

# Polk State College Procedure

Subject	Reference	Date	Number
Employee Grievance Procedure	DBOT Rules 2.06, 3.02, and 3.12	March 3, 2020	6013

## I. Purpose

The primary purpose of an employee grievance procedure is to maintain sound employee relations and enable work-related grievances to be quickly resolved. It is essential that each employee be given the opportunity to bring grievances to the attention of supervisors with the assurance that he/she will receive an impartial hearing and fair treatment without regard to race, color, national origin, ethnicity, sex, age, religion, sexual orientation, marital status, veteran status, genetic information, disability, or pregnancy. Upon request, the Director of Human Resources, the Director of Equity, Diversity, and Inclusion, or designee will provide assistance to any employee wishing to file a grievance. If an employee is unsure whether the grievance procedure applies to a specific issue, the Office of Human Resources will assist the employee to determine if the grievance procedure is appropriate.

## II. Definitions

A grievance is a written, work-related complaint or disagreement involving disciplinary action, termination, or other issues materially affecting the terms and conditions of employment. A grievance can also be a violation, misrepresentation, or misapplication of laws, policies, rules, practices, or procedures affecting the employee within the scope of his/her work or environment. Grievances at the College are divided into Informal and Formal procedures and are defined below. The handling of both types of grievances is discussed later in this procedure.

An Informal Grievance Procedure applies to employee disputes, complaints, disagreements, claims of academic freedom violations, or other issues not covered under the formal grievance procedure.

A Formal Grievance Procedure applies to employment-related issues regarding adverse employment actions or misapplication of College rules, procedures, and policies that affect the terms and conditions of employment.

## III. Non-Grievable Matters

Discrimination, Sexual Harassment, or other issues, including Employee Disputes as defined in College Procedure 6076, 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. An Employee Dispute does not involve employee discipline, suspension, termination, harassment, or discrimination on the basis of legally protected class. The College has other procedures established to address these issues, specifically the Sexual Harassment Procedure 6076 and the Harassment Procedure 6086.

Contract non-renewals, shift assignments, reduction-in-force actions, and annual performance evaluations shall not be subject to this Grievance Procedure unless the employee alleges that a violation of Law or College Rules or Procedures was the basis for the action being grieved.

While the College does not allow employees to grieve the results of their annual evaluations, 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. The employee has ten (10) working days to file an objection to the evaluation.

#### IV. Informal Procedure

All grievances not subject to the formal procedure set forth in Section V or not excluded by Section III, will be subject to the following procedures:

A. It is in the best interest of all parties involved for conflicts to be resolved in an open, professional, and respectful manner. Employees are encouraged to engage in open meaningful discussions with one another in an attempt to resolve workplace disputes. Addressing disagreements directly with the individuals with whom the conflict is occurring can often be the most effective approach to solving a problem. If either party does not feel comfortable or would like assistance in raising a concern with the other party, or if previous informal discussions have not been successful, the employee may bring the concern to his or her supervisor or to the Director of Human Resources.

B. The steps are:

1. Within thirty (30) working days of the occurrence leading to the complaint, the employee shall arrange a meeting with the supervisor in order to discuss and possibly resolve the problem.

If the supervisor is the subject of grievance, or the employee does not feel comfortable discussing the grievance with his or her supervisor, the employee shall go to the next higher level of supervision and request a meeting within thirty (30) working days of the occurrence leading to the complaint.

2. A meeting will be scheduled within ten (10) working days of the date the employee requests a meeting to discuss the grievance.
3. The supervisor must respond to the employee within five (5) working days

from the date of the meeting.

4. If the employee considers the response to be unsatisfactory or feels that the grievance still exists, within five (5) working days after receiving a response from the supervisor, the employee must present his or her written grievance to the President's Staff member responsible for the area in which the employee works. If the employee is not comfortable with the President's Staff member, he or she should submit the written grievance to the Director of Human Resources, and he/she will investigate the grievance. 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 remedy sought by the employee submitting the grievance.

The President's Staff member will investigate the grievance and consult with the immediate supervisor, administrator, and employees as needed to gather information. Any party involved in the investigation may submit a written statement. Within ten (10) working days of submission, the employee shall be notified in writing of the finding by the President's Staff member.

5. The decision of the President's Staff member will be final and binding.

#### V. Formal Procedure

Employees filing formal grievances shall submit their grievance, in writing, to the Director of Human Resources within thirty (30) working days of the grievable action.

The Director of Human Resources will, within 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 of the career, faculty, and professional/technical human resources committees. In the event that a member of the panel is party to the grievance, or has a conflict of interest, he or she shall be excused. The Director of Human Resources will monitor and assist the panel as required. Each party can remove one member from the panel if a member of the panel has a conflict of interest. Or, if a member of the panel is removed, the Director of Human Resources shall appoint an alternate member from the appropriate human resources committee.

Formal rules of evidence shall not be applicable in disciplinary proceedings conducted pursuant to this procedure. The hearing process shall not use the legal standards of evidence used in courts of law.

The grievant is entitled to have an advisor or attorney present during the hearing. The name of the advisor or attorney shall be provided to the Director of Human Resources three (3) working days prior to the hearing.

The College reserves the right to have an attorney present at the hearing. Only the

grievant and respondent(s) will be permitted to present evidence. Either party may request witnesses who may provide additional testimony to support his or her claim. The Grievance Committee may request specific documentation, additional information, or call witnesses as necessary.

The grievant and the College shall furnish each other with copies of exhibits and a list of witnesses they intend to use at the hearing no later than three (3) working days prior to the hearing. The grievant and the College shall each have two (2) hours to present their side of the case.

The three panel members will select a chairperson. All three panel members will be voting members and will issue their recommendation(s) to the appropriate President's Staff member for a decision. If the President's Staff member is personally involved in the grievance, the recommendation shall be made to the President. A final decision will be issued to the employee within ten (10) working days of receiving the panel's recommendation.

## V. 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 the integrity of the grievance process and are requested to refrain 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.

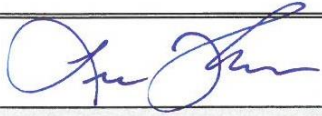
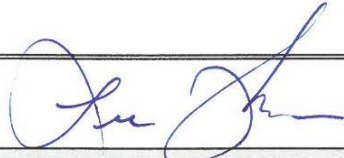
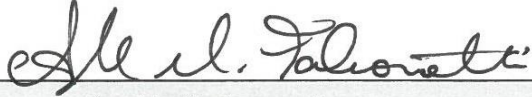
### F. *Interpretation*

If there are questions regarding the interpretation of this policy, the Director of Human

Resources shall make the final determination.

### History

Adopted: 6.3 8230.8, November 22, 1974; renumbered 6013, November 3, 1980  
Revised: July 26, 1993; May 22, 2007; August 20, 2009; March 6, 2018; December 4, 2018;  
March 3, 2020

	2-24-2020		2-24-2020
Executive Responsible for Procedure	Date	President's Staff Member's Approval	Date
			2/24/2020
President's Approval			Date