriate dress (including lack of required ID badge) or lack of personal hygiene which adversely affects proper performance of duties or constitutes a health or safety hazard.

Attachment 2: Chart – Student Grievances, Student Appeals, and the Employment Eligibility Review

Student Employment Grievances, Appeals, and Eligibility Review Committee

| What action/item can the student request a review of? | When can it be grieved/appealed? | Who does the review? | How is the review conducted? | What is being assessed? | How is the decision delivered and by whom? | Possible Outcomes (this list is not all inclusive) |
|--|---|---|---|---|---|---|
| <p>Grievances</p> <p>The grievance process is in place to help resolve areas of concern in the work place of a student employee</p> <ul style="list-style-type: none"> Working conditions or unfair treatment in the workplace, for example: <ul style="list-style-type: none"> Unreasonable application of work rules Incorrect compensation Discriminatory treatment | <p>Step 1: Within 10 business days of the date the employee first became, or should reasonably have become aware, of the condition or action</p> <p>Step 2: Within 5 business days of receipt of the decision from Step 1</p> | <p>Step 1: The immediate supervisor</p> <p>Step 2: The Department Assistant/Associate Director of University Housing</p> | <p>In-person meetings between the student and the supervisor or Asst./Assoc. Director.</p> <p>The student may bring a representative with them to the meeting. Supervisors may not serve as a representative.</p> | <p>Is there a workplace problem to be corrected?</p> | <p>Formal written response by the supervisor or department head via the Grievance Form (Additionally, the written response may be delivered in person with a conversation)</p> | <p>Varies depending on the nature of the grievance</p> |
| <p>Student Appeals</p> <p>The appeal process is in place for a student who believes they were unjustly disciplined or terminated, and as a result they want the discipline or termination overturned.</p> | <p>Any time after the termination or discipline is issued, preferably within 14 days of the action.</p> <p>The student must initiate the appeal.</p> | <p>Human Resources. Consultation with the Department Head or Appeal Committee*, as needed</p> | <p>The student's appeal statement and discipline information in SEA will be considered</p> | <p>This is a review of the discipline process, due process, and just cause components.</p> <ul style="list-style-type: none"> Was there a fair and timely investigation? Was the correct work rule chosen? Was there an appropriate outcome? | <p>Formal written response from Human Resources</p> | <ul style="list-style-type: none"> Discipline may be removed from the record A termination may be reversed and the student is reinstated to their job The work rule may be adjusted The action stands as is |
| <p>Eligibility Review Committee</p> <p>If a student has lost their employment eligibility due to termination, and is now seeking to have their eligibility reinstated, they can present their case in front of the Student Employment Eligibility Review Committee.</p> | <p>A minimum of 4 months after the termination.</p> <p>The student must initiate the review.</p> | <p>Eligibility Review Committee*</p> <p>HR will coordinate the logistics, so the student should contact HR to initiate the review</p> | <p>In-person Hearing</p> <p>The student must be present at the hearing and speak to their growth and development since the termination.</p> | <p>Does the student show growth and maturity that would warrant employment eligibility to be reinstated?</p> <p>The terminating offense is not up for review, and the job for which the student wants to apply is not up for consideration while making a determination.</p> | <p>Depending on the wants of the Review Committee, a formal written response from HR (incorporating the committee discussion points) and/or a conversation by a committee member.</p> | <p>Employment eligibility may be reinstated either immediately or for a future date,</p> <p>OR</p> <p>Employment eligibility may be permanently denied</p> |

*If the Appeal Committee or Eligibility Review Committee is called, representatives should be either staff who sit on the Student Employment Advisory Committee or are Designated Discipline Representatives (DDRs). HR will facilitate the meetings.