

3358:11-5-54 Non-bargaining employee grievance policy.

- (A) Purpose. The purpose of this rule is to secure equitable solutions as quickly as possible to grievances that may arise concerning complaints or problems raised by college employees.
- (B) General.
 - (1) A “grievance” for purposes of this rule is defined as a claimed violation of a specified college regulation, rule, or procedure, or as any other problem or impropriety claimed by an employee.
 - (2) This rule applies to all non-bargaining unit employees.
 - (3) Employees shall have the opportunity to report a grievance without fear of reprisal.
 - (4) The college affords its employees the opportunity to have a support person present in explaining and attempting to settle a grievance after the employee and his or her supervisor have failed to reach a satisfactory solution in their initial discussion.
 - (5) The director of human resources or his/her designee will be available to render guidance and assistance concerning the grievance procedure to be followed. In certain highly sensitive or confidential circumstances, the employee may initiate process directly with human resources.
- (C) Time limit.
 - (1) A grievance will be acted upon provided the employee submits it in writing within the number of working days required under each step of the procedure. "Working days" as used in this rule means days exclusive of weekends, holidays, and days the employee may be on authorized vacation, sick leave or absence.
 - (2) Failure of the grievant to appeal a decision within the specified time limits shall be deemed a withdrawal of the grievance and shall bar further action or appeal. Failure of the college to render a decision on a grievance within the specified time limit shall permit its appeal by the grievant to the next step.

(D) Procedural steps.

(1) Employee and immediate supervisor (step 1)

- (a) The aggrieved employee shall communicate the grievance to his or her immediate supervisor within ten working days of the occurrence of the matter grieved, or of the point that the employee knew or reasonably should have known of the matter.
- (b) In the event the grievance is not resolved, the employee may prepare a formal written grievance, accurately stating the nature of the matter complained of, and proposing a suggested solution.
- (c) The formal grievance as filed by the grievant shall be submitted on the college employee complaint form.
- (d) The formal grievance should be signed and presented to the supervisor. This must be done within five working days after the completion of the discussion with the supervisor.
- (e) The supervisor shall promptly and impartially review information relevant to the issue; document the decision, and sign the form as indicated. Within five working days, copies of the grievance and the supervisor's decision shall be provided to grievant and maintained by supervisor.
- (f) In organizational situations where the immediate supervisor and the department head are the same person, the grievance procedure will begin with step 2 of this rule.

(2) Employee and department head (step 2)

- (a) If the aggrieved employee is not satisfied with the decision of the immediate supervisor, the employee may, within ten working days of receipt of the step 1 decision, file a written appeal with the department head (within ten days of the occurrence of the matter grieved where the supervisor is the department head or when a group of employees have a grievance).
- (b) On receipt of the formal written appeal, the department head shall, within five working days, meet with the grievant to discuss the facts of the grievance in an effort to achieve a resolution. After considering the facts presented, the

department head shall give his or her decision in writing within five working days of the meeting. Copies of the department head's decision shall be provided to the grievant and supervisor and maintained by the department head.

- (3) Employee and director of human resources (step 3)
 - (a) If the aggrieved employee is not satisfied with the decision of the department head, the employee may appeal the grievance to the director of human resources or his/her designee within five working days after receipt of the step 2 decision.
 - (b) The director of human resources shall conduct an investigation of the complaint and, if appropriate, hold a meeting with the employee and the employee's representative, if any.
 - (c) The director of human resources may determine that attendance at the meeting of the supervisor, department head, or other management officials would be helpful in resolving the complaint.
 - (d) Upon completion of the investigation, the director of human resources will provide the grievant with a final written decision.
 - (e) The process at step 3 will generally not exceed fifteen days.

Effective date: 11/8/2014

Patricia M. Jezak
Certification

10/29/2014
Date

| | |
|------------------------|---------|
| Promulgated under: | 111.15 |
| Statutory authority: | 3358.08 |
| Rule amplifies: | 3358.08 |
| Prior effective dates: | N/A |