

ADMINISTRATIVE PROCEDURES

Title: NON-BARGAINING UNIT EMPLOYEE GRIEVANCE	Identification: 3.38
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	Effective Date: July 1, 2007
Authority: SBE 6A-14.0261 FS 1001.64; 1001.65 HCC 6HX-10-3.08	Signature/Approval: Dr. Gwendolyn W. Stephenson

PURPOSE

This procedure establishes guidelines for an employee grievance by full-time personnel at the College who are not covered by a collective bargaining agreement.

PROCEDURE

1. The following definitions will apply to this administrative procedure:
 - A. Grievance – a dispute regarding a working condition(s), work assignment(s) or the violation, interpretation or application of administrative rules or procedures.
 - B. Grievant – an employee(s) who initiates a grievance as defined above.
 - C. Respondent – a respondent is the specific individual(s) responsible for implementing matter which gives rise to the dispute involving a working condition, work assignment or the violation, interpretation or application of an administrative rule(s) or procedure(s).
 - D. Executive Director of Human Resources (HR) – the Executive Director of HR or other administrator as may be authorized.
 - E. College President – the College President or other administrator as may be authorized.

2. GRIEVANCE GUIDELINES
 - A. Grievances alleging discrimination or sexual harassment will be referred to the Equity Office for investigation.
 - B. The College will work with personnel to resolve problems. An employee will not be penalized for presenting a complaint or filing a grievance.

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- C. The parties agree it is important that grievances be processed as rapidly as possible. The number of days indicated at each level is to be considered the maximum and every effort will be made to expedite the process before the deadlines are reached.
- D. The day the grievant knew or should have known of the occurrence on which a grievance is based will be counted as the first day of the grievance process. Actions or responses required shall be taken any time before the close of the grievant's regular workday on the last day of any time limit or extension thereof.
- E. If the grievant fails to adhere to the time limitations, the grievant will be deemed to have waived the grievance.
- F. The respondent's failure to adhere to the time limitations will be deemed a waiver of the respondent's right to respond and the grievance will move to the next step.
- G. All time limits may be extended by mutual written consent.
- H. The grievant is solely responsible for invoking this procedure and must request the next step at each step in the proceedings.

3. GRIEVANCE PROCESS

STEP 1:

- A. In the event that an employee believes there is a basis for a grievance, the grievant is encouraged to first meet informally with the immediate supervisor.
- B. The purpose of this meeting shall be to provide an opportunity for both parties to discuss the situation, share all pertinent information, and to reach resolution to the situation.

STEP 2

- A. If the grievant is not satisfied with the response of the immediate supervisor, the grievance will be presented to unit Administrator or designee. In order to be deemed timely, a written grievance must be delivered in person (in which case the date of receipt will be written or stamped on the grievance), or by certified mail, return receipt requested, to the appropriate unit Administrator within ten (10) days after the Step 1 meeting.

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- B. The written grievance must contain the following information: (a) the date of the occurrence of the alleged grievance; (b) a description of the working condition or work assignment from which the dispute arose, or a description of the rules and/or procedures the grievant claims were violated, misinterpreted or misapplied; (c) the remedy or correction requested; and (d) the signature of the grieving party.
- C. The unit Administrator or designee, the grievant and a Human Resources representative(s) will meet to discuss the grievance within ten (10) days after the unit Administrator receives the written grievance.
- D. The unit Administrator, or designee, will issue a written reply to the grievant within ten (10) days after the Step 2 meeting.

STEP 3

- A. If the grievant is not satisfied with the response of the unit Administrator or designee, the written grievance will be presented to the appropriate Cabinet member, in person (in which case the date of receipt will be written or stamped on the grievance), or by certified mail, return receipt requested, within ten (10) days after receipt of the written decision of the unit Administrator or designee.
- B. The appropriate Cabinet member or designee, the grievant and a Human Resources representative(s) will meet to discuss the grievance within ten (10) days after the appropriate Cabinet member or designee receives the written grievance.
- C. The appropriate Cabinet member or designee will issue a written reply to the grievance within ten (10) days after the Step 3 meeting.

STEP 4

- A. If the grievant is not satisfied with the response of the appropriate Cabinet member or designee, the grievance will be presented in writing to the Executive Director of HR, either in person (in which case the date of receipt will be written or stamped on the grievance), or by certified mail, return receipt requested, within ten (10) days after receipt of the written decision of the appropriate Cabinet member or designee.
- B. The Executive Director of HR, the grievant and the respondent will meet to discuss the grievance within ten (10) days after the Executive Director of HR receives the written grievance.
- C. The Executive Director of Human Resources will issue a written reply to the grievance within ten (10) days after the Step 4 meeting, which shall contain a reasonably complete explanation if the grievance is denied.

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STEP 5

- A. If a grievance, as defined in this Article, has not been satisfactorily resolved within the grievance procedures, the grievant may appeal to the College President within five (5) working days following receipt of the response of the Executive Director of HR.
- B. The Executive Director of HR will schedule a meeting with the College President, the grievant and the respondent within five (5) working days following receipt of the grievant's appeal. The meeting need not be held within the five (5) day period.
- C. The College President or designee will evaluate whether the grievant has demonstrated that an error or mistake was committed.
- D. The College President will not conduct a hearing or receive additional witness testimony.
- E. Within five (5) working days following the meeting with the College President, the College President will issue a final grievance decision.
- F. The President's decision to uphold, reverse to modify the grievance decision will terminate the grievance.

History: Replaces Procedure 2.039, Non-Faculty Employee Grievance, dated October 8, 1991.