

Policy 3.003.        Grievance

POLICY

The C.E.S. Grievance Policy is established to secure, at the lowest possible administration level, equitable solutions to employee grievances and complaints. However, any employee has the right to appeal to be heard by the Representative Council if his or her grievance has not been satisfactorily resolved at a lower level. The confidentiality of these proceedings shall be maintained wherever possible in accordance with State Freedom of Information laws. The Executive Director is authorized to develop appropriate procedures for implementation of this policy.

Definitions.

1. A "grievance" is an employee complaint alleging a violation of C.E.S. policies and procedures.
2. A "grievant" is the aggrieved employee or employees.
3. "Days" shall mean scheduled work days.
4. "Supervisor" shall mean the grievant's immediate supervisor or the person whose decision or action gave rise to the grievance.

ADOPTED: February 21, 1991

REVISED: June 1, 2000

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Step 1 – Supervisor

In an effort to resolve the issues, the grievant shall discuss the grievance informally with the supervisor. Such discussion shall take place within ten (10) days of when the grievant knew or should have known of the act or acts or circumstances upon which the grievance is based; otherwise, such grievance shall be deemed to have been waived. No formal written record shall be maintained at this step of the procedure with the exception of a record of the discussion. The grievant should attempt to resolve the grievance with the supervisor before initiating the formal proceeding.

Step 2 – Division Director

If the grievance has not been resolved at Step 1, the grievant shall submit the grievance and requested remedy in writing to his Division Director with a copy to the Personnel Office. Such written grievance shall be submitted within five (5) days of the informal discussion with the supervisor. The written statement shall include the following:

1. A statement of the nature of the dispute.
2. A citation of the specific policy or procedure alleged to have been violated.
3. A concise statement of what action has given rise to the grievance.
4. A statement of what remedy the grievant is seeking.

The Division Director shall respond in writing to the grievant within ten (10) days of receipt of the grievance.

Step 3 – Executive Director

If the Division Director's response at Step 2 has failed to resolve the grievance, the grievant may submit a copy of the grievance and the Step 2 response to the Executive Director within three (3) days of receipt of the Step 2 response. The Executive Director shall schedule a hearing to consider the grievance. Said hearing shall take place within ten (10) days of receipt of the grievance. Effort will be made at the grievance hearing to resolve the differences between the parties to the dispute. If the grievant and the Executive Director agree, the hearing may be waived. If the Grievance is not resolved, the Executive Director will issue a written decision on the matter within five (5) days of the hearing or within ten (10) days of receipt of the grievance if no hearing is held.

Step 4 – Representative Council

If the Executive Director's response at step 3 has failed to resolve the grievance, the grievant may submit a copy of the grievance and the Step 3 response to the President of the Representative Council within three (3) days of receipt of the step 3 response. The President of the Representative Council shall schedule a hearing with the Representative Council to consider the grievance. Said hearing shall take place no later than the next Representative Council meeting provided the grievance has been received at least five (5) days before said meeting. Effort will be made at the grievance hearing to resolve the differences between the parties to the dispute. If the grievant and the President of the Representative Council agree, the hearing may be waived. If the grievance is not resolved, the President of the Representative Council will issue a written statement of the Representative Council's decision on the matter within five (5) days of the hearing or, in the event no hearing is held, within five (5) days within the date of the decision by the Representative Council. The decision of the Representative Council shall be final and binding.

Alternate Procedure for Division Directors.

When the grievant is a Division Director, the grievance shall be initiated at step 3. The respondent at step 2 shall be the Executive Director, and the respondent at step 3 shall be the Executive Committee of the Representative Council.

Time Limits.

Time limits applicable to the processing of grievances may be waived or extended by mutual agreement of the parties.

Non-Retaliation

No grievant or any other employee participating in a grievance procedure shall be subjected to retaliation or reprisal because of participation in the processing of any grievance.

REVIEWED & AUTHORIZED: June 1, 2000