

5.20 Employee Grievance

Last Revised: May 2022

Policy: Piedmont Community College (PCC) strives to create a positive work environment that encourages mutually respectful communication between employees, co-workers, and supervisors. In order to promote this environment, the College provides a process for addressing employee grievances.

Purpose/Definitions:

Purpose

The grievance policy establishes a process and procedures to ensure a prompt, orderly, and fair response to employee concerns.

Every employee has the right to present their concern or grievance free from coercion, restraint, discrimination, or reprisal. All reasonable efforts will be taken to protect the rights of all parties named in a grievance, and all grievances will be handled in a confidential manner.

This policy does not apply to dismissal, reduction-in-force, non-renewal, or other matters of employment status unless there is a contention that any such action was in violation of written College policies, procedures, regulations, or in violation of any applicable federal or state law.

This grievance policy does not apply to any grievance that is also the subject of a pending court action or administrative proceeding that was instituted prior to the time of filing of the grievance.

Definitions

Confidentiality—All records and information related to grievance proceedings under this policy will be handled in a confidential manner. The College, parties to the grievance, and other relevant faculty and staff (including witnesses, presiding officers, administrators, and Employee Grievance Committee members) will respect the confidentiality of information and records and the privacy of all parties whose interests are affected by a grievance.

Days (Business)—Except as otherwise noted, days will mean business days during which the college administrative offices are open. In computing any period of time, the day on which notice is received will not be counted. Saturdays, Sundays and scheduled College holidays will not be included in the computation. All processes involving Federal, State, or other statutes must be completed in the time frame set forth in the appropriate statute or law.

Employee—Any person who is hired for a wage or salary to perform work for PCC and receives an IRS Form W2 from PCC.

Employee Grievance Committee—Refers to a grievance committee appointed by the College President to consist of five members who are full-time employees from varying employment classifications and divisions of the College selected from a pool of trained grievance committee members. The grievance committee pool members will consist of three employees from each division of the College. The grievance committee pool members will be appointed for a staggered two-year term. Office of Human Resources staff may not serve in any capacity on a grievance committee, except as a trainer, an advisor on personnel policy, or as a resource for compliance issues. Committee members must excuse themselves from participation in any grievance deliberation where they may be influenced by personal relationships with the parties, by bias concerning the circumstances giving rise to the grievance, or by any other material influence which would appear to inhibit their ability to render an unbiased judgment.

Grievance—A formal written statement by an individual employee indicating that they have been adversely affected by a violation, misapplication, or misinterpretation of the NC General Statutes, College policies, rules, or regulations. A grievance must specify the statute, policy, rule, or regulation in question and the details of the alleged violation, misapplication, or misinterpretation of same.

Notice—Delivery of any written material required or allowed to be given to another under this policy may be (i) by personal delivery, (ii) by certified or registered U. S. Mail, return receipt requested, or (iii) by commercial courier service.

Personnel Committee—Refers to the Personnel Committee of the Piedmont Community College's Board of Trustees.

President—Refers to the Chief Administrative Officer/Chief Executive Officer of Piedmont Community College.

Supervisor—An employee with the authority to make recommendations to hire, transfer, suspend, promote, discipline, discharge, or reward direct reports; and assign duties and responsibilities related to their positions.

Approval Authority/Monitoring Authority: Piedmont Community College's Board of Trustees has approval authority for this policy. The Vice President, Administrative Services/CFO has monitoring authority for this policy.

Procedure:

Section 1: Informal Procedure

- 1.1. Prior to filing a formal grievance, employees are strongly encouraged to discuss their grievances with their immediate supervisor (first-level supervisor).
- 1.2. The employee or supervisor may request the assistance of the Director, Human Resources and/or refer to Policy 5.35 Employee Assistance Program (EAP).
- 1.3. The purpose of this informal discussion is to provide the employee and supervisor the opportunity to address and resolve the grievance in a timely manner.

Section 2: Formal Grievance Level 1

Director, Human Resources and Second Level Supervisor

- 2.1. Employees who are dissatisfied with the outcome of the informal procedure and desire to seek resolution of the grievance must file a formal grievance in writing with the Director, Human Resources and second level supervisor within 15 calendar days of the occurrence or from the date the employee knew or should have known of its occurrence.
 - 2.1.1. This written notice must provide a specific statement of the grievance, detail the disagreement with the previously proposed resolution, and the employee's expected resolution.
 - 2.1.2. Any documents that relate to the substance of the grievance or help facilitate its understanding should be attached to the written grievance statement and submitted to the second level supervisor and the Director, Human Resources.
- 2.2. Within five days after receiving the grievance, the Director, Human Resources will arrange a meeting to include both the employee and the second level supervisor to determine whether the grievance is valid and whether remedial action is justified.
 - 2.2.1. Within five days after meeting with the employee, the Director, Human Resources (under the advisement of the second level supervisor) will provide a written response to the employee and the first and second level supervisors which will include the proposed resolution to the grievance.
 - 2.2.2. The written response will also include a copy of the employee's rights of appeal and the College grievance policy.
 - 2.2.3. If conditions prevent a response within five days, the Director, Human Resources will notify the employee and the first and second level supervisors as to the

conditions which prevent an answer and when an answer may reasonably be expected.

2.2.4. Any of the parties involved at this level may request the assistance or intervention of the EAP at any time.

2.3. Within five days after receiving the Level 1 decision on their grievance, an employee who is not satisfied with the proposed resolution may continue the grievance to Level 2.

Section 3: Formal Grievance Level 2

Request for Hearing by Employee Grievance Committee

3.1. The Employee Grievance Committee is an impartial fact-finding body representing neither side in the cases brought before it.

3.1.1. A vice president will be named to serve as Chair.

3.2. Within 10 days after receiving the request for a hearing, the Committee Chair will advise committee members of the nature and scope of the request; and schedule and notify all parties of the date, time, and place of the hearing.

3.3. The role of Committee Chair is to:

3.3.1. have full charge of the hearing and authority to direct its proceedings

3.3.2. assist in clarifying issues and determining facts

3.3.3. control the conduct of all persons present

3.3.4. provide written notification to all affected parties of the Committee hearing resolution

3.4. At the hearing, all parties named in the grievance will be given the opportunity to present information supporting their claims.

3.4.1. Both sides may present evidence or call witnesses to substantiate such claim(s).

3.4.2. Both parties will be given the opportunity to respond to the presentation of the other party.

3.4.3. Witnesses will be invited into the hearing, may be questioned by both parties, and excused by the Chair.

- 3.4.4. All witnesses are subject to cross-examination by the Chair and the members of the committee.
- 3.5. Since this is not a formal legal proceeding, information will be presented without the presence of legal counsel or recording devices.
 - 3.5.1. The Committee will examine the merits of the grievance and issue a statement of resolution.
- 3.6. As the grievance moves through the formal process, the employee may not add new issues or claims to the original grievance unless the issue is pertinent to the original grievance and has occurred since the formal grievance was filed.
 - 3.6.1. An employee may not institute more than one grievance procedure based on the same facts, claims, circumstances, or events.
- 3.7. At the conclusion of the hearing, the Committee will meet privately to deliberate the findings, based solely on the evidence presented at the hearing.
 - 3.7.1. The Committee will then issue a decision as to the merit of the grievance, and any action to be taken will be determined by majority vote of the Committee.
 - 3.7.2. Once deliberation concludes, the Committee Chair will notify the affected parties, in writing, of the Committee's decision.
- 3.8. The Committee Chair will provide a final report to the President with a copy to the Director, Human Resources within 10 days after the hearing is completed as to the details of the grievance, any dissenting opinions of the committee, and a copy of the notification that was sent to the parties involved.
- 3.9. All records, findings, and decisions will be maintained in the Office of Human Resources in a separate file from the employee's personnel file.
- 3.10. Unless there is a mutually agreed upon extension of time, the employee may proceed to Formal Grievance Level 3 if any Level 2 time requirement is not met by the College.
 - 3.10.1. If the employee does not meet the time requirements, the grievance proceeding is terminated, unless good and sufficient cause is shown to the satisfaction of the President.

Section 4: Formal Grievance Level 3

Interview with President

- 4.1. Within five days after receipt of the Employee Grievance Committee's written decision, any affected party may request in writing a formal interview with the President to discuss the grievance and determine whether remedial action is justified.
- 4.2. Within 15 days of receipt of the written request for interview, the President will schedule a formal interview with the affected party.
 - 4.2.1. The President may include any individual s/he deems appropriate to attend the interview.
 - 4.2.2. The President will give notice of the interview to all affected parties concerning the date, time, location, and invited attendees.
- 4.3. At the interview, the affected party and the President will discuss the facts from which the grievance arose, its nature, and the resolution sought.
 - 4.3.1. The affected party, the President and any other person at the interview will have the opportunity to explain any matter relating to the grievance.
 - 4.3.2. The President may conduct a separate interview with anyone who might have knowledge about the grievance.
 - 4.3.3. Before the President makes a decision on the grievance, the affected party will be informed of the nature of any separate testimony and will have an opportunity to respond.
- 4.4. Within five days after the interview, the President will provide written notice and justification of their decision.
 - 4.4.1. A copy of the decision and acknowledgement of the affected party's receipt of notification will be maintained in both the President's Office and the Office of Human Resources.
- 4.5. Unless there is a mutually agreed upon extension of time, the affected party may proceed to Formal Grievance Level 4 if any Level 3 time requirement is not met by the College.

- 4.5.1. If the affected party does not meet the time requirements, the grievance proceeding is terminated, unless good and sufficient cause is shown to the satisfaction of the President.

Section 5: Formal Grievance Level 4

Review by Personnel Committee of the Board of Trustees

- 5.1. Within five days after receipt of the decision of the President, the affected party may request that the Personnel Committee of the Board of Trustees review the decision.
 - 5.1.1. The request will be in writing, will state the facts of the grievance, the reasons for appeal, and the resolution sought.
 - 5.1.2. The written request will be submitted to the Chair of the Board of Trustees, the Chair of the Personnel Committee of the Board of Trustees, and the President, via the President's Office.
- 5.2. Within five days after receiving a request for review by the Personnel Committee of the Board of Trustees, the President will provide all documentation relevant to the grievance.
- 5.3. The Personnel Committee of the Board of Trustees will review the request at a time and place specified by the Committee Chair.
 - 5.3.1. The review will be conducted in closed session.
 - 5.3.2. The Committee's decision will be limited to one or more of the following conclusions:
 - 5.3.2.1. the decision was appropriate
 - 5.3.2.2. the decision was arbitrary or capricious
 - 5.3.2.3. the decision is not supported by substantial evidence
 - 5.3.2.4. a fair hearing was not afforded the employee
- 5.4. Based on the review, the Personnel Committee of the Board of Trustees may affirm, modify, or reverse the decision of any preceding steps and require such remedial action as it deems necessary.
 - 5.4.1. Except as otherwise expressly provided by law, the decision of the Personnel Committee of the Board of Trustees will be final and will be communicated in

writing to all affected parties within 30 days of the receipt of the request for review.

- 5.4.2. Copies of the minutes of the meeting will be maintained in the President's Office and in the Office of Human Resources.

Legal Citation: [N.C.G.S. 115D](#); [1C SBCCC 200.94](#)

History: October 1988; Revised February 2012; August 2020, May 2022—updated definitions