

<b>Employee Grievance Procedure</b>	Procedure Number	6.8P
	Effective Date	April 2, 2014

**1.0 PURPOSE**

In accordance with Board Policy 6.8 Employee Grievance the purpose of this procedure is to set forth the guidelines and procedures related to employee grievances. It is LCCC’s intent to achieve efficient and effective resolution of employee grievances.

**2.0 REVISION HISTORY**

Adopted on: 4/2/14

**3.0 PERSONS AFFECTED**

All employees are subject to the employee grievance provisions.

**4.0 DEFINITIONS**

- A. *Grievance/Grievable Offense* – An action by an employee or the institution that substantially affects the Complainant’s terms of employment and/or employment opportunities and is brought forward in good faith. This grievance procedure does not apply to complaints of discrimination or sexual misconduct, including sexual harassment, as those complaints are separately covered under Procedures 6.2P and 6.3P. Disputes resulting solely from personality differences are also not grievances under this procedure.
- B. *Complainant* – An employee who believes he or she has suffered an offense from another employee and has brought it forward in good faith, which constitutes a grievance.
- C. *Respondent* – The employee against whom a Complainant has alleged a grievance.
- D. *Opposing Party* – If one party appeals the determination of the Reviewing Supervisor to the Final Supervisor, any party not desiring to appeal the decision of the Review Supervisor is the Opposing Party.
- E. *Reviewing Supervisor* – The reviewing supervisor is most typically the Immediate Supervisor over the Respondent; if the Immediate Supervisor is the Respondent in the grievance, the Reviewing Supervisor is the next supervisory level up from the Immediate Supervisor.
- F. *Final Supervisor* – The Final Supervisor is the Immediate Supervisor over the Reviewing Supervisor.
- G. *Area Administrator* – The Administrator responsible for a defined functional area, most typically a major functional unit. In most cases, the Area Administrator will be a Vice President.
- H. *Viable Resolutions* -- Practical, reasonable, and constructive solutions to the grievance which do not include termination of the Respondent.

- I. *Business Days* – Monday through Friday of any given calendar week with the exception of any weekday that the College is formally closed and not conducting regular business, and/or the Reviewing Supervisor, Final Supervisor, or Area Administrator (as may be applicable to the relevant procedural step), is out of the office on an approved leave.

## 5.0 PROCEDURES

The general course of resolution involves a direct employee-to-employee segment which may be followed by a Formal Grievance segment for use in situations where employee-to-employee resolution attempts are unsatisfactory.

### A. Employee-to-Employee Resolution

- 1) When an employee believes he or she has suffered an offense from another employee, the employee (the Complainant) shall first directly discuss the issue with the other employee (the Respondent) and propose a viable resolution with the Respondent, with the goal being to achieve an acceptable resolution.
- 2) If the matter is not resolved in a direct employee-to-employee manner, the Complainant may then undertake the Formal Grievance process set forth below.

### B. Formal Grievance Process

- 1) When a Complainant believes the matter has not been resolved via direct employee-to-employee resolution steps as outlined above, the Complainant may choose to pursue resolution through the Formal Grievance Process by submitting proper grievance notification in writing to the Human Resources department.
- 2) To be considered proper grievance notification, the notice must contain all of the elements identified below:
  - a. Specify the grievable offense that the Complainant alleges occurred.
  - b. Set forth the prior resolution attempted.
  - c. Specify the viable resolution that the Complainant believes should occur.
- 3) No later than seven (7) business days following the receipt of a properly submitted grievance notification, the Human Resources department will review the written notification:
  - a. To ensure that the allegations on their face constitute a grievance and confirm that the grievance notice is proper.
  - b. Review the allegations to determine if they potentially form the basis for any other policy violation/concern, and if so, that the matter is handled under the appropriate policy and procedure.
  - c. If the allegations set forth in the written notification do not meet the definition of a grievance or if the grievance notification procedure was not properly followed, the Human Resources department will notify the Complainant, the Formal Grievance Process will be considered concluded and so noted.
  - d. If the allegations set forth in the written notification meet the definition of a grievance and the notice is confirmed to have been properly given, the matter will move into the Formal Grievance process as outlined in below.
- 4) Once the Human Resources department has determined that the allegations on their face constitute a grievance and that the grievance notification procedures were properly followed, the Human Resources department will provide a copy of the grievance notice to the Respondent, the Reviewing Supervisor, and the Final Supervisor.

- a. The Respondent and the Reviewing Supervisor will have seven (7) business days following receipt of the notice from Human Resources to provide separate written responses to the Final Supervisor.
- b. The Final Supervisor will review the grievance notice from the Complainant, the written response from the Respondent, and the written response from the Reviewing Supervisor and consider the allegation(s), resolution attempts, and the resolutions requested to determine a viable resolution.
- c. No later than seven (7) business days following receipt of the written responses from the Respondent and the Reviewing Supervisor, the Final Supervisor will document his/her decision regarding a viable resolution and forward their documented decision to the Complainant, the Respondent, the Reviewing Supervisor, and Human Resources.
- d. If either the Complainant OR the Respondent finds the Final Supervisor's resolution to be unacceptable, either party may choose to appeal by requesting an administrative review.

C. Administrative Review


- 1) If either the Complainant or the Respondent is unsatisfied with the Final Supervisor's determination of a resolution, either party (or both) may appeal the Final Supervisor's determination to the Area Administrator over the Final Supervisor.
- 2) An appeal for an Administrative Review must be properly noticed via submission in writing (electronic or hardcopy) and include the information as indicated below, to the Human Resources department no later than seven (7) business days following the date of the documented decision of the Final Supervisor.
- 3) To be considered proper appeal notice for Administrative review, the written request must include:
  - a. Specific reasons why the resolution determination is unsatisfactory.
  - b. Specify the resolution believed to be most appropriate.
- 4) Failure to properly submit an appeal request for Administrative Review to Human Resources within the identified time window will terminate the Formal Grievance process and cause LCCC to close that particular grievance.
- 5) The appropriate Area Administrator will be notified of the Administrative Review appeal and will be provided all preceding documentation regarding the issue by Human Resources no later than seven (7) business days following receipt of a properly noticed appeal request.
- 6) The Area Administrator will review all documentation and determine resolution to conclude the grievance. The Area Administrator will document his/her decision regarding a grievance resolution and forward their documented decision to Human Resources no later than seven (7) business days following receipt of the appeal for Administrative Review from Human Resources. The Area Administrator's decision is final and cannot be appealed further.
- 7) Human Resources will forward the Area Administrators documented decision to the Complainant, the Respondent, the Reviewing Supervisor, and the Final Supervisor to conclude the grievance.

D. Extent of Truncated Grievance Process

This grievance procedure will be available to an employee of LCCC only to the extent that their position falls within the hierarchy of the College such that they may avail themselves of the procedural steps identified.

The procedure will be truncated based upon the existence of the positions such as an Area Administrator, Final Supervisor, and/or Immediate Supervisor as may be applicable; e.g., if the employee directly reports to the President and their grievance is against the President, they will not have the ability to appeal to the supervisor of the President.

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REQUIRED APPROVALS	NAME/SIGNATURE	DATE
Originator(s) Name(s)	Peggie Kresl-Hotz, Human Resources Executive Director Debb Roden, Legal Counsel	1/14/14
Approval by President's Cabinet		1/21/14
Ratified by College Council	Kari Brown-Herbst, College Council Co-chair	3/17/14
Approval by President (Signature)		4/2/14