

NORTHEAST COMMUNITY COLLEGE

ADMINISTRATIVE PROCEDURE NUMBER: AP-7710.0

FOR POLICY NUMBER: BP – 7710

EMPLOYEE GRIEVANCE PROCEDURES

1. PROCEDURE SUMMARY STATEMENT

To establish procedures for employee grievances.

2. DEFINITIONS

2.1 A grievance is defined as a claim made by an employee based upon an interpretation, meaning, or application of policies, regulations, guidelines including but not limited to manuals, handbooks, etc., or applicable laws that has adversely affected the employee. A grievance is limited to a work related complaint. These grievance procedures shall have no application in the following instances:

2.1.1 Any matter involving the termination of contracts or terminations of employment, non-renewal of contracts, suspensions, demotions or other disciplinary actions.

2.1.2 Any matter being grieved under an employee group master employment contract.

2.1.3 Any matter in which the internal procedure for employee redress is prescribed by state statute.

2.1.4 The matter of controversy in issue has already been submitted by the employee through a procedure external to the College, such as legal proceedings or complaints filed with local, state or federal agencies.

3. PROCEDURE

3.1 Step One (Informal level) - Recognizing that grievances should be raised and resolved promptly, a grievance shall be raised within ten (10) calendar days after the occurrence of the action or omission giving rise to the grievance, provided, however, if the grievant could not have reasonably gained knowledge of the occurrence of such act or omission within said ten (10) calendar days from the date the grievant could have reasonably gained knowledge thereof, but in no event more than forty-five (45) calendar days from the occurrence giving rise to the grievance. A grievance shall be raised by the grievant within the aforementioned period for raising the grievance by requesting an informal conference with the grievant's immediate supervisor. The immediate supervisor shall respond orally within seven (7) calendar days of the informal conference. No written record of the matter shall be placed in the official

personnel file of the grievant if the grievance is thus resolved at the informal level. Both the grievant and the immediate supervisor are encouraged to attempt to resolve grievances at this informal level. If the grievant is not satisfied with the response of his/her immediate supervisor, or if the immediate supervisor fails to respond within seven (7) calendar days of the informal conference, the grievant may appeal his/her grievance by invoking the formal grievance procedure which is initiated at Step Two.

- 3.2 Step Two - If the matter shall not have been resolved at the informal level (Step One) the grievant may invoke the formal grievance procedure. To do so, the grievant shall within five (5) calendar days after receiving the informal response of his /her immediate supervisor (or within ten (10) calendar days after the informal conference if there was no response from the immediate supervisor) file a formal written statement of the grievance with his/her divisional senior administrator. The statement shall be a clear, concise statement of the grievance, the circumstances involved, the decision rendered at the informal level (Step One) if any, a reference to the specific provision of the rule, policy, procedure or regulation that is involved, and the specific remedy sought. Within seven (7) calendar days of the receipt of the formal written grievance, the senior administrator shall respond with a written decision of the grievance and shall cause a copy of the grievance and the response thereto, to be placed in the official personnel file of the grievant.
- 3.3 Step Three - If the grievant is not satisfied with the disposition of her/her case at Step Two, the grievant may file a written appeal within five (5) calendar days of receipt of the written decision rendered at Step Two to the college President. The written appeal shall include a copy of the original written grievance and the decisions rendered at Steps One and Two, together with a clear, concise statement of the reason for the appeal to the President. The President or his /her designee may elect to review the appeal (1) by a review of the record, (2) by requesting a personal conference, and or (3) by appointing a task force. Depending upon which method or combination of methods the President or his/her designee elects, the application of the following procedures shall be used:
 - 3.3.1 Review of the record – The President, or his/her designee at his/her discretion, may within seven (7) calendar days after receiving the appeal make a decision without either a conference or a hearing by a task force and within said period of time notify the grievant and his/her senior administrator of the decision. A copy of this appeal and the decision of the President, or his/her designee, shall be placed in the official personnel file of the grievant.
 - 3.3.2 Conference - The President, or his/her designee, at his/her discretion, may within seven (7) calendar days after his/her receipt of the written appeal, request a conference with the grievant. The President, or his/her designee, with seven (7) calendar days after said conference, shall either (a) make a written decision and send a copy to the grievant and his/her senior administrator or (b) appoint a task force in the manner provided in sub-paragraph c next following. A copy of this appeal and decision of the President, or his/her designee, shall be placed in the official personnel file of the grievant.

- 3.3.3 Task Force – The President, or his/her designee, at his/her discretion, may appoint a task force of five (5) disinterested persons to conduct a hearing and to make a recommendation to the President. If the President, or his/her designee, appoints a task force, he/she shall do so within seven (7) calendar days after the later of (a) his/her receipt of the written appeal or (b) the conference scheduled by the President or his/her designee with the grievant if such a conference shall be requested by the President or his/her designee as provided in sub-paragraph b immediately above. He/she shall, within the same period of time, designate the chairperson of the task force. Within five (5) calendar days after appointment, the task force shall set a time and place for the hearing and notify the grievant and the supervisors at each of the preceding steps. The hearing shall begin within ten (10) calendar days after the task force has been designated, and may be continued as the Task Force Chairperson may schedule. The task force shall make its decision by simple majority vote and communicate its recommendations in writing to the President. Such recommendations shall be advisory only and shall not be binding upon the President. Within ten (10) calendar days of his/her receipt of such recommendations, the President or his/her designee, shall render a written decision and shall notify the grievant and the senior administrator of the decision. A copy of this appeal and the decision of the President, or his/her designee, shall be placed in the official personnel file of the grievant.
- 3.4 Step Four - If the grievant is not satisfied with the disposition of his/her case at Step Three, he/she may file a written appeal to the Board of Governors of Northeast Community College within (5) calendar days of the receipt by the grievant of the decision rendered by the President, or his/her designee, and may also request a hearing by the Board. The written appeal shall include a copy of the original written grievance, and the appeals and the decisions at all preceding steps, together with a clear, concise statement of the reason for the appeal to the Board. The Board, at its sole discretion, may elect to review or not review the case. If it elects to review the case it may, in its discretion, review same solely on the basis of the record of the prior proceedings of the case or it may call the case before the Board for a full or partial hearing, in which event the grievant shall appear at said hearing and respond to any questions the Board may have in the matter. No later than the second regular meeting of the Board following the lodging of the appeal with the Board, the Board shall determine whether it will accept and decide the appeal. The recording secretary of the Board shall notify the grievant and the President of the Board's decision in this respect. Not later than the conclusion of its next regular meeting after a decision by the Board to accept an appeal, the Board shall render its decision (if same is to be based upon the prior record of the case), or shall schedule a hearing (if the case is to be determined on the basis of a full or partial hearing, such hearing to be held not later than the next regularly scheduled Board meeting thereafter).

In the event of such a hearing, the Board shall render its decision not later than the conclusion of its next regular meeting following the conclusion of such hearing. A copy of the appeal and the Board's decision shall be placed in the official personnel file of the grievant. The Board's decision on the matter, or its decision not to hear and decide the matter, whichever the case may be, shall be final under this grievance

procedure. The Step Four procedure may be changed by mutual agreement of the employee and the Board. A transcript of the hearing shall be made, and any party may request a copy of the same at that party's expense. Each party shall be responsible for their own costs and fees incurred in their presentation at the hearing.

- 3.5 Time Limits - The failure of the grievant to act within the prescribed time limits will serve as a waiver to the grievant's right to any further appeal. Any grievances not appealed within the time limits shall be deemed settled
- 3.6 Retribution or Retaliation - Under no circumstances will any person who in good faith files a grievance be subject to any form of retribution or retaliation. Any person who makes or participates in such retribution or retaliation, directly or indirectly, will be subject to disciplinary action. A person who believes he/she has been or is being subjected to retribution or retaliation should immediately notify the Director of Human Resources or his/her designee.

4. APPLICABILITY

N/A

ISSUE DATE: 12/01/2014

EFFECTIVE DATE: 12/01/2014

REVISION DATE(S): 04/20/1983 (item #3581); 05/14/1992 (item #6184); 09/12/1996 (item #7739); 03/13/1997 (item #7957); 01/01/2001 (item #8859); 03/09/2006 (item #9853); 12/01/2014

PRIOR POLICY/PROCEDURE NUMBER: 4105.a

SCHEDULE FOR REVIEW: 2019

DIVISIONS/DEPARTMENT RESPONSIBLE FOR REVIEW & UPDATE: Human Resources

SPONSORING DIVISION/DEPARTMENT: Human Resources

RELATED PROCEDURES/ REFERENCE: none

PROCEDURE KEY WORDS: employee grievance