

COLLEGE of CHARLESTON

PROCEDURE GRIEVANCE PROCEDURES

The State Employee Grievance Procedure Act provides that each agency and department of State government shall establish a written employee grievance procedure approved by the State Personnel Director. A copy of the approved procedure plan shall be furnished to the employees of the agency or department concerned. See Faculty/Administration Manual for Grievance Procedures applicable to unclassified employees.

Grievance

1. All permanent employees of the College of Charleston not exempted from the State Grievance Act of 1982 and hired prior to July 1, 1993, with six months of satisfactory service, or hires after July 1, 1993, with one year of satisfactory service feeling that they have been subject to unfair or abusive treatment may seek a fair administrative review without delay and be assured of a prompt, orderly and fair response to the grievance or appeal without fear of restraint, interference, coercion, discrimination or reprisal. The Human Resources Office will ensure that grieving employees are aware of all applicable time limits and procedures to be followed. Employees will be entitled to such time off from regular duties as may be necessary and reasonable for the presentation and procession of grievances or appeals without loss of pay, annual leave or compensation time credits. If an employee chooses to exercise right of counsel at any time during the grievance process, it shall be at his or her expense.
2. Adverse personnel actions, which may be grieved, are *dismissals, suspensions, involuntary reassignments, and demotions*. Reclassifications, reassignments, and transfers to the same pay grade are not considered grievances. Promotions are not considered grievable. However, where an allegation is made that the grievant was excluded from consideration for promotion to a position greater than one organizational level above his or her present level for which he or she was qualified when the promotional opportunity occurred, and the grievant applied or would have applied if he or she had known of the promotional opportunity, and the State Personnel Director determines that there is any material issue of fact or conclusion to be drawn from the facts of the allegation, then the promotion shall be deemed grievable. Compensation shall not be deemed a proper subject for consideration under the grievance plan except as it applies to alleged inequities within a particular agency or performance decreases based on the results of the EMPS evaluations. A reduction in force shall be appealed by an affected employee under the grievance plan only if based on inconsistent or improper application of a reduction in force policy, procedure or plan.
3. Employees are urged to attempt informal resolution of their grievances with their immediate supervisor either verbally or in writing as a first step. If the matter is not resolved informally the State regulations require the filing of a written grievance within twenty one (21) calendar days of the effective date of the action. The issue on which a grievance is based must have occurred; it cannot be based upon advance notification of a pending action scheduled to happen on a future date. State law also provides that the College must make a final decision on the grievance within forty-five (45) calendar days of the filing of the written grievance; failure to meet this deadline is considered an adverse decision that may be appealed to the State Employee Grievance Committee. The internal time periods established in this procedure may be waived upon the mutual written consent of both parties; provided, however, the forty-five (45) calendar day period for final action by the College may not be waived unless a court action is pending and both parties agree.

Grievance Procedures

1. Informal Resolution
 - a. Employees are urged to seek redress initially through informal consultation with their immediate supervisors. A written grievance is not necessary at this stage, and the employee and supervisor(s) may consult with other persons in an attempt to resolve the matter through informal discussion. Employees are urged to initiate these discussions as soon as possible after the act(s) complained of, in that the formal, written grievance must be filled within fourteen (14) days of the effective date of the action.
 - b. If the problem is not resolved through informal discussion, the employee is entitled to file a formal, written grievance with his or her Department Head, or if there is no Department Head, the Vice President within twenty-one (21) days of the effective date of the action.
2. Formal Procedures

- a. The formal, written grievance must include:
 1. An explanation of the act(s) complained of;
 2. The facts and evidence in support of the employee's position; and
 3. Suggested resolutions to the grievance that are acceptable to the employee.

The Department Head, or if there is no Department Head, the Vice President shall hold a conference with the employee, to which he or she may invite others if the employee consents, may consult with others outside the conference and may otherwise investigate the grievance in order to arrive at a decision. The Department Head (or Vice President in the event of no Department Head) shall notify the employee in writing within fifteen (15) calendar days of the receipt of the written grievance of his or her decision.

If there is no Department Head, the grievance procedure will continue as set forth in 2nd.

- b. If the Department Head's decision is not satisfactory to the employee, or if the employee fails to receive a decision within the required time period, the employee may file a written appeal with his or her Vice President responsible for his or her department. This appeal must be filed within four (4) calendar days of the receipt of the Department Head's decision, and a copy of the appeal shall be delivered to the Department Head. Upon receipt of the employee's appeal, the Department Head will transmit the employee's written grievance and any relevant accumulated materials to the Vice President. The Vice President may investigate the grievance by means of interviews, the securing of documents and evidence from any available source, and other actions which he or she deems necessary in the circumstances. The Vice President will hold a conference with the employee and the supervisor(s) and attempt to reach an agreed upon resolution. Failing that, he or she shall present his or her written decision which shall state the reasons therefore, to the employee, the Department Head, and the Human Resources Director within seven (7) calendar days of receipt of the appeal.
- c. If this decision is not appealed by the employee, the decision of the Vice President will be implemented within seven (7) calendar days of the receipt of the decision by the Human Resources Director.
- d. If the decision of the Vice President is not satisfactory to the employee, he or she shall present a written notice of appeal to the Human Resources Director within four (4) calendar days of receipt of the decision. The Human Resources Director shall immediately notify the Senior Vice President of the appeal and the Senior Vice President in consultation with the Human Resources Director shall immediately appoint a five (5) person ad hoc Human Resources Grievance Committee, to hear the case, and designate the committee's chairperson. All accumulated materials related to the grievance shall be immediately forwarded to the chairperson by the Vice President. The ad hoc Human Resources Grievance Committee may investigate and secure whatever further evidence it deems necessary to make a decision. It shall also hold a conference with the employee, at which the employee shall be entitled to have a representative, including counsel, at his or her own expense.
- e. The committee's decision shall be delivered to the President, the employee and the Department Head within nine (9) calendar days of the receipt of the notice of appeal by the Human Resources Director. The Committee's decision shall be detailed and shall set forth specific findings of facts made by the committee, based upon the evidence before it.
- f. Within six (6) calendar days of the receipt of the Committee's decision, the President shall deliver his written decision to the employee, the Human Resources Director, the Department Head and the Chairperson of the ad hoc Human Resources Grievance Committee. The Human Resources Director shall thereafter implement the decision of the President.

3. Appeal to the State Employee Grievance Committee

Permanent State employees hired prior to July 1, 1993, with six months of satisfactory service, or hired on or after July 1, 1993, with one year of satisfactory service have the right to appeal to the State Employee Grievance Committee adverse decisions relating to the personnel actions described on Page 1 in paragraph #2 of this Article. The notice of appeal must be filed in writing within ten (10) calendar days from receipt of the President's decision. The form must be filed directly with the State Director of Human Resource Management. Failure to file an appeal with the State Director of Human Resource

Management within ten (10) calendar days from the President's decision, or within fifty-five (55) calendar days from the initial appeal, whichever occurs last, shall constitute a waiver of the right to appeal.

APPROVED

DIV. OF HUMAN RESOURCE MGT.

Donna G. Hayward 12/28/93