

3.06

EMPLOYEE GRIEVANCE

CHAPTER 2

POLICY 3.06

Board of Trustees Approval: 02/10/2016

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I. POLICY

Eligible employees who disagree with concern(s) over violation or application of employment policies or practices, working conditions, or corrective action procedures may appeal through the Grievance Procedure.

While encouraging employees to seek resolution to their Grievances, the College retains all of its rights to manage its operation, determine its organizational structure and mission and the means, equipment, machinery, technology, personnel, and the ability to assign employee duties and classifications necessary to fulfill such mission, and to supervise its operation to the fullest extent allowable under the law.

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I. REFERENCES

- A. Personnel Policy No. C2S02.06 "Sexual Harassment Avoidance"
- B. Academic Affairs Policy No. C4S01.01, "Academic Freedom, Professional Responsibility and Tenure Document"
- C. Student Services Policy No. C3S02.01, "Student Code of Conduct"
- D. Personnel Policy No. C2S03.01, "Employee Performance Appraisal"
- E. Personnel Policy No. CC2S03.07 "Corrective Actions"

II. DEFINITIONS

- A. Calendar Days. Calendar Days are used for Grievance submission deadlines. If a deadline falls on a weekend, College holiday, College break, or College closure, the deadline moves to the next College business day.
- B. Corrective Action. Employment action delivered by a supervisor with the goal of correcting unacceptable employee performance or conduct.
- C. Date of Concern. The date of the event that has led to an employee's decision to initiate the Grievance process. Example: Date of Written Warning Letter.
- D. Employees. As defined in SLCC Policies and Procedures Employee Definitions and Categories policy Ref# C2S01.01.
- E. Final and Binding Decision-Maker. The College President or his/her designee for Grievances regarding level 3 Corrective Action. The applicable cabinet member for Grievances that are not in response to level 3 Corrective Action.
- F. Full-Time Employees. Those employed in full-time positions as designated by the President.
- G. Grievance. Concern(s) over violation or application of personnel policies or Practices, working conditions, Corrective Actions, or termination. Grievances are considered private and confidential to the extent possible.

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- H. Grievance Hearing Committee. The committee appointed by the Assistant Vice President of Human Resources or designee from the Standing Grievance Committee that is charged with determining the merits of a Grievance and to make initial determinations within the guidelines of this policy.
- I. Grievance Termination. The Grievance procedure stops and no further action will be taken.
- J. Grievant. An employee of the College who has filed a formal Grievance.
- K. Hourly/Part-Time Employees. As defined in SLCC Policies and Procedures Employee Definitions and Categories policy Ref# C2S01.01.
- L. Informal Procedure. A good faith effort by an employee to resolve Grievances through informal discussions with his/her immediate supervisor and second level supervisor when necessary. The Human Resources Office shall be available to assist both parties in the informal resolution of Grievances.
- M. Level 3 Corrective Action. As defined in SLCC Policies and Procedures Corrective Action policy Ref #: C2S03.07
- N. Mediation. The process that provides a Grievant the opportunity to identify issues, consider options, and arrive at a mutual agreement under the supervision of a trained mediator. Both the Grievant and Respondent must agree to participate in Mediation before proceeding.
- O. Regular Employees. As defined in SLCC Policies and Procedures Employee Definitions and Categories policy Ref# C2S01.01.
- P. Respondent. An employee of the College who is designated as the appropriate person to respond to a Grievant's Grievance request. The direct supervisor acts as the primary Respondent in most circumstances.
- Q. Standing Grievance Committee. The Standing Grievance Committee is a group of administrators, faculty, and staff appointed and trained by the administration for the purpose of hearing Grievances. Standing Grievance Committee members shall be appointed by the College President, Faculty Association President, and the Staff Association President for each respective

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group. Appointments are generally for a two-year term. The College's Legal Counsel shall provide periodic in-service training for the Committee.

III. PROCEDURE

A. General Information

1. The College recognizes the right of employees to use the Employee Grievance Procedure without fear or concern of retaliation. No Grievant, witness or member of the Grievance Committee shall be subject to harassment, reprisal, or retaliation for utilizing or participating in the Grievance process.
2. Every effort should be made to find an acceptable solution to a problem using the Informal Procedure.
3. Full-time, regular staff employees and faculty employees who have completed their probationary period have access to the Grievance procedure. Employees within their probationary period (normally six months), full-time regular faculty within their first twelve (12) months or serving in appointments designated as temporary, non-tenure track, or adjunct faculty, and part-time hourly employees are limited to the Informal Procedure.
4. Reasonable time off with pay during scheduled working hours shall be provided to the Grievant, the employee's advisor, or any witnesses called to testify, for reasonable time spent in preparation and/or proceedings leading to resolution of the Grievance. Time spent by the Grievant or advisor in such activities outside scheduled working hours is non-compensable.
5. Complaints regarding sexual harassment shall follow College Policy and Procedure C2S02.06 Sexual Harassment Avoidance. Complaints regarding discrimination shall follow College Policy and Procedure C2S03.05 Employment Discrimination.
6. Full-time tenured faculty complaints regarding termination, denial of tenure or promotion, and substantial reduction in the status of tenured

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faculty members will follow the College policy and procedure on Academic Freedom, Professional Responsibility, and Tenure, Academic Affairs Policy No. C4S01.01.

7. As the Grievance moves through the formal process, the Grievant may not add new issues or claims to the original Grievance. Amended Grievances may be considered by the Committee if a new issue or claim has arisen since the original Grievance was filed. An employee may not institute more than one Grievance procedure based on the same facts, claims, circumstances or events. All records, findings, and decisions shall be maintained in the Human Resources Office in a separate file from the employee's personnel file.
 8. Alternative Procedures. If any steps in this procedure are impractical for any reason, the Assistant Vice President of Human Resources, normally after consultation with the Grievant, will prescribe an alternative procedure which, to the maximum practicable degree, assures to the Grievant the fair and adequate consideration of the problem or complaint; provided, however, that a Grievant's right to a hearing before the Grievance Hearing Committee cannot be denied nor abridged, if eligible. The Human Resources Office will act in an advisory and resource capacity to both the employee and to the supervisor at all stages of the procedure.
 9. Failure of the Grievant to meet Grievance deadlines as outlined in this policy will result in Grievance Termination.
- B. Informal Procedure. An eligible employee who has a Grievance will make a good faith effort to resolve the problem through an informal discussion with his/her immediate supervisor, with the exception of Grievances regarding Level Three Corrective Action which will start at the Grievance Hearing procedure. If the matter is not satisfactorily resolved at this level the employee will then go to the second-level supervisor and make a good faith effort to resolve the concern.
1. The employee will have fourteen (14) Calendar Days from the Date of Concern to complete the Informal Procedure. Failure by the employee to notify and meet with his/her supervisors within fourteen (14) Calendar Days will constitute termination of the Grievance.

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2. The following issues are limited to the Informal Procedure under the Employee Grievance Procedure: 1) job descriptions, re-assignment of job duties and responsibilities, 2) classification and job evaluation of positions, 3) wages and salaries, 4) reduction in force, 5) termination during new employee probation, and/or extension of the new employee probationary period, 6) reorganization that does not result in loss of pay, 7) soft-funded appointments which are terminated for loss of funding or that are time specific 8) general working conditions.

C. Mediation

If the Grievance is not successfully resolved with the Informal Procedure or the supervisor(s) refuse to meet with the Grievant, the Grievant will have an additional seven (7) Calendar Days to file a request for Mediation with the Human Resources Office by submitting the employee Grievance form. Both parties must agree in writing to mediate prior to entering the Mediation process. The Human Resources Office will coordinate a request for Mediation and a mediator will be appointed. If the concerns are unresolved with Mediation, the Grievant will have an additional seven (7) calendar days from the date of Mediation completion, to file a request with the Human Resources Office for a hearing before the Grievance Hearing Committee. Failure by the Grievant to deliver to the Human Resources Office a completed Grievance Hearing Request Form within seven (7) Calendar Days will constitute termination of the Grievance.

D. Grievance Hearing Procedures

1. An employee must complete a Grievance Hearing Request Form available from the Human Resources Office and submit the form within the following time frames:
 - a. Terminations: Within seven (7) Calendar Days from the date of termination.
 - b. Other concerns: Within seven (7) Calendar Days from the completion of the Informal Procedure.

The completed form must state the nature of the Grievance and/or policies and procedures that have been alleged to have been violated, attempts at resolution, and the remedy the Grievant is seeking.

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2. The Human Resources Office will designate a person to coordinate the formal Grievance procedure with the Grievant and supervisor(s), monitor time lines, and answer questions regarding the process.
3. Upon receipt of a request for a Grievance Hearing Committee, the Assistant Vice President of Human Resources will establish a Grievance Hearing Committee from the Standing Grievance Committee rotation list. This list is reviewed with the Faculty and Staff Association Presidents as necessary.
4. The Grievance Hearing Committee for all Grievances excluding Grievances regarding Level 3 Corrective Action will be comprised as follows:

Grievant	Respondent		
	Faculty	Staff	Administrator
Faculty	2 Faculty	1 staff 1 faculty	1 administrators 1 faculty
Staff	1 staff 1 faculty	2 staff	1 staff 1 administrators
Administrator	1 administrators 1 faculty	1 staff 1 administrators	2 administrators

5. The Grievance Hearing Committee for Level 3 Corrective Actions will be comprised as follows:

Grievant	Respondent		
	Faculty	Staff	Administrator
Faculty	4 Faculty	2 staff 2 faculty	2 administrators 2 faculty
Staff	2 staff 2 faculty	4 staff	2 staff 2 administrators
Administrator	2 administrators 2 faculty	2 staff 2 administrators	4 administrators

6. The College President will designate a Grievance Committee chairperson, not necessarily selected from employees of the College, in

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addition to the members selected from the Grievance Hearing Committee rotation list, and appoint a committee secretary (ex-officio).

7. A Grievance Hearing Committee member shall be excused from participation in any Grievance deliberation where he/she may be influenced by personal relationships with the parties, by bias concerning the circumstances giving rise to the Grievance, or by any other material influence which would appear to inhibit the member's ability to render an unbiased judgment. The Grievance Hearing Committee is to act as an impartial fact finding body representing neither side in the cases brought before it. It does not take any corrective actions nor make any binding decision, but exists solely to hear the facts of each case, make a series of findings based upon those facts and recommend a course of action to the final and binding decision-maker.
8. The Grievance Hearing Committee will begin the process upon notification of the Grievance. The Grievance Committee will examine the merits of the Grievance and issue an initial determination. At their discretion, the Grievance Committee will select one of the following options:
 - a. Determine that it is unnecessary to proceed with the Grievance process based upon the following factors: there is insufficient evidence to support the Grievance or the Grievance is not eligible by policy and procedure or other such criteria. If the Grievance Committee determines that there is insufficient evidence to hold a hearing, they will issue a determination of "No Merit." Either party may appeal the decision to deny a hearing within seven (7) Calendar Days to the final and binding decision-maker.
 - b. The Grievance Hearing will be conducted under the following guidelines:
 - (1) Both parties may bring one person of their choosing to assist them during the hearing. This person may only advise the grievant and will not address the Committee.

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- (2) In cases of Grievances regarding termination either party may be advised or represented by counsel upon notification to the Committee Chair in advance of the hearing.
- (3) Both parties shall present their positions. The Respondent shall present his/her position first.
- (4) Both parties shall be given the opportunity to respond to the presentation of the other party.
- (5) The Committee or either party may invite witnesses. However, the Committee Chair is charged with controlling the hearing and avoiding repetitive testimonies. Witnesses shall be invited into the hearing and excused by the Chair. Witnesses may be questioned by both parties. Character witnesses with information that is deemed as not applicable to the relevant issues will be dismissed.
- (6) The Chair will assist in clarifying issues and determining fact, as well as with the general conduct of the hearing. Grievance Hearing Committee members may ask questions of both parties to help understand the facts.
- (7) The Committee will meet privately to make its report.
- (8) The Committee shall provide a final report to the final and binding decision-maker within seven (7) Calendar Days after the hearing is completed.
 - (a) Final and Binding Decision. The committee's findings and report will be given to the final and binding decision-maker. If so desired, the minutes and an audio recording of the Grievance Committee hearing will be made available for review. Based upon such review and without conducting further hearings, he/she shall take one of the following actions:
 - (b) Ratify the committee's findings and adopt its recommendations.

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- (c) Return the report to the committee for reconsideration or clarification. If this is returned to the committee, an additional-seven (7) Calendar days will be granted.
- (d) Reject all or parts of the Committee's findings and recommendation on one of the following grounds, among other possible reasons:
 - (i) The Committee's recommendations are not supported by the record.
 - (ii) The Committee's recommendations are based on a misinterpretation of applicable law or policy.
- (e) Within seven (7) Calendar Days after receiving the report of the Grievance committee, the final and binding decision-maker will issue his/her written final decision to all parties involved. If the report is returned to the committee an additional seven (7) Calendar Days will be granted. The decision of the final and binding decision-maker shall be final.