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**TITLE: GRIEVANCE: FOR ALL EMPLOYEES**

**EFFECTIVE DATE:** January 20, 2015

**LAST REVISION:** Initial\*

Policy No. 221

**POLICY STATEMENT**

It is the policy of Baton Rouge Community College (BRCC) to develop and maintain a satisfied and efficient workforce. An employee who is seeking a solution concerning disagreements arising from working relationships, working conditions, employment practices, or differences in interpretation of policy is encouraged to discuss the matter with their immediate supervisor. Most concerns can be resolved informally without the need for a formal grievance. BRCC believes that employee grievances should be resolved at the lowest possible administrative level and an employee must exhaust all administrative procedures at the Department level before an appeal can be made to the Chancellor.

Occasionally, an employee's complaint involves his/her supervisor, or the employee does not feel the matter has been resolved by the supervisor. In such an instance, the employee should understand their right to file a formal grievance in accordance with this policy.

When an employee feels he/she has been treated unjustly, the employee has the right to utilize the grievance policy without fear of retaliation, discrimination, or reprisal because of the action. The decision to utilize the grievance policy shall be the employee's decision.

**SCOPE AND APPLICABILITY**

This policy applies to all BRCC employees, including tenured, non-tenured and adjunct faculty, unclassified staff and classified employees with no regard to full-time or part-time status.

An employee who believes he/she is being discriminated against because of race, color, sex, ethnic origin, religion, age, veteran status, or disability should refer to BRCC Policy 201: Equal Employment Opportunities and/or contact BRCC's Office of Human Resources.

Performance evaluations are not grievable under this policy. Employees should refer to BRCC Policy 212: Performance Evaluation & Salary Increases and/or contact BRCC's Office of Human Resources.

**DEFINITIONS**

As used in connection with this grievance policy and procedure, the following words and phrases shall have the meanings denoted:

***Abandonment of Grievance*** – the failure of an employee to pursue their grievance through the grievance procedure within the specified time limit.

***Affidavit*** – a dated, signed and sworn statement offered for consideration in connection with a grievance procedure meeting or hearing.



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***Appointing Authority*** – the officers and employees authorized by statute or by lawfully delegated authority to make appointments to positions in the state service.

***Designated Appointing Authority*** – any person duly authorized by the Chancellor to resolve grievances at the second step.

***Employee*** – any person legally appointed to and serving in a position within Baton Rouge Community College.

***Ex-parte Statement*** – a written statement made by one (1) person, offered for consideration in connection with a grievance procedure meeting or hearing.

***Grievance*** – a disagreement, dispute or complaint between or among employees and/or an employee and management; an alleged act of unfair treatment of an employee; or, an alleged violation of Department policy. Excluded from this definition are those matters within the jurisdiction of the Department of Civil Service or Civil Service Commission, the Equal Employment Opportunity Commission and/or matters of civil rights such as:

- Official disciplinary actions: dismissal, suspension without pay, reduction in pay, and involuntary demotion;
- Non-disciplinary removals (Civil Service Rule 12.6);
- Position allocation or reallocation decisions rendered either by the Department of Civil Service, BRCC or any BRCC Department;
- Discrimination practiced by the violation of federal or state law or Civil Service rule;
- Performance Evaluations;
- Review of an application that has been rejected as not meeting the minimum qualification requirements for a job;
- Improvement letters such as: letters of counseling, warning, reprimand, or supervisory plan

***Jurisdiction*** – the right to make decisions concerning the subject matter in a given case.

***Meeting*** – the granting of an audience to the grievant by the respondent or a designee (as allowed by the procedures), the purpose being for the grievant to have a reasonable opportunity to be heard prior to the rendering of a decision by the respondent.

***Human Resources Director*** – the person who holds the title of Human Resources Director who has been assigned the responsibility and authority to process personnel actions and to monitor the grievance procedure.

***Records*** – official records of the state that are not held to be confidential by state statute, public law, or constitutional law.



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**Respondent** – the individual at each step of the grievance procedure responsible for responding to the grievant.

**Reprisal** – an act of retaliation taken against an employee because he/she utilized the grievance procedure.

**Summary Disposition of Grievance** – a decision made by the respondent that the subject matter of a grievance is not within the jurisdiction of this policy and is removed from the grievance procedure.

**Supervisory Employee** – an employee with responsibility to make decisions relating to appointment, termination, performance, pay changes, work assignments, scheduling or direction; or employees with responsibility to assign, schedule and direct the work of other employees and whose recommendations regarding appointment, dismissal, performance, pay changes, etc., are given substantial weight in the final outcome of such decision.

### **GENERAL PROVISIONS**

An unclassified, other academic or classified employee who is seeking a solution concerning disagreements arising from working relationships, working conditions, employment practices, or differences of interpretation of policy may file a grievance. It is BRCC's philosophy that employee grievances should be resolved at the lowest possible administrative level.

The decision to utilize the grievance procedure shall be the decision of the aggrieved employee. The grievance procedure is voluntary. The decision to utilize this grievance procedure shall not deprive an employee with a charge of unlawful discrimination from appeal to appropriate federal agencies.

Any employee who takes reprisal action of any kind against any employee who makes use of this grievance procedure shall be subject to disciplinary action, up to and including termination. No employee is to use an official position to attempt to improperly influence any hearing officer or member of the Grievance Committee.

Grievances across department lines (a valid grievance by an employee of one department regarding a matter within the jurisdiction of another department) may be filed directly with the department head of the department with jurisdiction; grievant will submit an information copy of the grievance to his/her department head. The time limits for processing the grievance are as indicated in Step II.

It is understood that a grievance will be kept confidential except to the extent necessary to investigate and resolve the grievance.



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## **A. RESPONSIBILITIES**

Management, such as supervisory employees, Department heads, etc., will facilitate and encourage the resolution of employee grievances at the lowest possible supervisory level and at the earliest possible opportunity. The grievance process should be viewed and treated as a valuable complaint resolution tool.

There should be face-to-face discussion between the immediate supervisor and the grieving employee aimed at resolving a problem prior to the employee filing a formal written grievance. It is incumbent upon a supervisor to find time as soon as reasonably possible to listen to an employee's complaint.

In this regard there will be evidence of each respondent's sincere efforts to discover the real issue(s) of a grievance, to distinguish facts from opinion and to demonstrate a cooperative and communicative effort to understand and resolve problem situations.

The Human Resources Director or designee is responsible for providing guidance and counsel to appointing authorities, department heads, supervisors and grievants in grievance-related matters and for monitoring and coordinating grievance activity.

An aggrieved employee, in preparing the initial written grievance, must be careful to include all facts pertinent to the grievance under consideration. The respondents may not permit the employee, after conclusion of the first step, to enlarge his/her original statement to include additional information that goes beyond the scope and intent of the original statement.

## **B. INFORMAL DISCUSSION**

Each employee who believes that he/she has a legitimate grievance must make an effort to discuss the grievance with his/her immediate supervisor to seek a solution prior to submitting a written grievance. The grievant must be able to show that discussion was requested within five (5) working days following the date of the action or situation which caused the grievance or following the date on which he/she became aware of said action. The immediate supervisor will discuss the matter with the grievant within three (3) working days of the request for discussion. The employee may at any time consult the Office of Human Resources for assistance as to grievance policy and procedure.

If the employee's complaint concerns his/her immediate supervisor, the employee may skip the grievance step that would directly involve that individual and skip to the next step in the grievance process.

Written notice of a grievance shall be on the BRCC Grievance Form prescribed by this policy.



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### C. STEP I

Should the grievance not be resolved in the discussion with the immediate supervisor and the employee wishes to pursue the matter, the grievant may submit the BRCC Grievance Form to the immediate supervisor within five (5) working days following the date the matter was discussed. The supervisor will provide a written response to the grievant within five (5) working days from receipt of the grievance. Step I consists of the following:

1. The employee shall complete the BRCC Grievance Form, available on the BRCC Intranet or from the Office of Human Resources. The employee is to provide clear and detailed statements regarding his/her grievance and include any and all supporting documentation. The employee is to provide the relief sought to his/her complaint.
2. The employee is to present the original BRCC Grievance Form to his/her immediate supervisor and provide a copy of the grievance form to the Office of Human Resources. The Grievance Form should be submitted to the immediate supervisor within five (5) working days from the date of the alleged grievable act or within five (5) working days of the employee gaining knowledge of the grievable act.
3. The Supervisor shall respond in writing to the employee within five (5) working days from receipt of the Grievance Form and provide a copy of his/her response to his/her Department Head **and** to the Office of Human Resources. This response is to be provided on the original Grievance Form submitted by the employee.

### D. STEP II

In the event that the decision of the respondent in Step I does not satisfy the employee, and the employee wishes to pursue the matter he/she may, within five (5) working days from receipt of the Step I response, submit the grievance in writing to the Step II respondent, the employee's Department Head.

1. The employee shall provide an explanation as to why he/she feels the Step I responder erred in his/her ruling. This should be completed on the original Grievance Form and presented, within five (5) working days from receipt of the Step I response, to the appropriate Department Head and a copy forwarded to the Office of Human Resources.
2. The Step II respondent shall review the original grievance statement and relief sought in addition to all information provided by the Step I respondent.
3. The Step II respondent shall investigate the grievance, which shall include meeting or discussion with the grievant. The Step II respondent's response will be rendered, on the original Grievance Form, to the employee within seven (7) working days from his/her receipt of the Grievance Form. A copy of the Step II respondent's ruling shall be provided to the Office of Human Resources. The aforementioned time frame is binding unless another time frame is mutually agreed upon between the grievant and Step II respondent.



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### **E. STEP III**

The employee may, if not satisfied with the decision of the Step II respondent, within five (5) working days of receipt of the response, submit the grievance to the Step III respondent.

1. The aggrieved employee shall, by way of the original Grievance Form, state clearly and factually how and why it is felt the Step II respondent erred in his/her ruling. The Grievance Form shall be presented to the Office of Human Resources within five (5) working days from receipt of the Step II response.
2. The Office of Human Resources, in conjunction with the Chancellor or designee, shall review, thoroughly and completely, the information provided on the Grievance Form. The Office of Human Resources will provide a recommendation to the Chancellor or designee.
3. The allegations stated in the grievance may necessitate a formal investigation. A formal investigation shall be authorized by the Director of Human Resources or the Chancellor and conducted by the Office of Human Resources. The Office of Human Resources shall provide notice of the investigation to the aggrieved employee. If additional time, beyond what is allowed by this policy, is required to complete a thorough investigation, the Office of Human Resources shall make notification of the extension of time to the aggrieved employee.
4. All investigative findings shall be provided to the Chancellor or designee for review and consideration.
5. The Chancellor or designee will render a written response to the grievant, by way of the original Grievance Form, or chose to convene a Grievance Committee within ten (10) working days from the date the Grievance Form was received. As per E (3) of this policy, this time frame may become non-binding for the purpose of conducting a formal investigation and with written notification to the grievant.
6. The decision rendered by the Chancellor or designee at Step III is **final**.
7. The Director of Human Resources is the Chancellor's designee. The Chancellor may at any time designate another designee in lieu of the Director of Human Resources.

**NOTE:** In the event that an aggrieved employee's chain of command places the Chancellor as the Step I or Step II respondent, the LCTCS President will respond to the grievance, as the Step II or Step III respondent, through a procedure established by the LCTCS President.

### **F. GRIEVANCE COMMITTEE**

The Chancellor or his/her designee may elect to convene a Grievance Committee comprised of three (3) members. The Grievance Committee will abide by the following procedure:



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1. The Chancellor or his/her designee will appoint the Grievance Committee Chair. The Chair will be an employee not associated with the administrative unit to which the grievant is assigned.
2. The Director of the Office of Human Resources or his/her designee will appoint one member of the Grievance Committee.
3. The grievant will appoint one member of the Grievance Committee.
4. A decision of the Grievance Committee may be reached upon the concurrence of any two (2) of the three (3) members.
5. The Grievance Committee shall keep complete records of the hearing, including any exhibits or papers submitted to it in conjunction with the hearing and a complete record of any testimony taken.
6. The Grievance Committee Chair will report the Committee's findings to the Chancellor in writing within five (5) working days after the hearing. A copy of the Committee's findings shall be provided to the Office of Human Resources.
7. The Chancellor or his/her designee will issue a written response to the grievant within seven (7) working days after receipt of the Grievance Committee's recommendation. A copy of the Chancellor's written response will be provided to the appropriate Vice Chancellor and to the Office of Human Resources.

## **G. SUMMARY DISPOSITION OF A GRIEVANCE**

In certain instances a grievance may be summarily dismissed, only with approval of the Chancellor or his/her designee, on any of the following grounds:

1. The respondent lacks jurisdiction over the subject matter, or over the person against whom relief is sought. If jurisdiction is at another level of authority within the department, the grievant will be so advised.
2. The grievance has not been made in the required manner or within the prescribed time period for filing, at the initial or succeeding steps.
3. The aggrieved has failed to appear at the time and place fixed for the meeting/hearing of their grievance.
4. The aggrieved has withdrawn or abandoned their request for grievance consideration.
5. The aggrieved has failed to present evidence or clearly state that BRCC policies and procedures or Civil Service Rules, if applicable, governing promotions were violated, or the respondent has determined that the grievance is frivolous or is being used to impede the efficient operation of the institution.



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6. The grievance subject complained about is an appealable action, and must be brought or filed before either the Director of Civil Service, Civil Service Commission or the Equal Employment Opportunity Commission (EEOC). Actions brought before the Civil Service Commission must be filed within thirty (30) days of the action complained of. Complaints based on discrimination under Title 7 [age, race, sex, etc.] cannot be moved through the grievance procedure. They are only appealable to the Civil Service Commission, the EEOC, and/or through the BRCC Office of Human Resources.
7. The remedy requested cannot be granted or a decision on the grievance would be ineffective or moot.

When a respondent summarily disposes of a written grievance, he/she shall provide in writing reasons for the dismissal to the grievant and all parties who received a copy of the grievance, including the Human Resources Director or designee.

#### **H. EMPLOYEE ADVISOR**

Employees shall have the right to have an advisor of their choice present at each step of the grievance procedure. The advisor selected to represent the employee shall, at such times as approved by the advisor's supervisor, be granted the necessary time off during working hours to represent the grievant without loss of pay and without charge to annual or compensatory pay (if applicable). The time needed to prepare grievance materials should be done on the employee's time off or while in work status with supervisory approval.

#### **I. THE FORM**

The official BRCC Grievance Form is available to employees from the Office of Human Resources. The BRCC Grievance Form is to be used by all employees seeking resolution to a grievance under this policy. Administrators should not consider a formal grievance unless it is properly made on the official BRCC Grievance Form or unless it has all of the information within it required by the Grievance Form.

#### **J. TIME LIMITS**

The prescribed time limits must be strictly abided by unless they are extended by mutual agreement between the grievant and appropriate respondent. Failure to adhere to the time limits shall result in the employee waiving all rights under the grievance procedure for the issue(s) alleged in the grievance. Failure of administrative personnel to adhere to the time limits will authorize the grievant to move to the next step of the grievance procedure.

**EXCEPTION:** An exception to this rule may be made at Step III of the procedure in cases when the Office of Human Resources, with approval of the Chancellor or his/her designee, requires additional time to investigate the issues alleged in the grievance. In such case, the employee will be notified in writing.





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## **K. GRIEVANCE MAINTENANCE AND DISPOSITION**

The Office of Human Resources shall keep copies of all formal grievances for a period of five (5) years.

All respondents will maintain a copy of all grievances filed at their level and a copy of their response for a minimum of one (1) year.

Grievance documents are confidential records and shall be maintained separate and apart from the employee's official personnel file or performance evaluation activity file.

## **L. MATTERS NOT ELIGIBLE FOR THE GRIEVANCE PROCEDURE**

Certain matters are not eligible for grievance under this policy. These matters are as follows:

### **1. Performance Evaluations**

- a. *Unclassified Employees:* Performance evaluations are **not** eligible for this grievance procedure. An employee receiving a less than satisfactory performance evaluation is subject to a corrective action, separate and apart from his/her performance evaluation, designed to assist the employee with performance improvement. These corrective actions including, but not limited to, verbal warning, written reprimand, suspension or dismissal are grievable under this policy and procedure.
- b. *Classified Employees:* Performance evaluations (PES) are not eligible for this grievance procedure. However, Civil Service employees can request an official review of his/her Annual PES under the provisions of Chapter 10: Performance Evaluation System, of the Civil Service Rules. Please refer to Civil Service Rules, Chapter 10, available on the Louisiana State Civil Service website.

### **2. Position Classification**

Position classifications are not eligible under this grievance policy and procedure.

### **3. Issues of Discrimination**

Charges of unlawful discrimination on the basis of race, sex, ethnic origin, religion, age, veteran status or disability are not eligible under this grievance policy and procedure. These matters should be appealed to the appropriate federal agencies.

Grievances alleging an issue of prohibited discrimination will be referred to the appropriate state/federal Equal Employment Opportunity Commission (EEOC). Resolution of these grievances will be coordinated with the Office of Human Resources to insure HR matters are addressed in an efficient and effective manner.



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For issues of prohibited discrimination, the decision of EEOC/OHR may not be appealed further through the grievance procedure.

**4. Matters Eligible for Appeal to Louisiana State Civil Service**

*Classified* Civil Service employees, under certain circumstances, should use the Civil Service procedure for appeals rather than this grievance policy and procedure. The Civil Service Commission assumes responsibility over employee actions and disciplinary actions which impact pay such as:

- a. Removal of a permanent employee for cause
- b. Suspension without pay as a disciplinary action
- c. Reduction in Pay as a disciplinary action
- d. Involuntary demotion as a disciplinary action
- e. Classification and Pay

**M. More-Specifically Related Policy**

Should another grievance policy or procedure apply to the situation being aggrieved, the policy more-specifically related to the matter shall apply. For example, if the academic affairs department promulgates a grievance policy regarding matters within academic affairs, that policy would be considered a “more-specifically related” policy to matters covered by that policy. Any questions regarding which policy would apply may be directed to the Office of Human Resources.

**RELATED FORMS**

**Form HR-221-A** *Employee Grievance Form.*

Source of Policy: \_\_\_\_\_

Related Policy: \_\_\_\_\_

Approved by:   
Chancellor Andrea Lewis Miller

Responsible Administrator: Human Resources

LCTCS Policy Reference: #6.015

LCTCS Guideline Reference: \_\_\_\_\_

Date: 1/20/2015



# BATON ROUGE COMMUNITY COLLEGE

## GRIEVANCE FORM

This form is utilized by a grievant to document a grievance that remains unresolved after informal verbal discussion between grievant and supervisor or if circumstances are prohibitive of the informal discussion. The grievant is to provide a detailed statement of his/her grievance and relief sought by way of this form. Upon completion, grievant is to submit this form and supporting documentation to BRCC's Office of Human Resources.

<b>NAME OF GRIEVANT</b>	
<b>DEPARTMENT</b>	
<b>JOB TITLE</b>	

### GRIEVANCE SUBMITTAL / RESPONSE INFORMATION

If the allegations stated in your Grievance Statement are made against one or more levels of your chain of command, proceed to the appropriate step as allowed by BRCC Policy XXX/Grievances: For All Employees

<b>STEP I</b>	Supervisor Name				Date Rcvd	
	Grievance Rcvd OHR			Response Rcvd Emp		
	Grievance Resolved*	Y	N	*"Yes" - Notify HR "No" - Proceed to Step II		
<b>STEP II</b>	Dept Head Name				Date Rcvd	
	Step II Rcvd OHR			Response Rcvd Emp		
	Grievance Resolved*	Y	N	*"Yes" - Notify HR "No" - Proceed to Step III		
<b>STEP III</b>	OHR Director Name				Date Rcvd	
	Formal Investigation	Y	N	Grievance Committee	Y	N
	Relief Provided	Y	N	Response Rcvd Emp		

### GRIEVANCE STATEMENT

GRIEVANCE STATEMENT CONTINUED:

(For further comments attach additional sheets as needed)

**RELIEF SOUGHT**

<b>GRIEVANT'S SIGNATURE</b>	
<b>DATE</b> (mm/dd/yyyy)	
<b>STEP I:</b>	<b>FIRST STEP RESPONSE - Immediate Supervisor</b>
Provided to grievant within five (5) working days of receipt	
<b>NAME OF RESPONDENT</b>	

<b>JOB TITLE</b>	
<b>DATE GRIEVANCE RECEIVED</b>	
<b>RESPONSE</b>	
For further comments attache additional sheets	
If this response is not accepted you may submit this grievance, within 5 working days from receipt of this response, for a second step review to:	
<b>STEP II RESPONDENT NAME</b>	
<b>ADDRESS</b>	
<b>TELEPHONE NUMBER</b>	
<b>RESPONDENT'S SIGNATURE</b>	
<b>SIGNATURE DATE</b>	
<b>GRIEVANT'S DECISION</b>	<input type="checkbox"/> <b>Response/Relief Accepted</b> <input type="checkbox"/> <b>Response/Relief Not Accepted (explain below)</b>
<b>DATE STEP I RESPONSE RECEIVED</b>	
<b>EXPLANATION OF NON-ACCEPTANCE:</b>	
<b>GRIEVANT'S SIGNATURE</b>	
<b>SIGNATURE DATE</b>	
<b>STEP II:</b>	<b>SECOND STEP RESPONSE - Department Head</b>
Provided to grievant within seven (7) working days of receipt	
<b>NAME OF RESPONDENT</b>	
<b>JOB TITLE</b>	

<b>DATE GRIEVANCE RECEIVED</b>		
<b>RESPONSE</b>		
For further comments attache additional sheets		
If this response is not accepted you may submit this grievance, within 5 working days from receipt of this response, for a thrid step review to:		
<b>STEP III RESPONDENT NAME</b>	Office of Human Resources / Office of the Chancellor	
<b>ADDRESS</b>	Office of Human Resources, Govenor's Building, Floor 1	
<b>TELEPHONE NUMBER</b>	(225) 216-8268	
<b>RESPONDENT'S SIGNATURE</b>		
<b>SIGNATURE DATE</b>		
<b>GRIEVANT'S DECISION</b>	<input type="checkbox"/> <b>Response/Relief Accepted</b>	<input type="checkbox"/> <b>Response/Relief Not Accepted (explain below)</b>
<b>DATE STEP II RESPONSE RECEIVED</b>		
<b>EXPLANATION OF NON-ACCEPTANCE:</b>		
<b>GRIEVANT'S SIGNATURE</b>		
<b>SIGNATURE DATE</b>		
<b>STEP III:</b>	<b>THIRD STEP RESPONSE - Chancellor or designee</b>	
Provided to grievant within ten (10) working days of receipt unless an extension is required and obtained in accordance with BRCC Policy XXX/Grievances For All Employees		
<b>NAME OF RESPONDENT</b>		
<b>DATE GRIEVANCE RECEIVED</b>		

<b>INVESTIGATION APPROVED</b>		<b>NOTICE TO EMP</b>	
<b>INVESTIGATIVE FINDINGS TO CHANCELLOR</b>			
<b>GRIEVANCE COMMITTEE APPROVED</b>		<b>NOTICE TO EMP</b>	
<b>GRIEVANCE COMMITTEE REPORT TO CHANCELLOR</b>			
<b>RESPONDENT'S SIGNATURE</b>			
<b>SIGNATURE DATE</b>			
<b>FINAL RESPONSE</b>			