

COMMUNITY COLLEGES OF COLORADO

Classified Employee Grievance Procedure

A formal grievance may be initiated by any classified employee on matters not directly appealable to or reviewable by the State Personnel Board or Director of the Department of Personnel. Issues pertaining to leave sharing, discretionary pay differentials, granting or removal of in-range salary movements, or the performance pay system that do not result in corrective or disciplinary action are not subject to grievance or appeal. Use of the grievance process is not required prior to disciplining an employee based on sexual harassment.

- The employee may initiate a grievance no later than ten (10) calendar days (per R 1-39) after the employee has knowledge of the action or occurrence by contacting the college Human Resource Office. If an employee alleges discrimination, the employee may initiate the grievance at any level of supervision capable of granting relief in the grievance. This level of supervision may not necessarily be the immediate supervisor. If the grievance is against the college president, the employee may bypass the steps in the grievance process and petition the System President directly to hear the matter. In addition, allegations of discrimination, including those involving grievances must be filed with the Personnel Board.
- Every effort shall be made by the parties to resolve the grievance at Step 1.
- Both the employee (grievant) and respondent may have another person of their choosing present at any step of the grievance process. That person may participate and speak for the employee. However, the employee is expected to participate in the discussion during the grievance process.
- By mutual agreement of the parties, during Step 1 and 2, the time limits may be waived or modified
- Only the grievance as originally presented in writing shall be considered in Steps 2 and 3 of the grievance process listed below.
- If the complaining employee is no longer employed under the state personnel system, any grievance in process at the agency level is considered concluded. If an employee is restored to a position following involuntary separation, by Personnel Board order or settlement or reemployment, any unrelated grievance pending at the time of separation shall be processed.
- The Human Resource Office will be responsible for coordinating and monitoring the grievance process at each step. Accordingly, the following procedures shall be followed:

Step 1 - Informal

An employee who believes h/she has suffered a grievable offense shall make an attempt to resolve the issue with the person against whom there is considered to be a grievance before a written grievance is filed. To initiate the grievance, the employee shall notify the supervisor, and/or the second level supervisor, and the Human Resource Office. The Human Resource Office, or other designated office, shall assist in convening the Step 1 informal meeting within five (5) business days of notification of the grievance and serve as a resource for both the grievant and respondent.

The employee (grievant) may request that an unbiased, objective peer group observer be present during the meeting. The role of the observer will not be to actively participate in the meeting, but rather to prepare a written record of the proceeding. The written record should include the grievance issue(s), the intent and conduct of the meeting, what the grievant expects by way of resolution and what efforts were made by both parties to resolve the grievance. The observer will retain the original written record and give copies to the grievant and the respondent. If the grievance is resolved, the original written record will be destroyed.

If the grievant wishes to go forward with the grievance, the original written record of the observer will become a part of the grievance documentation.

Peer group observers shall be volunteers. The Director of Human Resources shall maintain a list of volunteer observers and provide appropriate training to those on the list.

The peer group observer will be appointed by the Director of Human Resources from the list of volunteer, classified employees from the respective college/system office. If requested, the director will submit three names to the grievant as possible observers. The grievant will be asked to reject two of the three names. The remaining name will serve as the observer. Anyone having a conflict or vested interest, as determined by the Director of Human Resources, will be bypassed.

If a peer group observer is not available, a representative of the Human Resource Office may perform the role of the observer if requested by the grievant.

The employee shall be informed in writing of the decision/resolution within seven (7) business days following the conclusion of the informal meeting. The supervisor, second-level supervisor, or the Human Resource representative may write the decision/resolution. The written decision/resolution must state any adjustments agreed upon, the inability to reach a resolution on an issue(s), or a combination of both. The decision reached at the informal stage shall be binding on the parties, unless the employee elects to proceed to the formal written process.

Step 2 - Formal

If informal discussion does not resolve the matter, the employee may file a written grievance within five (5) business days of the receipt of the informal decision. The written grievance shall be submitted to the Human Resource Office. The written grievance shall state:

- the complaint;
- the actions the employee has already taken to resolve the matter; and,
- the relief requested.

The appointing authority shall receive a copy of the grievance from the Human Resource Office. The Appointing Authority shall hear the grievance or provide a written directive, which appoints a designee or a panel to hear the grievance. The designee or panel must be directed by the appointing authority to make a recommendation for his review or a final decision.

If a grievance panel is selected, it shall include a representative of the grievant's choice, a representative of the respondent's choice and a third party mutually agreed upon by the two selected representatives. The panel or designee will convene and review the grievance materials within ten (10) business days after the receipt of the grievance. The appointing authority, or his/her designee or panel, will issue a written recommendation or decision, if decision making authority has been specifically delegated by the appointing authority, within five (5) business days of the conclusion of the review. If a final decision is not rendered in a timely manner, the employee may pursue the next step.

The final written grievance decision must notify the employee of the right to appeal the final decision, including the time frame for such an appeal, and the State Personnel Board address, telephone and fax number for filing the appeal. The final decision is binding, unless the employee pursues it to the Board.

(Prior to the conclusion of the process, alternative dispute resolution is encouraged.)

Step 3 – Petition for Board Hearing

Within 10 calendar days of the conclusion of the agency's formal grievance process, or the expiration of the 30-day period, whichever is later, the employee may file a written petition for a hearing with the State Personnel Board. The original written grievance and the agency's final decision must be attached to the petition for hearing. A copy of the request for a petition must be presented to the person who made the agency's final decision.