

Polk State College Procedure

Subject	Reference	Date	Number
Employee Grievance Procedure	SBE 6A-14.0262 DBOT Rules 2.06, 3.02, and 3.12	8/20/09	6013

I. Purpose

The primary purpose of an employee grievance procedure is to maintain sound employee relations and enable work-related disputes to be quickly settled when they are found to have merit. It is essential that each employee be given the opportunity to bring complaints and problems to the attention of supervisors with the assurance that he/she will receive an impartial hearing and fair treatment without regard to age, race, religion, gender, color, national origin, marital status, or disability. Upon request, the Office of Human Resources or the Office of Equity & Diversity will provide assistance to any employee wishing to file a grievance.

II. Definition of Grievance

A grievance, by definition, shall be a written work-related complaint or disagreement based upon perceived inequity, poor working conditions or a violation, misrepresentation, or misapplication of laws, policies, rules, practices, or procedures affecting the employee within the scope of his/her work and work environment. A grievance may be filed by any employee against any individual or group of the College that is directly responsible for the issue being grieved.

Examples of grievances include, but are **not limited to**, racial, sexual, or age discrimination; harassment; unprofessional conduct, violation of academic freedom; or violation of policy or procedure.

III. General Grievance Regulations and Exceptions:

1. Sexual Harassment, termination of a continuing contract faculty member or other grievable issues which have a separate rule or procedure set up to resolve them are not subject to this grievance procedure and must be resolved using the special procedure or rule designed for that purpose.
2. Failure, on the part of the aggrieved employee, to act on the grievance or provide required documents within the time limits in this procedure,

unless extensions are mutually agreed to, shall cause termination of the grievance.

3. Failure, on the part of an administrator, to process the grievance within the time limits, unless extensions are mutually agreed to, will advance the grievance to the next step and in cases where the time limit is exceeded on the final step it will be brought to the attention of the College President for appropriate action.
4. Contract non-renewals, shift assignments, reduction-in-force actions, annual performance evaluations and the right of College supervisors to direct the work force shall not be subject to the Grievance Procedure unless the employee alleges that a violation of Law, College Rules or Procedures or illegal discrimination was the basis for the action being grieved. Complaints relating to these exclusions may be discussed through administrative channels with the Director of Human Resources.
5. While the College does not allow employees to grieve the results of his/her annual evaluation, an employee questioning his/her annual evaluation may, if in disagreement with the evaluation, attach an objection. The objection of the employee shall be attached to the evaluation form and processed through channels. The employee has ten (10) working days to file an objection to the evaluation.

IV. Grievances Involving Termination or Discipline-Formal Procedure

1. Employees filing involuntary termination grievances or grievances involving disciplinary actions against them shall submit their grievance, in writing, to the Director of Human Resources within 30 days of being notified of the action. The Director of Human Resources will, as soon as practical but no later than ten (10) working days following the receipt of the written grievance, establish a grievance panel. The panel will hear and review the grievance. The panel shall include the chairperson or an alternate from the administrative, career, faculty and professional/technical human resources committees. Panel members shall not be selected from the department of the supervisor who recommended termination. The Director of Human Resources will monitor and assist the panel as required.
2. The hearing process shall be informal and will not use the legal standards of evidence in use in courts of law. Upon three (3) working days prior notification to the Director of Human Resources, the grievant may have an advisor or attorney present during the hearing. If an advisor or attorney is present, his/her role will be limited to giving advice to the grievant and acting as a witness to the hearing. The College reserves the right to have an attorney present if the grievant

has an attorney present at the hearing.

The three panel members will be voting members and will issue their recommendation(s) to the appropriate administrator for a decision. The responsible administrator will issue a final decision to the employee within ten (10) working days of receiving the panel's recommendation.

V. All Other Grievances – Informal Procedure

In many cases, complaints can be solved through informal discussion of the issues involved with the employee's supervisor without resorting to the formal grievance procedure. The College strongly encourages employees to discuss complaints with their supervisor as a first step in the process when appropriate. All grievances not subject to the formal procedure set forth in Section IV above or not excluded by Section III above, will be subject to the following procedures.

1. Within thirty (30) days of the occurrence leading to the complaint, the employee should arrange a meeting with the supervisor in order to discuss and possibly resolve the problem. If the supervisor is the subject of the grievance, the employee shall go to the next higher level of supervision and request a meeting within the time limit mentioned above. The meeting is to be held within ten (10) working days of the date the employee submits a request for the meeting to discuss the grievance is received. The supervisor must respond in writing to the employee within five (5) working days from the date of the discussion. If the employee considers the response to be unsatisfactory and feels that the grievance still exists, the employee may file a written grievance with the President's Staff member responsible for the area in which the employee works.
2. Within five (5) working days after receiving a response from the supervisor or within thirty (30) days of the act or condition that is the basis for the grievance, if he/she skips step one, the employee must present his or her written grievance to the President's Staff member responsible for the area in which the employee works. The written grievance must contain the following:
 - A. The name and position of the employee submitting the grievance.
 - B. A general statement of the nature of the grievance.
 - C. The policies, procedures or other applicable rules which are involved in the grievance.
 - D. The remedy sought by the employee submitting the grievance.

3. The President's Staff member will investigate the grievance and consult with intermediate supervisors, administrator and employees as needed in gathering information. Within ten (10) working days of submitting the written grievance, the employee shall be notified of the finding, in writing by the President's Staff member responsible for the area in which the employee works. The decision of the member of President's staff will be final and binding.

VI. General Provisions

The following provisions apply to the entire grievance procedure:


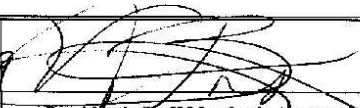
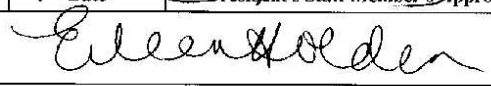
- A. *Reprisals*
No reprisals of any kind shall be taken against any employee for filing a grievance. Additionally, no reprisals of any kind shall be taken against any employee or student who participates in the grievance process in good-faith.
- B. *Confidentiality*
All participants in a grievance are to protect themselves and their fellow participants by refraining from discussion of grievances outside of the proceedings.
- C. *Failure to Meet Time Limits*
Failure on the part of the grievant to act within time limits shall result in the grievance being dropped from consideration. Failure by the Supervisor, or the appropriate President's Staff member, to issue an oral or written decision within the specified time limit shall advance the grievance to the next step.
- D. *Storage of Records*
All documents, forms, communications, and records relating to grievances shall be filed in the Office of Human Resources separate from the personnel files of the participants.
- E. *Withdrawal*
A grievance may be withdrawn by the grievant at any level upon a written and signed request to do so by the grievant. The investigating officer shall notify both the grievant and the accused of such withdrawal.

History

Adopted: 6.3 8230.8, November 22, 1974; renumbered 6013, November 3, 1980;
Revised: July 26, 1993; May 22, 2007 and August 20, 2009.

Distribution

All Holders of PSC Procedures Manual
All PSC Employees

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Executive Responsible for Procedure	Date	President's Staff Member's Approval	Date
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