

METROPOLITAN COMMUNITY COLLEGE

BOARD POLICY

3.25030 BP

EMPLOYEE GRIEVANCE

3.25030 BP

The Board of Trustees recognizes the importance of providing a prompt and efficient procedure to secure at the lowest possible administrative level fair and equitable resolutions of employee grievances. To the extent possible, grievances shall be settled through informal means and the formal grievance procedure as set forth herein in this this procedure shall be utilized only when either party believes that a fair and equitable solution has not been reached through such informal means as the last available option to resolve the issue.

I. Applicability

- A. A grievant shall be a regular full-time or flexible part time flexible benefit eligible employee of the district.
- B. The alleged grievance shall pertain to a disagreement concerning the interpretation or application of:
 - 1. salary schedules and conditions;
 - 2. employment contracts; or
 - 3. board policies.
- C. Any grievance not described above shall be considered only with the approval of the chancellor or his/her designee.
- D. Termination of employment shall not be grievable nor shall issues which have been filed or adjudicated in another internal or external complaint resolution venue.

II. Informal Resolution

- A. Any employee may seek advice and information related to his/her employment, salary of schedules and conditions, employment contracts, or board policies. The purpose of the informal process is to review the complaint and attempt to resolve the issue. Matters resolved through the informal process need not proceed further under the provisions of this policy.
- B. An employee who has concerns related to employment matters covered under this policy are encouraged to talk to his/her supervisor or the office of human resources. Should informal resolution of the matter not be accomplished, the formal resolution process may proceed.

III. Formal Grievance Process

- A. The grievance shall be filed within thirty (30) calendar days after the event or occurrence giving rise to when the grievance took place or within thirty (30) calendar days from the date on which the employee shall have reasonably known of its occurrence. Even if the informal process has commenced, if an employee wishes to file a grievance it must be done within the thirty (30) day period. The associate vice chancellor of human resources may stay proceedings under this policy until the informal process has been concluded or exhausted.
- B. No reprisals of any kind shall be taken against any employee for participating in the employee grievance process. No materials pertaining to the grievance, including supporting documents submitted during the time the grievance is in process, shall become part of the employee's official personnel file.
- C. A grievance shall be initiated with the filing by the grievant of a written grievance with the associate vice chancellor of human resources or the employee relations manager or his/her designee, except that if one (1) of these individuals is the person against whom the grievance is directed, the grievance shall be filed with the chancellor or his/her designee.
- D. The grievant shall also submit documentation substantiating the allegation, if such exists and is in the grievant's control.
- E. The grievant shall submit a written statement indicating that reasonable avenues to achieve a solution have been attempted.

IV. Processing of Grievance

In addition to receiving the grievance, the associate vice chancellor of human resources shall:

- A. Assure that the grievance is clearly stated on the employee grievance form.
- B. Assure that the grievance includes the name of an individual against whom the grievance is directed or who properly represents the condition(s) being grieved.
- C. Determine that reasonable attempts at informal resolution have been made. At the discretion of the associate vice chancellor of human resources or his/her designee or the chancellor or his/her designee when appropriate, a sufficient amount of additional time shall be granted to permit the possible resolution of the matter. Attempts at resolution may include, but are not limited to, meetings between the individuals involved in the grievance, mediation, referrals to outside resources that might assist in resolving the matter, training, and other such informal processes.
- D. Review the grievance and investigate the issues described in the written statement and documentation to ascertain whether it falls within the parameters defined herein as grievable. If after the investigation the associate vice chancellor believes the matter is not grievable, it shall be reported in writing to the grievant.
- E. If the matter is deemed grievable, the person(s) responsible for, or against whom the grievance is directed (the respondent), shall be informed. A copy of the grievance shall accompany this communication. The respondent shall have fourteen (14) calendar days to

provide a written response. A copy of these materials, including the written response, shall be sent to the grievant.

- F. Notify in writing the chief administrator(s) of the administrative unit(s) involved concerning the nature of the grievance, the name(s) of the grievant(s), any person(s) named as party to the grievance, and the type of committee selected by the grievant.
- G. Send copies of all material pertaining to the grievance to the chairperson of the grievance hearing committee when requested.

V. Time Schedule and Notification Requirements

To the extent possible the following time schedules shall be observed. For the purpose of this time schedule, the date of notification shall be either the date of personal service or three (3) days after the mailing of a certified letter.

- A. Filing of grievance - within thirty (30) calendar days of occurrence, as described herein.
- B. Notification to person(s) named in grievance - seven (7) calendar days from the filing of the grievance.
- C. Statement from person(s) named in the grievance - fourteen (14) calendar days from the receipt of notification.
- D. Formation of a grievance hearing committee facilitated by the office of human resources - twenty-one (21) calendar days after filing of the grievance by the office of human resources.
- E. Grievance hearing committee hearing and recommendation - thirty (30) calendar days from submission to the committee.

VI. Formation of Grievance Hearing Committee

- A. Membership of the grievance hearing committee shall consist of: two (2) administrators, two (2) faculty members, and two (2) staff members, with the chairperson non-voting.
- B. Members of the grievance hearing committee shall be selected by the president of the faculty senate, district staff council, and the administrative association. If one (1) of the foregoing persons is a party to the grievance, the affected shared governance group shall select a replacement. Each governance group shall also select a replacement one (1) alternate member to act in the event of inability to serve by the chosen members of the grievance hearing committee.
- C. The members selected by the governance groups will be provided appropriate training, facilitated by the office of human resources and will be appointed to serve for three (3) academic years.
- D. The grievant shall have the right to object to any of the grievance hearing committee members selected. Objections will be stated in writing and presented to the associate vice chancellor of human resources. The associate vice chancellor of human resources shall

evaluate the objections and, if valid, shall direct the selection committee to submit a replacement(s).

- E. The grievance hearing committee shall choose its own chairperson.
- F. All grievance hearing committee members shall receive training in appropriate hearing procedures prior to conducting a hearing.
- G. The names of all persons named in the grievance shall be kept confidential within the parameters of this policy. The deliberations of the grievance hearing committee shall remain confidential to the extent possible. All materials related to the grievance shall be returned to the grievance committee chairperson and relinquished to the associate vice chancellor of human resources.

VII. Adherence to Time Schedules

Extensions may be granted by the associate vice chancellor of human resources or his/her designee to determine whether an extension of timelines is appropriate.

VIII. Hearing Determination

Prior to proceeding to a hearing, the grievance hearing committee shall meet to review the steps taken during the informal process and recommendations made by the office of human resources to resolve the matter. The grievance hearing committee may make a determination to adopt the recommendations for resolution made by the office of human resources or determine that the matter should proceed to a hearing.

IX. Rules of Conducting a Hearing

- A. The content of the hearing shall ~~hold~~ be held in confidence to the extent possible.
- B. If the grievant fails to appear at the hearing without acceptable reason, the grievance shall be denied at the discretion of the associate vice chancellor of human resources.
- C. The grievant and the aggrieved party shall present their own testimony personally. Attorneys retained for the purpose of representing parties to the grievance shall not be present at the hearing and shall not be allowed to participate, present witnesses, make opening or closing statements, introduce evidence or participate in the hearing as an advocate in grievance hearing, hearing procedures, or attend the grievance hearing.
- D. Testimony of witnesses and other evidence concerning the grievance may be presented by each party.
- E. Each party shall have the aid of the grievance hearing committee, when needed, in securing the attendance of witnesses.
- F. Each party shall have the right to question all witnesses who testify in person or who submit written statements.

- G. All hearings shall be recorded and made available for review in the personnel office to any party to the grievance and the members of the committee upon request.
- H. Each party shall have the opportunity to present a closing oral argument.
- I. The grievance hearing committee shall reach its decision in conference on the basis of the evidence presented at the hearing.
- J. The grievance hearing committee shall proceed to a decision promptly.

X. Findings of the Grievance Hearing Committee

- A. The grievance hearing committee shall address each issue before it and recommend a resolution of the grievance to the associate vice chancellor of human resources or, if the associate vice chancellor of human resources is a party to the grievance, to the vice chancellor of administrative services.
- B. All parties to the grievance and the associate vice chancellor of human resources shall be notified in writing of the findings and final determination of the committee.
- C. Appropriate officers shall also be furnished copies of the findings and recommendation.

XI. Implementation of the Committee's Recommendation

- A. The recommendation of the grievance hearing committee shall be implemented as soon as possible, unless an appeal of the grievance hearing committee's recommendation is taken.
- B. Within ten (10) calendar days of the decision of the grievance hearing committee, a written appeal of the grievance hearing committee's recommendation may be taken to the chancellor. Upon review of the written appeal and recommendation of the grievance hearing committee, the chancellor shall notify the associate vice chancellor for human resources and the grievant of his/her determination. The chancellor shall review the findings and recommendations of the grievance hearing committee, a copy of the proceedings, and the determination of the chancellor. Upon the determination by the chancellor, the grievance proceedings will be concluded.

XII. Safekeeping of Grievance Materials

Materials shall be kept on file for five (5) years in the office of human resources. At that time, materials shall be destroyed unless a special request by the grievant has been received asking that they be given the file provided, however, that the district may, in its discretion, retain copies of any such file given to a grievant.

Adopted: Board of Trustees
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