

Section: Grievance Procedure

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Sponsoring Unit/Department: Office of Dispute Resolution

Grievance Procedure

The Grievance Procedure is a structured process to resolve disagreements concerning the proper interpretation and application of College policies and procedures that are alleged to have resulted in an adverse impact on the employee's working conditions. The College encourages employees to resolve issues informally between themselves. Employees are welcome to contact the Office of Dispute Resolution (ODR) or Human Resources Employee Relations for assistance in resolving issues. When issues cannot be resolved informally, or an employee is not comfortable seeking informal resolution, the grievance process is available.

Definitions

- **Grievant:** the person filing the grievance.
- **Grievant group:** employees who agree to consolidate their individual grievances into a single grievance. The College or a group of employees may consolidate individual grievances into a group grievance when the policy concern is the same. However, a grievant may decide that their grievance will be handled individually and not as part of the group. A grievant's decision to participate in a group or individual grievance is irrevocable; when an employee has decided that their grievance will be included in a group grievance, the employee may not pursue the same issue as an individual grievance. The members of the grievant group are limited to those in the group at the time the formal grievance is filed.
- **Respondent:** the person who has allegedly misapplied, misinterpreted or not applied policy. In the case of an appeal, the respondent is the person that did not make the request for an appeal.
- **Employee Advisor (Advisor):** the employee supporting the grievant.
- **Level one supervisor:** the person who supervises the grievant and/or respondent, or who supervises the grievant group and/or respondent. Alternatively, in a situation in which the grievant and respondent do not share a common supervisor, the respondent's supervisor will serve as the level one supervisor.
- **Executive administrator:** person in the grade E92; generally includes the following positions within the College: Executive Vice Chancellor, Vice Chancellor, and President.
- **Grievance Review Board:** a group of employees authorized to review an appeal of a formal grievance decision.
- **Appellant:** a grievant, grievant group or respondent that appeals a formal grievance decision.

Grievance Scope

If the issue is not resolved informally through conversation and communication, the employee may file a written grievance within thirty calendar days after the incident. The grievant must complete a PCC Grievance Form. On this form, the grievant will:

- a. Identify the specific written policy or procedure that is alleged to have been violated,

- b. Provide a statement of the facts surrounding the grievance with appropriate documentation; this statement may reference prior examples of the same type of incident that precipitated the grievance filing,
- c. Identify the remedy sought.
- d. Complete the online Grievance Form. The Office of Dispute Resolution will forward the information to:
 - the respondent
 - the level one supervisor(s) or the person the grievant believes has the authority to resolve the issue if it is not the level one supervisor

Any grievance that does not include these essential elements (a - d) may be rejected. ODR will determine if the issue is grievable. If not, ODR will refer the complainant to the appropriate College resource, or process.

If the grievance is related to a supervisory evaluation or corrective action, the only remedy that may be sought is a review of the process used to reach the conclusion.

Examples of issues that **are** grievable under this procedure include:

- Example 1: After starting your new position, you discover your pay increase is less than expected. Your research shows you received a 5 percent increase in your base pay. You can not find an informal resolution to your concern. According to Salary Administration, Internal Competitive Selection: the employee shall be placed on the appropriate step resulting in a 7.5 percent increase in base pay, adjusted to the next higher step or Step 1 of the appropriate salary range whichever is greater. The adverse impact is the 2.5 percent loss in pay; therefore, this concern is grievable.
- Example 2: At the end of an initial hire probation period, the new employee is informed that their probation will be extended for three months. Policy guidance under Probation Extension states that the supervisor will issue the employee a written list of expectations upon extension of probation. The supervisor refuses to provide the employee with the written list. The adverse effect is the lack of clear, documented expectations. This concern is grievable.

Examples of issues addressed through processes other than grievance:

- Alleged discrimination because of race, color, sex, age, religion, national origin, marital status, or non-disqualifying disability or alleged sexual harassment; such allegations are filed using the College's ADA and Equal Opportunity/Discrimination Complaint Process.
- Dismissal of an employee in the initial hire probation period. See Probation-New Hire.
- Non-selection for a position. (Use Complaint Process)
- The contents of a performance evaluation.
- The outcome of a corrective action or disciplinary procedure except for failure to follow College policies and/or procedures. (See Performance Management and Disciplinary Process).

Grievance Review

ODR manages the grievance review process. ODR provides the written grievance to the respondent. The respondent must submit their written response to ODR within seven calendar days of receiving the grievance. ODR will distribute this response to the grievant or grievant group and the level one supervisor.

The level one supervisor may confer with the parties, and any other persons their supervisor deems appropriate, to investigate the issues. Within fourteen calendar days from the date the grievance was filed, the level one supervisor will provide a written decision and justification to the grievant and the respondent.

Supervisors will communicate regarding the investigation and grievance only with those individuals who have a need to know about it or who are needed to supply necessary information.

Timeline Exceptions

All time requirements in the process shall be met unless an unforeseen event occurs or an extension is granted by ODR. All parties shall be notified of an extension in writing by the ODR.

If the respondent fails to meet the time requirements and has not received an extension, the grievance advances by default to the next step in the process. If the grievant fails to meet the time requirements, the grievance shall be considered withdrawn.

ODR has the authority to extend deadlines as needed.

Grievant or Respondent Support

The grievant or grievant group and respondent each have the right and option to select another regular College employee as an advisor of their choice at any steps of the grievance process (Employee Advisor or Advisor). A selected Advisor may decline and the grievant or respondent may then select another Advisor. An Advisor shall not be a key witness, or a potential grievant or respondent in the same matter.

If the Advisor has legal training or is an attorney, the Advisor may not act in the capacity of an attorney as related to this grievance or any issue that may be related to the grievance.

The grievant, grievant group or respondent may assign any or all of the following roles to their Advisor, but is responsible for making all final decisions regarding how to pursue the grievance:

- observer
- note-taker
- assistant to read and interpret policy or provide other appropriate support
- advisor

All communications between the Advisor and the employee they are assisting shall be confidential. The grievant or respondent should seek a natural break or pause in the process and/or interview to request to speak privately with their Advisor. At no time should an Advisor interrupt an interview or the process. Should an Advisor become disruptive of the process and/or interview they may be asked to leave and the process/interview will resume without the Advisor.

Conflict of Interest

Any individual with a conflict of interest shall not serve as a decision maker in a grievance process. Any participant in a grievance process may request that a decision maker be replaced due to a conflict of interest or the appearance of conflict of interest. The ODR shall decide whether to make the replacement.

Documentation

The ODR is charged with oversight of the grievance process and for tracking and uploading all documentation involving the grievance process into EthicsPoint. Copies of all responses that are part of the formal grievance procedure and all supporting documentation will be sent to the ODR.

Resolution Process: Informal Resolution and Grievance

[Office of Dispute Resolution](#)

Grievance – Initial Appeal to Executive Administrator

If the grievant, grievant group or respondent (the appellant) is not satisfied with the decision received at the first stage of the grievance process described in section two above, the appellant may appeal the decision to the executive administrator responsible for the campus or department where the grievance originated, unless the grievance is with the executive administrator.

No allegations of other policy violations may be added to the appeal, although additional examples or other documentation regarding the incident that led to the initiation of the formal grievance process may be added.

The appeal must be in writing and must include the formal grievance paperwork and decision, and the reasons the decision is not considered satisfactory. The appeal must be sent to all participants in the process to date. Any appeal that does not include these essential elements may be considered withdrawn. The appeal must be signed by the grievant, grievant group or respondent or sent from the appellant's PCC email account.

This appeal must be submitted within seven calendar days of receipt of the grievance decision. The executive administrator or designee will take the steps necessary to review and investigate the grievance and may meet with the appellant, respondent, and level one supervisor. The executive administrator or designee will document all steps taken in the investigation of the grievance. The executive administrator or designee will complete the review and investigation within fourteen calendar days of receipt of the appeal and will issue a written decision with justification to the ODR. The ODR will send the decision to the participants

Formal Grievance – Second Appeal to Review Board

Within seven calendar days of receipt of the grievance appeal decision, the appellant or respondent may appeal the Executive Administrator's decision to the College's Grievance Review Board through ODR.

The appeal must be in writing and must include the grievance paperwork, original decision, appeal decision and the reasons the appeal decision is not considered satisfactory. The appeal must be sent to all participants in the process to date. Any appeal that does not include these essential elements may be considered withdrawn. The appeal must be signed by the appellant or respondent or sent from the appellant's or respondent's PCC email account.

The Review board that is a group that includes the following four voting members who serve staggered two-year terms:

- an administrator and two alternates selected by the Chief of Staff or designee,
- a faculty member and two alternates selected by Faculty Senate,
- an exempt staff member and two alternates selected by Staff Council, and
- a non-exempt staff member and two alternates selected by Staff Council.

In the event that a Board member and alternates are not available, ODR may select a substitute.

Selected volunteers and alternates will agree to not discuss grievances, either specifically or generally, with anyone outside of the Review Board for the duration of their terms. Violations of confidentiality may result in corrective or disciplinary action.

The board also will include one non-voting member, the head of Human Resources or designee, to provide policy advice, administrative support, and Review Board requested research.

The Review Board will meet within fourteen calendar days of receiving the appeal. The Review Board will review all submitted materials prior to meeting. Review board members may ask ODR to assist in the review and investigation of the grievance and may meet with the appellant, respondent, level one supervisor, and the reviewing executive administrator. All steps taken by the Review Board in their review and investigation of the grievance will be documented.

The members of the board will issue a written response within fourteen calendar days of the initial Review Board meeting.

If the Review Board members did not reach consensus (i.e., if there were two votes on each side) then the Review Board will forward all of the submitted materials to the Chancellor or designee, who will review the information and make the final decision.

If the decision of the Review Board was unanimous, or if three of the four voting members agree regarding the decision, the decision is final.

General

- No reprisals shall be taken against any grievant, representative, or other participant in the grievance process because of such participation.
- It is not considered proper if an employee abuses the process by raising grievances in bad faith or solely for the purpose of delay or harassment or by repeatedly raising grievances that a reasonable person would judge to have no merit.
- When appropriate, the decision will be retroactive to the date of the employee's original grievance.
- Upon request to their supervisor, the grievant will be provided a reasonable amount of time to meet with their representative and/or to prepare a grievance and/or response.