

**POLICIES AND PROCEDURES  
OUACHITA TECHNICAL COLLEGE**

**SUBJECT AREA: Personnel Policies and Procedures**

**POLICY/PROCEDURE: Employee Problem Solving and Grievance Procedure**

**DATE: March 1, 1993**

**NUMBER: 2.32**

**REVISION(S): 4/4/95, 7/25/00, 5/25/10**

**GENERAL**

The College seeks to treat each employee fairly. All employees are encouraged to bring to the attention of their immediate supervisor legitimate complaints perceived by them. Supervisors will provide time for such complaint conferences as soon as possible and within five (5) business days of notice of the employee complaint at the latest. The intent of these conferences is early and informal discussion of the issue in order to reach a timely and mutual resolution.

An employee who believes that a discussion with the employee's immediate supervisor would be futile may elect to request a complaint conference with a higher line supervisor, which conference will be held as soon as possible and at least within five (5) business days of notice of the complaint. Such conferences are to be conducted in proper sequence of supervisors. Grievances may cover matters such as the application of College policies and practices to the grievant, but the existence or content of the policies may not be grieved.

**DISCIPLINARY PROCEDURES**

Supervisors are concerned with preventing personnel problems from occurring, as well as correcting misconduct or poor performance. Generally, an informal reminder is all that is necessary for an employee to correct a behavioral or job performance problem. However, if informal counseling is unsuccessful in solving a problem, or if the problem is severe, formal disciplinary actions may be necessary. These formal disciplinary actions include, but are not limited to:

- a verbal reprimand
- a verbal reprimand with a letter of warning
- a written reprimand
- suspension without pay
- termination for cause
- non-renewal of contract

If the employee feels that he/she has been treated unfairly, and all attempts for an informal resolution have been exhausted, a grievance may then be filed.

**GRIEVANCE PROCEDURE**

## **I. Purpose**

A grievance procedure is established to provide employees with a prompt review, impartial consideration and an equitable disposition of their grievances. Any employee who presents a grievance or complaint in good faith and in a reasonable manner shall be free from restraint, interference, discrimination, or reprisal.

This procedure is intended to encourage employees to discuss problems with their supervisors, thereby providing a basis to talk over matters of mutual interest, to explain, to reach agreement, to make adjustments if necessary, and to foster better understanding between employees and supervisors. Such discussion will lead to better employee/supervisor understanding of policies, procedures, and practices.

## **II. Policy**

It is the policy of the College that all employees be given the opportunity, through established steps and procedures, to resolve complaints or grievances in a timely manner that they believe adversely affect their employment or working conditions. If the matter of such grievance is the subject of pending litigation or administrative review external to the College procedure, such as would occur with an EEO complaint filed by the grievant, the internal grievance procedure shall cease.

If you believe you have been discriminated against by the College because of your race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information, or believe that you have been discriminated against because of opposing a prohibited practice or participating in an equal employment opportunity matter, you may file a charge of discrimination with the U.S. Equal Employment Opportunity Commission (EEOC). All laws enforced by EEOC, (Title VII of the Civil Rights Act (Title VII), Americans with Disabilities Act (ADA), Age Discrimination in Employment Act (ADEA), and Genetic Information Nondiscrimination Act (GINA), except the Equal Pay Act (EPA), require filing a charge with EEOC before a private lawsuit may be filed in court. The Little Rock, Arkansas EEOC office contact information is shown below.

U.S. Equal Employment Opportunity Commission  
820 Louisiana Street, Suite 200  
Little Rock, AR 72201  
Tel: 800-669-6820  
Internet: [www.eeoc.gov/](http://www.eeoc.gov/)

It is also the policy that reasonable efforts be made to settle complaints or grievances as quickly as possible. Direct contact on a one-to-one basis between supervisor and employee has always been the policy of the College and thus the grievance procedure is not intended nor will it be allowed to become a barrier to the supervisor/employee relationship.

Employees should submit only grievances made in good faith, expressed in reasonable terms, containing (1) causes for the grievance, (2) corrective action desired (proposed remedy), and (3) sufficient information upon which to base these decisions.

Policies, and procedures related to policies, as approved by the Board of Trustees, are not grievable through the internal process indicated herein.

Access to this procedure does not create any expectation of continued employment, but provides an avenue of review and resolution of internal situations.

### **III. Definitions**

- A. **Employee** - an individual who is a non-probationary, full-time employee of the College, who occupies a regular salaried position and who works a minimum of 1500 hours per year, provided, however, that this policy shall apply to employees who hold administrative posts, appointed positions, and employees who are on initial new hire probationary status.
- B. **Grievance** - a complaint by an employee regarding an aspect of his/her employment; including, but not limited to, annual leave, sick leave, compensatory time, dismissal, suspension, non-renewal of contract, promotion, demotion, disciplinary actions, discrimination, or any other work related problem except compensation and conditions which are beyond the control of the College management or are mandated by law.

Grievances based upon performance evaluation may be appealed utilizing this policy and procedures. The Board of Trustees will not hear complaints concerning performance evaluation unless discrimination is the basis of the complaint. Discrimination is on the basis of race, color, sex, sexual orientation, age, national origin, religion, or disability.

This procedure may not be utilized to hear Reduction-in-Force appeals as outlined in **COPP 2.16 Employee Retrenchment** unless discrimination, as outlined above, is the basis of the complaint.

- C. **Professional Standards Committee** - an internal committee convened as needed to review and make recommendations regarding matters of professional misconduct or formal grievances of College employees. Membership is appointed by the President for a period of one year and shall consist of two (2) faculty members, two (2) administrative staff members, and (2) classified staff members. The President shall also appoint an alternate for each class of position. The grievant may request appointment of one representative to the committee. The Equal Employment/Affirmative Action Officer (EEO/AAO) may serve in a non-voting advisory capacity if requested. Individuals who work in the grievant's unit are ineligible to serve on the committee. Any employee who does not wish to serve on this committee will not be required to do so.

In the unlikely event that all appointees within a category are in the grievant's work unit and/or wish not to serve, the President may make substitute replacements to the committee structure. The Board of Trustees will be notified if substitutions other than those outlined above are required.

#### **IV. Basic Conditions**

All grievances and steps in the procedure and any appeal shall be processed through the College (EEO/AAO) and should be handled according to the following:

- A. Employees who feel they have a job-related problem are encouraged to contact their immediate supervisor for an informal discussion of the problem. Most problems can be cleared up or resolved at this point. In the event the problem is not resolved by an informal meeting between the employee and the supervisor, the employee shall notify the College EEO/AAO who shall assist the employee in commencing the formal grievance procedure at the appropriate Step, as determined by the EEO/AAO. If, for some reason, the EEO/AAO cannot process the grievance, the grievant should seek the assistance of the President in the appointment of another. (If the complaint is sexual harassment and involves the supervisor, the grievant should discuss the situation with the next level of management or the EEO/AAO.)
- B. The grievant and the appropriate level of management may request any person having knowledge of matters relevant to the grievance be present at any and all steps of the grievance procedure. The employee may also submit or request the submission of relevant written documents at any and all steps. The grievant shall be entitled to representation by a person of his/her own choosing at each step of the grievance procedure except for the initial informal discussion with his/her immediate supervisor.
- C. The President may intervene at any step in the grievance procedure if he/she decides that direct action is appropriate to resolve the grievance. The President shall make every effort to resolve all matters involving allegations of unlawful discrimination, termination, suspension without pay, involuntary demotion and/or failure to award compensatory time.
- D. Should any person within the College intentionally interfere with, hinder, block, or otherwise impede the processing of a grievance, such employee shall be subject to disciplinary action. Further, should any grievant or supervisor willfully fail to meet any of the deadlines set forth within this procedure in such an attempt to delay the resolution or disposition of a grievance, such grievant or supervisor shall be deemed to have forfeited any participation which such grievant or supervisor might otherwise have under this procedure.
- E. The entire grievance procedure should be completed within 27 working days after the grievant files a written grievance, unless an extension is agreed to by all parties involved.

The grievance procedure may be terminated at any stage, should an agreement between parties be reached.

- F. In the event the EEO/AAO and the employee disagree as to whether the matter under consideration is a grievable matter within the scope of the COPP, the EEO/AAO shall request a Determination from the President. The employee may file an additional statement concerning the nature of the complaint with the President. This statement shall be filed with and attached to the EEO/AAO's request for the Determination. Determination matters include whether the matter is grievable, and whether the employee has access to the procedure.

The President shall promptly report, within a day or two, to the EEO/AAO and/or the employee (where applicable), the decision concerning the Determination. The President shall not make any finding at this stage with regard to the merits of such complaint. Their review shall strictly be limited to the determination of whether the complaint consists of a matter that is grievable. If the employee is not satisfied with the determination by the President and believes the action is the result of discrimination on the basis of race, color, sex, sexual orientation, age, national origin, religion, or disability, then the determination may be appealed to the Board of Trustees if appealed in writing within three (3) business days of the President's Decision. The Board should review the appeal and make a decision within ten (10) days.

- G. Meetings and hearings at all Steps of this procedure shall be recorded and if appealed to the Board of Trustees shall be transcribed and become part of the case file record.
- H. Grievances involving allegations of unlawful discrimination, termination, non-renewal of contract, suspension without pay, involuntary demotion and/or failure to award compensatory time shall commence at Step 4 (President's Level), Option 1 or 2 of the College Grievance Procedure.
- I. At the conclusion of each step of the procedure, notification of decisions or recommendations will be provided to the grievant and the employee's immediate supervisor (when appropriate).
- J. After the written grievance is received and the formal review process begins, if the grievant is more than 15 minutes late to any hearing, the grievance procedure is suspended and all the parties shall consider it "waived," unless the grievant's tardiness was for substantial and uncontrollable reasons.

## **V. Formal Grievance Procedure**

### **STEP 1**

To initiate this formal grievance procedure, the employee must submit the grievance in writing to the EEO/AAO within five (5) working days of the occurrence of the grievable matter. The EEO/AAO will assist the employee in presenting his/her grievance to the immediate supervisor.

The EEO/AAO will contact the immediate supervisor and arrange for a meeting within three (3) working days between the grievant and the supervisor with the EEO/AAO present. The supervisor shall submit his/her decision in writing to the grievant and the EEO/AAO within one (1) working day.

## **STEP 2**

If the grievant is not satisfied with the results of Step 1, the grievant must, within three (3) days, submit such dissatisfactions and request for further review in writing to the EEO/AAO who will arrange for a meeting between the grievant and the next higher level of management within three (3) working days after receiving the employee's written request. The manager will submit his/her decision in writing to the grievant and the EEO/AAO within one (1) working day.

## **STEP 3**

If the individual hearing of the grievance at Step 2 is not the second management level in which the grievant is employed, the grievant, if not satisfied with the decision rendered at Step 2, may request, in writing within three (3) days of the decision of the manager in Step 2, a hearing with the Vice President. The EEO/AAO shall arrange for and attend such a hearing within three (3) working days from the receipt of the request. The VP may require the grievant to set forth the nature of the disagreement with the decisions in the previous steps, in writing, prior to the hearing and, if called upon to do so, the EEO/AAO shall assist the employee in reducing the nature of the disagreement to writing. The VP shall submit his/her decision in writing to the grievant, the EEO/AAO, and to each subordinate manager involved within three (3) working days following the conclusion of the hearing.

## **STEP 4**

If the grievant is not satisfied with the results of Step 3, he/she may, within three (3) days, submit the matter in writing to the President. Two options are available to the President:

**Option 1:** The EEO/AAO will, within three (3) working days, arrange and attend a meeting between the grievant and the President or his/her authorized representative (e.g. special hearing officer). Subordinate managers shall attend at the request of the President. The hearing officer shall take testimony and accept exhibits.

**Option 2:** The President may elect to have the Professional Standards Committee (PSC) meet, within three (3) working days to hear the grievance and make recommendations to the President regarding resolution of the grievance. If this option is exercised, the grievant may appoint one employee as an additional committee member. The additional committee member cannot be from the grievant's work unit.

No member of the PSC hearing the grievance shall be an employee of the grievant's work unit or office, nor shall any member be a supervisor or manager to whom the grievant reports in the conduct of his/her usual work affairs. The committee shall hear from the grievant, the EEO/AAO (if appropriate), the grievant's supervisor, the managers who heard the case at Steps 2 and 3, and any other persons having relevant information regarding the subject matter of the grievance upon the invitation of the PSC. The findings and recommendations of the PSC Committee shall be provided in writing to the President within three (3) working days.

Within five (5) working days of the conclusion of either option, the President shall submit his/her decision in writing to the grievant and the down line supervisors, including the immediate supervisor (if appropriate) with a copy to the EEO/AAO.

The decision of the President is final unless the grievant alleges the action was the result of discrimination on the basis of race, color, sex, sexual orientation, age, national origin, religion or disability.

#### **STEP 5**

If the grievant is not satisfied with the decision of the President, and the grievant believes the action was the result of discrimination, he/she may, within five (5) working days of receipt of the President's written decision, appeal, through the President, to the Board of Trustees.

The Board of Trustees shall conduct whatever review of the grievance it deems necessary and make recommendations to the President and appealing party. Unless agreed to by all parties, the recommendations shall be within ten (10) working days of the appeal.

The decision of the Board shall be forwarded to the President, who shall, in turn, inform the appealing party and the grievant's immediate supervisor. The decision of the Board shall be final and will conclude the internal grievance process.

This, however, does not prohibit employees from availing themselves of remedies outside these procedures. Each employee retains the right to file a complaint with the Equal Employment Opportunity Commission or pursue other legal remedies.

### **VI. Documentation**

It shall be the responsibility of the EEO/AAO to compile a grievance file that documents the procedures followed and its ultimate disposition, along with copies of all documentary evidence. All documentation relating to an employee grievance shall be maintained in the grievance file and it shall be maintained separately from the employee's personnel file. No information relating to the grievance shall become a part of any employee's permanent personnel record. However, the grievance file shall be maintained permanently in such a manner as may be prescribed in applicable state and federal laws with regard to retention of such records. The President shall keep the Board of Trustees informed at every Step of the procedures beginning with Step 4 when the matter is appealed to the President.

### **VII. Time Limits**

If the written grievance is not presented within the time limits, as set forth above, it shall be considered "waived." If a grievance is not appealed to the next step within the specified time limits, or any agreed upon extension thereof, it shall be considered settled on the basis of the last answer submitted by the person to whom the grievance was presented at that step. If the person required to answer the grievance at any step does not do so within the required time limits, the

grievant may consider the grievance denied and appeal it to the next step. The time limit in each step may be extended by mutual written agreement of the grievant and the person(s) to whom the grievance is being presented. Such extension shall not be unduly withheld by either party. The term “working days” or “business days” shall mean Monday through Friday, when the College is open for business as per the College Calendar that has been approved by the Board of Trustees.

**VIII. Grievance Procedure Revision Policy**

The President, through the Board of Trustees, may revise the Grievance Procedure to ensure compliance with contemporary law.

AUTHENTICATION (Signature):		COPP
_____	5/25/10	
President	(Date)	2.32