

Grievance Policy

It is the policy of James Sprunt Community College (JSCC) to develop and maintain a satisfied and efficient work force. In order to maintain a harmonious and cooperative relationship between the college and its employees, it is a policy of JSCC that a grievance procedure shall exist to allow for prompt and orderly resolution of problems and differences arising between the supervisor and the employee.

An employee who is seeking a solution concerning disagreements arising from working relationships, working conditions, employment practices, or differences in interpretation of policy is encouraged to discuss the matter with the immediate supervisor before filing a grievance. Most concerns can be resolved informally without the need for a formal grievance.

JSCC believes that employee grievances should be resolved at the lowest possible administrative level and an employee must exhaust all administrative procedures at JSCC before an appeal can be made to the Department Head and/or Vice President. Only those grievances that are related to the Vice President or that the Vice President cannot resolve shall be sent to the President. The decision of the President is **final**.

When an employee feels he/she has been treated unjustly, the employee has the right to utilize the grievance policy without fear of retaliation, discrimination, or reprisal because of the action. The decision to utilize the grievance policy shall be the employee's decision. It is understood that a grievance will be kept confidential except to the extent necessary to investigate and resolve the grievance. All grievances should be presented within ten business days from the date the grievant became aware of the cause of such grievance and should be processed as rapidly as possible. Refer to *Grievance Procedures* for the proper steps in processing a grievance. This information may be obtained from the JSCC network and website www.jamessprunt.edu under the Human Resources Link.

GRIEVANCE PROCEDURES

Employees are encouraged to discuss matters pertaining to their employment initially with their immediate supervisors. The College's goal is to find solutions at the lowest possible level and to keep proceedings relating to employee grievances as informal and confidential as possible. Supervisors and employees are expected to make every effort to resolve any problems as they arise.

An employee's immediate supervisor should be given the courtesy of knowing about his/her grievance and a chance to help resolve it, as the supervisor will be in the best position to handle the employee's grievance satisfactorily.

The College recognizes, however, that not all grievances will be settled satisfactorily between an employee and his/her supervisor, and for this reason, has adopted procedures to assist in the formal resolution of grievances. This Grievance Procedure is open to all College employees, except in the case of non-renewal.

Supervisors are responsible for helping employees under their unit/area to understand the College's Grievance Procedure, and for helping them to feel free to use the Grievance Procedure without fear of criticism or action being taken against them affecting the terms and conditions of their employment. The College would like for all grievances to be given prompt and objective consideration in an atmosphere of mutual assistance.

As to those grievances that cannot be resolved informally, the following procedure is established to help insure fair and impartial review:

Definition:

A grievance is any matter of employee concern or dissatisfaction within the control of the institution except: (a) the content of institution policies; (b) the non-renewal of a contract or (c) unlawful discrimination.

The following are grievable issues:

- Dismissal, demotion or suspension without pay without just cause
- Denial of promotion due to failure to post vacancy
- Failure to give RIF re-employment consideration
- Failure to give policy-making/confidential exempt status priority re-employment consideration
- Denial of veteran's preference in connection with RIF
- Denial of request to remove inaccurate or misleading information from personnel file
- Policy-making designation
- Discrimination in denial of promotion, transfer or training; or retaliation in selection for demotion, RIF or termination
- Dissatisfaction with a decision on a request for reasonable accommodation
- Denial of veteran's preference in initial state employment
- Denial of employment on the basis of illegal discrimination
- Dissatisfaction with a decision on a request for reasonable accommodation
- A false accusation about political threats or promises
- Violation of the FLSA, Age Discrimination Act, FMLA or ADA

*** IMPORTANT: Grievances shall be processed in the following manner and within the stated time limits. Grievances shall have occurred within the last ten working days or the employee shall have had knowledge of them for no longer than the past ten working days to be eligible for processing, unless extenuating circumstances as determined by the president prevent reasonable adherence to this requirement**

Step 1- Filing complaint with your immediate Supervisor

When an employee feels that a condition of employment or application of a policy is unjust or inequitable, he/she shall present the grievance to his/her immediate supervisor, who should attempt to solve the problem.

The grievance should be presented to the supervisor within ten (10) calendar days following his/her knowledge of an event. The employee is required to complete a *JSCC Grievance Form* which can be obtained on the network or JSCC website www.jamessprunt.edu under the Human Resources link.

The supervisor is responsible for handling the complaint and striving to arrive at a prompt, equitable solution. The immediate supervisor should render a decision to

the employee concerning the complaint as soon possible, and must render a written decision within fifteen (15) calendar days. (The length of response time will depend in large part upon the nature and extent of the employee's grievance and the supervisor's inquiry.)

Under extraordinary circumstances where it is inappropriate for the grievant to present his/her grievance to the immediate supervisor, the grievant may skip this step.

Step 2 - Filing complaint with next level supervisor

Occasionally, an employee's complaint involves his/her supervisor or the employee does not feel the matter has been resolved by the immediate supervisor. If this is the case, the employee can present the grievance to the next level supervisor.

An employee who is dissatisfied with the decision of his/her supervisor may submit, within five (5) calendar days after the decision of the supervisor is made known to the employee, and request for the grievance to be reviewed by presenting the completed *JSCC Grievance Form* to the next level supervisor (Department Head and/or Vice President) responsible for the employee's department.

The next level supervisor will make such investigations as he/she deems appropriate, will make an independent determination on the merits of the grievance, and will inform the employee in writing of his/her findings and decision, generally within fifteen (15) calendar days. (The length of response time will depend in large part upon the nature and extent of the employee's grievance and the investigations.)

If, for some reason, an employee reasonably believes that he/she cannot take the complaint to his/her supervisor initially, the employee may submit the complaint directly to the Vice President of his/her department in accordance with this step.

STEP 3 - File a formal complaint/grievance with the Director of Human Resources

After an attempt has been made to address the concerns with both the supervisor and the next level supervisor, employees may seek the assistance of the Director of

Human Resources. During this step, employees must provide the completed *JSCC Grievance Form* and submit in writing what actions have been taken thus far to resolve the grievance to the Director of Human Resources within five (5) calendar days. The Director of Human Resources shall review all claims, speak with all persons involved and work to resolve the matter. This step is formal and will require employees to state concerns and the names of all parties involved in writing.

The Director of Human Resources will inform the employee in writing of his/her findings and decision, generally within fifteen (15) calendar days. (The length of response time will depend in large part upon the nature and extent of the employee's grievance and the investigations.)

STEP 4 – Appeal to JSCC President

If an employee has taken steps 1, 2 and 3 above and still feels the matter has not been resolved and/or not satisfied with the decision, the employee should feel free to file an appeal with the JSCC President. The employee may submit a written request for appeal within five (5) calendar days from date of notification of decision by Director of Human Resources. The written request is to be submitted directly to the JSCC President.

The President of the College will review the personnel actions of the Vice President responsible for the employee's department and decision of Director of Human Resources. If, in the opinion of the President of the College, the procedures established in this Grievance Procedure were not complied with or the personnel action was arbitrary and capricious or unfounded, the President of the College will reverse the decision. Otherwise, the Vice President's decision and/or Director of Human Resources will be affirmed. The President will provide the employee with written notice of his/her decision as soon as reasonably feasible.

If the employee is entitled to review under this Grievance Procedure beyond Step 3 or if the President determines that further review of a decision made at Step 2 of this Grievance Procedure is appropriate, the President will make such investigations as he/she deems appropriate, will make an independent determination on the merits of the grievance, and will inform the employee in writing of his/her findings and decision, generally within fifteen (15) calendar days after receipt of the employee's request for appeal. (The length of response time will depend in large part upon the nature and extent of the employee's grievance and the President's investigations.)

The right of petition to the President of the College is expressly granted to each employee after **all** of the above applicable procedures have been exhausted. The decision of the President is **final**.

