

Southeast Arkansas College Employee Grievance Policy and Procedures

Definition of Grievance

A grievance is a complaint by an employee regarding an aspect of his or her employment. Grievances may include but are not limited to annual leave, sick leave, compensatory time, dismissal, suspension, promotion, demotion, disciplinary actions, and discrimination.

Compensation is not a proper subject for a grievance. Similarly, conditions that are beyond the control of College management or are mandated by law shall not be grievable matters. Performance evaluation grievances, including ratings, as well as complaints concerning reduction-in-force are non-grievable matters unless the dispute is based on a charge of discrimination. Discrimination is an action taken based upon race, color, sex, age, national origin, religion, or disability.

Other non-grievable matters include but are not limited to: a) advice and/or counseling provided by the EO/AA Officer; b) approved Board of Trustees policies, Administrative Bulletins, Memoranda, or State Department policies; c) matters governed by law, regulations, and/or executive order which are outside the College's control; and d) work or teaching assignments, including assignments or reassignments to other units, departments or divisions.

The grievance procedure is intended to encourage employees to discuss work related problems with their supervisors therefore providing opportunities to explain concerns, reach agreement, make adjustments, when necessary, and foster better understanding between employees and supervisors.

The employee is allowed representation by a person of his\her own choosing at each step except in the initial informal discussion with his\her supervisor. No employee shall be disciplined or otherwise prejudiced in employment for utilizing the agency grievance procedure.

Initiation of Grievance Procedures

Any such grievance shall be handled in accordance with the procedure below. Any employee who is not on new hire probation shall have the opportunity at any time within five (5) workdays (after the incident out of which a grievance arises) to present a grievance. This process will only address the initial Grievable Incident. Changes may not be made to the original Grievance Form once submitted to the Grievance Officer or designee. At any step, the meetings may be recorded with disclosure to all parties.

The Grievance Officer is the Vice President for Academic Affairs (Room 850/Administration Building).

Step One (Supervisor-Oral): any employee may present a grievance (orally) to his/her immediate supervisor. If the supervisor's answer (orally) is not given within 48 hours (two workdays) after the presentation of the grievance or if the answer is not satisfactory to the complainant, then he/she may proceed to Step Two.

Step Two (Supervisor-Written): The employee shall, within two (2) work days after presenting the oral grievance to his/her supervisor, cause the grievance to be prepared in writing using the Grievance Form and present the form to the Grievance Officer, in person. The Grievance Officer will deliver a copy of the Grievance Form to the supervisor, in person. The supervisor and the employee shall meet within three (3) workdays in an attempt to reconcile the grievance. The Grievance Reply Form must be used by employee and supervisor to respond to the grievance. Upon completion, the form must be delivered to the Grievance Officer, in person. If the grievance is not reconciled, the Grievance Form and the Grievance Reply Form will be submitted to the departmental Vice President, in person, by the Grievance Officer.

Step Three (Departmental Vice President): The Vice President (VP) will meet with both parties in an attempt to reconcile the grievance within three (3) workdays from completing Step Two. The VP and employee shall meet and respond to the grievance using the Grievance Reply Form. The VP will present the form to the Grievance Officer, in person. In the event the employee is dissatisfied with the decision of the Vice President, the Grievance Officer will deliver a copy of the Grievance Form and the Grievance Reply forms to the President, in person.

Step Four (President) The President and the employee will meet within three (3) workdays in an attempt to reconcile the grievance. The President and employee shall respond to the grievance using the Grievance Reply Form. In lieu of meeting with the employee, the President may choose to submit the employee's grievance to the Executive Cabinet. The Executive Cabinet shall respond to the President within three (3) workdays. Within three (3) workdays, the President may accept, reject or modify any recommendation from the Executive Cabinet. The President will reply to the grievance using the Grievance Reply Form. The decision rendered at the level of the President is the position of the College.

At the conclusion of a SEARK grievance procedure above, the employee may file a written request for nonbinding mediation no later than fifteen (15) business days after receipt of the final decision from the College's grievance procedure. For specific procedures, refer to the Dispute Resolution Policy 70.06. The link is shown below.

http://www.dfa.arkansas.gov/offices/personnelManagement/policy/Documents/70_06StateGrievancePolicy.pdf

SOUTHEAST ARKANSAS COLLEGE

GRIEVANCE FORM

This form is to be used by the employee to initiate a formal grievance. The employee must deliver the completed grievance form in person to Grievance Officer (Step #2). This form must be filled in completely and will serve, without amendment, as the source document for the grievance process. All supporting documentation should be attached to this grievance form.

Employee's Name _____

Job Title _____

Employee's Work Location _____

GRIEVANCE STATEMENT

In order for a formal grievance to be processed, the following five items must be addressed:

- 1. What was the date of the occurrence and what specific behavior, condition, or violation of policy or procedure occurred which you considered constitutes a grievance(s)?**

- 2. Attach document(s) and/or list of witnesses, a description of their involvement, and their contact information, so that relevancy to the grievance can be determined.**

- 3. How have you been adversely affected by the grievance?**

- 4. What specific actions have you taken to reconcile and improve this situation, i.e. including discussing it with your immediate supervisor? What has been the outcome of these efforts?**

- 5. What specific action(s) are you requesting?**

Employee's Signature _____ **Date** _____

SOUTHEAST ARKANSAS COLLEGE

GRIEVANCE REPLY FORM

PRINT NAME and TITLE

Reply to Employee Grievance
(Respond on a separate sheet and attach, if needed)

Supervisor's Signature _____ **Date** _____

Employee's Answer:

_____ **I accept the answer to my grievance.**

_____ **I do not accept the answer to my grievance and wish to refer my grievance to the next step.**

NOTE: Explain fully why you do not accept the above response/decision. (Respond on a separate sheet and attach, if needed)

Employee's Signature _____ **Date** _____