



June 16, 2014

MEMORANDUM

TO: District Board of Trustees
FROM: Jim Murdaugh, President
SUBJECT: College Policy Update

Item Description

This item requests Board approval for updates to policies listed in Chapter 6.0 – Classified Staff, Managerial Professional, and Contract – Grant Employees.

Overview and Background

The College brings forth a request to update the following policy: Policy 06-16 – Grievance Procedure. Highlights of the policy changes are outlined below:

- Policy 06-16 – This policy is recommended for update to remove “Step Five: Appeal to the Board.”

Past Actions by the Board

The Board previously revised Policy 06-16 on 11/22/10.

Funding/Financial Implications

None

Staff Resource

Teresa Smith

Recommended Action

Approve the updates to the College policies.

**TALLAHASSEE COMMUNITY COLLEGE
DISTRICT BOARD OF TRUSTEES
P O L I C Y**

TITLE: Grievance Procedure	NUMBER: 06-16
AUTHORITY: Florida Statute: 1001.64, 1001.65, Florida Administrative Code: 6A-14.0261	SEE ALSO:
DATE ADOPTED: 12/1/97; Revised 1/22/01, 11/22/10	

A. PURPOSE

It is the intention of the College that each employee be given the opportunity to bring complaints and/or concerns to the attention of supervisors with the assurance that he/she will receive an impartial hearing and fair treatment without regard to age, race, religion, gender, ethnicity, color, national origin, marital status, genetic information, or disability.

B. DEFINITIONS

1. "Grievance" shall mean any written complaint by an employee expressing the dissatisfaction that occurs when an employee thinks or feels that some action or condition affecting that employee is unjust, inequitable, or a hindrance to effective operation.
 - a. An employee who is not serving a probationary period may initiate the grievance procedure. Employees may use this procedure without fear of reprisal or penalty.
 - b. The following instances are exceptions to this policy:
 - i. An employee shall not have the right to file a grievance against performance appraisal unless it is alleged that the appraisal is based on factors other than the employee's performance.
 - ii. An employee who is promoted and subsequently demoted before attaining permanent status in the higher class shall not have the right to grieve the demotion unless such demotion is to a lower class than the class in which the employee was serving before promotion.

- iii. An employee who accepts a reduction in pay, a demotion, or a reassignment shall waive all rights to grieve such action if the employee has signed a written statement that the action is voluntary.
- iv. An employee whose position is reclassified to a lower class resulting in a demotion appointment shall not have the right to grieve.
- v. An employee who is dismissed because of engagement in concerted activity as outlined in 06-14, Standard 33 shall not have the right to grieve the dismissal.

C. GENERAL GRIEVANCE REGULATIONS

1. The Grievance Procedure must be initiated within ~~five (5) working~~ seven (7) calendar days following occurrence of the action/event giving rise to the grievance. Employees may not use College materials, equipment, or work time to prepare grievances.
 - a. The employee and the supervisor may agree in writing to allow additional time during steps one and two of the following procedure.
2. During the grievance process, the failure of any individual or group of individuals to communicate their decision in writing to the employee submitting the grievance within the proper time limits shall permit the employee submitting the grievance to proceed to the next step in the grievance procedure.
3. The failure of the employee submitting the grievance to appeal a decision to the next higher level of the grievance process within the proper time limits shall constitute waiver of the grievance action and bars further action.
4. All documents, communications, and records dealing with the processing of a grievance shall be filed in the Human Resources Office.
5. The President may intervene at any step in the process and render final resolution.
6. If an employee elects to pursue remedy outside of the College, the grievance process will be discontinued immediately and the employee will be so notified.
7. Procedures for grievances and/or complaints brought forth by and/or against College Law Enforcement Officers will strictly adhere to those regulations outlined in the Florida Law Enforcement Officers' Bill of Rights (§112.532-534 Fl. Stat.).

D. GRIEVANCE PROCEDURES

The Human Resources Director or designee shall be available to assist with the resolution of the grievance at any step of the procedure. If the immediate supervisor is the Vice President of Administrative Services or the Human Resources Director, a designee of the President will serve as grievance reviewer. The President may, at his sole discretion, name a designee to serve as grievance reviewer.

Step One: Filing a Grievance

The employee shall present the grievance to the immediate supervisor in writing no later than ~~five (5) working~~ seven (7) calendar days following occurrence of the action/event giving rise to the grievance. The employee should forward a copy of this grievance to the Human Resources Office for informational purposes. The immediate supervisor's written response should be made within ~~five (5) work~~ seven (7) calendar days after receipt of the grievance. The supervisor's response should state the action to be taken in an effort to resolve the grievance or shall outline the reasons that the immediate supervisor is unable to resolve the grievance to the satisfaction of the employee.

If the departmental Executive Team member is the immediate supervisor, then the grievance is considered to be at step three of the process.

Step Two: Review by Next Level Supervisor

If a mutually satisfactory solution is not reached between the employee and the immediate supervisor or if the immediate supervisor does not respond to the grievance within the time limit in step one, the employee may submit the written grievance to the next higher level supervisor within ~~five (5) work~~ seven (7) calendar days from the receipt of the immediate supervisor's response to the grievance or, for non-response, within ~~five (5) work~~ seven (7) calendar days from the time limit for step one. The supervisor's response should state the action to be taken in an effort to resolve the grievance or shall outline the reasons that the immediate supervisor is unable to resolve the grievance to the satisfaction of the employee. The next higher level supervisor should respond to the grievance in writing within ~~five (5) work~~ seven (7) calendar days after receipt of the grievance at this step. If the employee fails to grieve the disposition of step one within the time limit allowed, the disposition shall be considered settled and binding on the employee and the College.

Step Three: Review by Human Resources Director

If a mutually satisfactory solution is not reached or if the next higher level supervisor does not respond to the grievance within the time limit for step two, the employee may submit the written grievance to the Human Resources Director within the ~~five-seven (57)~~ subsequent ~~work-calendar~~ days. If the employee fails to grieve the disposition of step two within the time limit allowed, the disposition shall be considered settled and binding on the employee and the College.

~~The Human Resources Director shall convene the standing grievance committee.—~~

~~The grievance committee will hear and review the grievance. The committee shall include a chairperson and two (2) additional members. The committee members shall be selected by the President and include staff from the following classifications: Director/Dean, Classified Staff, and Faculty.—~~

~~The hearing process shall be informal and will not use the legal standards of evidence in use in courts of law. Upon three (3) working days prior notification to the Human Resources Director, the grievant may have an advisor or attorney present during the hearing. If an advisor or attorney is present, his/her role will be limited to giving advice to the grievant and acting as a witness to the hearing. The College reserves the right to have an attorney present.~~

The ~~three panel members will be voting members and~~ Human Resources Director will issue ~~their a~~ recommendation(s) to the President for final resolution.

Step Four: Final Resolution by the President

The President shall render a decision based upon the information contained in the original grievance, recommendations of the Human Resources Director, ~~recommendations of the grievance committee,~~ and/or other relevant information. The President may call witnesses if deemed necessary prior to rendering a decision. The President, in his discretion, may interview persons with knowledge of the issue(s) giving rise to the grievance and may review any documents pertaining to the grievance and may request production of reports, summaries and the like. In reviewing the grievance, the President may request the assistance of the District Board of Trustees Attorney. The President will issue a final decision to the employee within ~~ten (10)-~~ workingfourteen (14) calendar days of receiving the ~~committee's~~ Human Resources Director's recommendation. The decision of the President will be final and binding.

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The Human Resources Director will issue a recommendation(s) to the President for final resolution.

Step Four: Final Resolution by the President

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