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Chapter: Human Resources

Modification No. 002

Subject: **Grievance Process for Non-Bargaining Staff**

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- I. The Board of Trustees recognizes the need for a grievance process for non-bargaining staff employees to assure that employee complaints regarding working conditions, disciplinary actions or alleged violations of policy and/or procedures receive prompt and careful consideration and are resolved in an equitable manner. Prior to filing a formal grievance, employees are required to make every effort to settle such matters informally in the normal system of supervision and administration. The purpose of grievance procedures is to make maximum effort to secure equitable solutions to grievance matters at the lowest possible administrative level.
- II. The President is authorized to establish procedures to implement this policy.

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Board Approval: September 21, 1987; April 8, 2019.

Chapter: Human Resources

Modification No. 005Subject: **Grievance Process for Non-Bargaining Staff****I. Grievance - General**

- A. Purpose: The internal grievance process is a tool for employees to formally raise concerns and it provides supervisors a process to address those concerns. The goal of the process is to give employees the opportunity to be heard and to ensure that careful consideration is given to decisions affecting employees. The College offers this tool, among others, including the Ombuds, and employees are encouraged to engage with the option that works best for them.
- B. Definition: A grievance is a complaint in regard to working conditions, disciplinary actions, or alleged violations of policy and/or procedures that do not have a specific complaint procedure.
- C. The following are exempt from the grievance procedure:
  - 1. An employee's performance evaluation.
  - 2. The content of published policy of the College.
  - 3. An action terminating a temporary promotion and returning the employee to the employee's previous position.
  - 4. Matters which are subject to appeal under any other established appeal procedure authorized elsewhere in College policies and procedures, including but not limited to 31006CP-Equal Opportunity, Non-Discrimination, 21001CP-Sexual Misconduct, and 34003CP-Discharge of Administrators and Staff.
  - 5. Decisions on the status of probationary and temporary employees (e.g., whether or not to grant regular status, continued funding or need for the position, etc.)
  - 6. Administrators are not eligible to file grievances under this procedure.
- D. An employee, in presenting a grievance under this grievance procedure, shall:
  - 1. Be assured freedom from discrimination or retaliation.
  - 2. Have the right to be accompanied by an employee representative who has been freely chosen and is willing and free to accompany the employee; the accompanying employee should not be involved in a conflict of position, such as might be the case with a member of the Human Resources Office or the Office of Equity and Inclusion.
    - a. When an employee designates another employee of the College as an accompanying employee, the accompanying employee shall be assured freedom from discrimination or retaliation.
    - b. An employee may choose to present a grievance without an accompanying employees.

- E. All decisions rendered at all levels of the grievance procedure shall be in writing setting forth the decision and shall be transmitted promptly to all of the principal parties involved in the grievance and its adjudication.
- F. Each supervisory level shall give each grievance full, impartial, and prompt consideration. Every effort shall be made to issue responses within fifteen (15) working days. The Chief Human Resources Officer may grant an appropriate extension under extenuating circumstances.

II. STEP I: Informal Process

The employee should report the grievance to the employee's immediate supervisor or the supervisor's immediate supervisor within ten (10) working days from the date of the incident or the date the employee became aware of the incident. The employee should describe the incident, explain the problem, and suggest a solution whenever possible. Every effort should be made to resolve the problem at this stage. If a satisfactory solution is not reached within ten (10) working days of notice to the supervisory chain, the employee may then proceed to request Alternative Dispute Resolution or file a formal grievance.

- A. An employee is entitled to present a formal grievance only after informal resolution has been attempted, unless the informal requirement has been waived by the Director of Employee and Labor Relations (or designee) or college policy and procedure states otherwise.
- B. An employee may, as part of the informal process, take advantage of other College resources, such as the Ombudsman, Employee & Labor Relations, or the Faculty & Staff Assistance Program, to help resolve the grievance.

III. STEP II: Alternative Dispute Resolution

In the event a dispute is not resolved during the informal process, an employee or the College may request the assistance of a mediator to resolve the grievance. Such a request must be made to the Office of Employee & Labor Relations within five (5) working days of conclusion of the informal procedure. In no case shall an employee who works in the same unit be appointed to help resolve the dispute.

IV. STEP III: Formal Grievance Procedure

- A. If the matter is not resolved, within five (5) working days of the conclusion of the informal process and/or Alternative Dispute Resolution, the employee may submit the formal grievance, in writing, to his/her next-level supervisor (i.e., the supervisor of the employee's immediate supervisor), with a copy to the Director of Employee & Labor Relations (or designee). The formal grievance must include a description of the problem, the basis of the grievance including prior attempts to remedy the situation, and a proposed remedy (if the latter is practicable).
- B. The next-level supervisor shall consult with the Office of Employee & Labor Relations as part of the review.
- C. The next-level supervisor may request a meeting with the employee or additional information from the employee. The next-level supervisor may also meet with other employees in the unit as needed.

- D. Upon conclusion of the review, the next-level supervisor shall issue a response in writing to the employee, usually within ten (10) working days of the conclusion of the review.
  - 1. The response shall include whether the grievance is upheld or denied or other action will be taken in response, and the basis for the decision.
  - 2. A copy of the response shall be submitted to the Director of Employee & Labor Relations (or designee).
- E. If the employee's next-level supervisor is a senior vice president, then that senior vice president's review shall be final and the employee will have no further appeal as outlined below.

V. STEP IV: Formal Appeal

- A. An employee may appeal the Formal Grievance to the responsible administrator for the unit. The responsible administrator will be the lowest-level administrator that has not already been involved in a prior step in the procedure (e.g., typically a Director or Vice President). The employee must submit the Formal Grievance Appeal and all related document to the responsible administrator within five (5) working days, with a copy to the Director of Employee & Labor Relations (or designee). The responsible administrator will be the lowest-level administrator that has not already been involved in a prior step in this procedure (e.g., usually a Director or Vice President)
- B. The responsible administrator shall consult with the Office of Employee & Labor Relations as part of the review.
- C. The responsible administrator may request a meeting with the employee or additional information from the employee. The responsible administrator may also meet with other employees in the unit as needed.
- D. Upon conclusion of the review, the responsible administrator shall issue a response in writing to the employee, usually within ten (10) working days of the conclusion of the review. The response shall include whether the grievance is upheld or denied or other action will be taken in response, and the basis for the decision. A copy of the response shall be submitted to the Director of Employee & Labor Relations (or designee).
- E. The responsible administrator's review shall be final.

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Administrative Approval: September 21, 1987; September 27, 1990; April 12, 2005; August 25, 2010; April 19, 2018.