

## Procedure Title: Grievance

**Impact:** Employees

**Responsibility:** Human Resources

**Effective Date:** 12/30/96

**Last Update:** 06/24/98

**Relates to Policy:** 3.02.23

**Legal Citation(s):**

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A grievance is defined as any substantial unresolved dispute regarding the implementation of written college policies or procedures.

Step 1. The grievant is obligated to try to resolve the issue verbally with the supervisor(s) involved before committing the grievance to writing. The recognition of the event or condition grieved must have occurred within twenty (20) working days preceding the initiation of the verbal resolution phase of the grievance procedure. Working days are defined as all usual workdays:

Monday, Tuesday, Wednesday, Thursday, or Friday, except those days that are observed as holidays as specified in the official, board-approved college calendar.

Step 2. If verbal resolution of the grievance is not reached, the grievant may commit to writing his/her dispute, citing the policy or procedure specific to the dispute, and how the policy or procedure has not been followed or applied properly. The grievant must also state his/her remedies sought. The grievance shall also detail the attempt(s) made to resolve the issue, the conclusion that was reached, by whom, and why it is believed the conclusion is in error. The grievant will submit the written grievance to the supervisor who made the decision that caused the situation grieved within thirty (30) working days of the event or condition grieved. A copy of the written grievance will be forwarded to the human resources office.

The supervisor also will return a written response to the grievant within ten (10) working days following the receipt of the written grievance. If the grievant is not satisfied by the written response or the written response is not received within the ten (10) working-day deadline, the grievant may either

- a) submit the grievance to the supervising vice president of his/her work areas, (go to step 3A)

Or

- b) request a review by the Employee Complaint Committee (ECC) (go to step 3B)

Note 1: If the grievant reports directly to a vice president, go directly to step 3B.

Note 2: The decision of a supervisor one level above an immediate supervisor shall be the final step for part-time hourly and probationary employees. Such employees must follow the timelines outlined in steps 1 and 2 and submit copies of a written grievance to the immediate supervisor who is being grieved and that supervisor's supervisor. The upper level supervisor has ten (10) days in which to provide both parties with a final written decision.

If the grievant fails to exercise either option a or b above, within ten (10) working days of receiving the written response from the supervisor, the grievance will be considered resolved, as provided in the supervisor's written response.

Step 3A. Within ten (10) working days of the receipt of the grievance, the supervising vice president shall review the complaint and issue a written decision to both parties of the grievance. (then proceed to Step 4 of this grievance procedure).

Step 3B. The request for review by the Employee Complaint Committee (ECC) from the grievant is to be delivered to the director of human resources. The ECC consists of two faculty, two support staff and two managers elected each fall by their peers. ECC members will serve a two (2) year term. ECC members will be trained in conflict resolution, mediation, and college policy.

The director of human resources or designee shall convene the ECC within twenty (20) working days of receipt of the written request from the grievant. The ECC shall be composed of three voting members and a non-voting human resources person who is responsible for managing committee logistics (meeting arrangements, report writing, scheduling, etc.) and advising the committee on federal and state laws and rules, and college policies. The three voting members include one member selected by the supervisor. This member will be a peer of the grievant. A second member of the committee is selected by the grievant and will be the supervisor of another area. The third voting member of the committee will be mutually selected from the list of the elected ECC members and shall serve as the chair. If mutual agreement cannot be reached, the director of human resources will assign the ECC member. An ECC member who breaches confidentiality attendant to these proceedings may be dismissed from the committee by the director of human resources.

The director of human resources will provide the ECC a copy of the written grievance, the written response by the supervisor(s), and all other relevant documents. The committee, under the direction of the chair, may make its review based, (1) solely on the written record, or (2) separate or mutual consultations with the grievant or other employees. The grievant may be joined by one advocate of his/her choice. Attorneys are not allowed to represent any party in this process.

Insofar as possible, all meetings and inquiries of the ECC shall be closed, conducted during regular working hours, and when requested by the committee, the grievant shall be granted time off from regular duties to appear before the ECC.

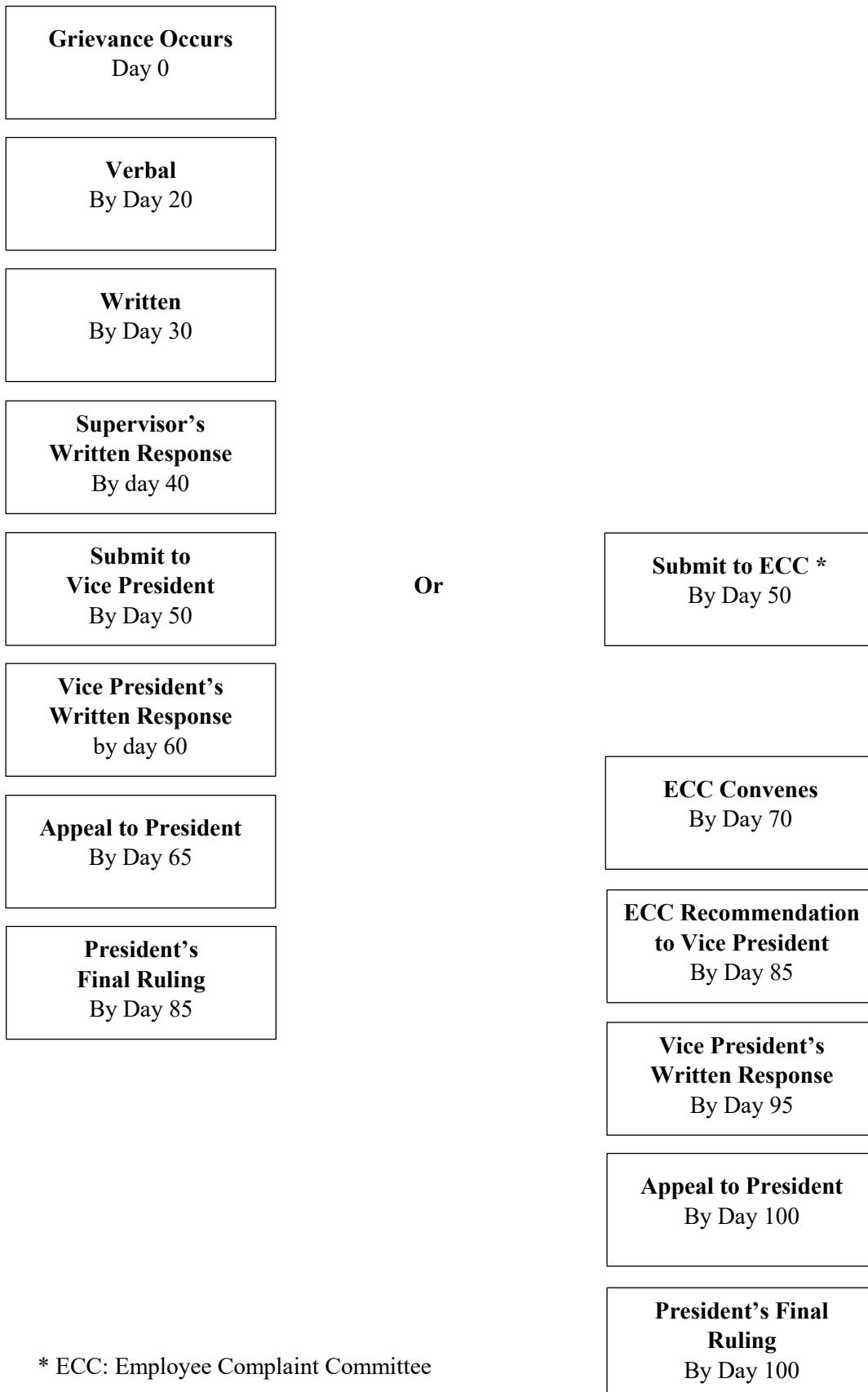
Decisions of the committee are determined by majority vote. The committee shall make its written, non-binding, recommendation to the supervising vice president within fifteen (15) working days from the date that the committee was convened. Copies of the recommendation will also be forwarded to both parties to the grievance and the Human Resources Department.

Copies of the documents will be maintained by human resources in a file separate from the grievant's personnel file.

The ECC review is a non-legalistic, informal problem-solving process

After receiving the decision of the committee, the supervising vice president shall furnish the grievant and the Human Resources Department with a written decision on the grievance within ten (10) working days.

Step 4. If the grievant wishes to appeal the decision of the vice president, a written appeal must be submitted to the president within five (5) working days of receiving the vice president's written decision. The president will review the written record and provide his/her written decision within twenty (20) working days of receipt of the appeal. The decision of the president is final and exhausts internal college remedies for the grievant.

**Various Timeline Options for Grievance**

\* ECC: Employee Complaint Committee