

# Resolution of Employee Complaints: Policies and Procedures

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AR # 6.08.005



# Supervisory Responsibilities

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- Supervisors are responsible for the management of employee concerns, problems, and complaints. Supervisors shall ensure that employee complaints are resolved in a timely manner. To resolve grievances informally, **the supervisor shall meet with the employee to discuss his concerns.** The supervisor should investigate the concerns before making a final decision. Upon reaching a decision, **the supervisor shall meet with the employee to discuss the results.**



# Responsibilities of the Next Level Supervisor

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- If the employee is not satisfied with the supervisor's resolutions, the employee may request a meeting with the next level supervisor to discuss his/her concerns. The employee may appeal the supervisor's decision up through the supervisory chain.



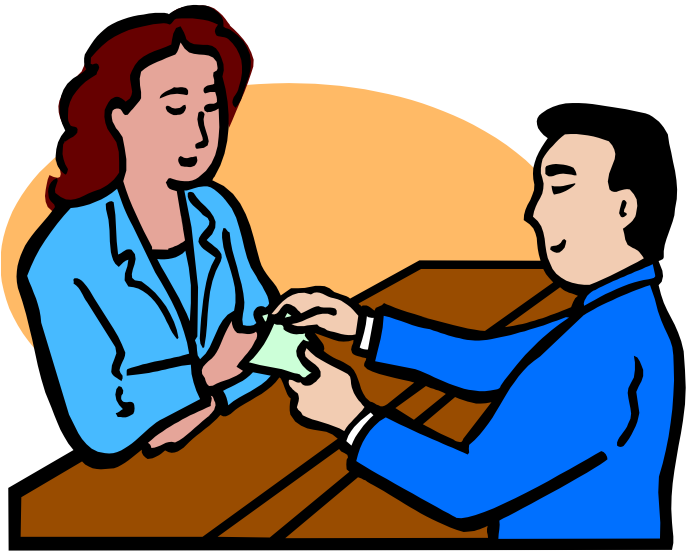
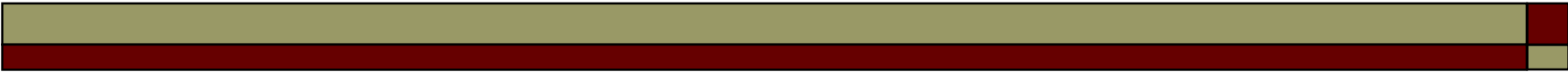
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# Managing Complaints

# A Complaint is..

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- A written request for the resolution of an issue that relates to an employee's work conditions or relationships.
- A Complaint may include:
  - relationships with colleagues and/or supervisors
  - Communication
  - Interpretations of Administrative Rules and policies
  - Harassment;
  - Job duties and responsibilities,
  - Assignments,
  - Performance Evaluation,
  - Compensation;
  - Work conditions,
  - Safety and
  - Environmental concerns.





# Concern or Event Occurs

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- If a concern is not resolved informally, the employee may file a written complaint with the supervisor.



# Complaint Procedure-FORMAL

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Step 1. An employee who wishes to formally request the resolution of an issue related to work conditions or relationships shall submit a written complaint to his or her immediate supervisor. This initial complaint must be submitted within twenty (20) working days of the situation that gives rise to the complaint.



# Complaint Procedure

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Step 2. Supervisor meets with employee within 10 working days to discuss the complaint. After the meeting, the supervisor has 10 working days to respond, in writing, to employee.

Step 3. Within 10 days of receiving the supervisor's response, the employee shall notify the supervisor, in writing, as to whether the issue is now resolved. If the issue is resolved, no further action is needed.



# Complaint Procedure

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Step 4. If the issue not resolved, the employee has 5 working days to submit written complaint, along with any previously received supervisor responses, to next level supervisor with response of the immediate supervisor (with copy to immediate supervisor).

Step 5. Upon receipt of the complaint, the next level supervisor has 10 working days to meet with employee. After the meeting, the next level supervisor has 10 days to respond to employee in writing and deliver copy to lower-level supervisor.



# Complaint Procedure

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Step 6. This process, as described in steps 3-5 can be repeated for each available higher level supervisor to level of supervisor who reports to President/CEO. Each supervisor responds directly to employee with a copy to immediate supervisor. EVP (or highest level) has final level of review. EVP (or highest level) makes a final decision(s) and notifies all parties and the VP of HR of the decision(s).

Step 7. The VP of HR will ensure that the final decision is implemented and documented in the employee's master employee file.



# Complaint Flow Chart

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- An overview of the Complaint Procedure is available online at <http://www.austincc.edu/hr/vp/documents/ComplaintFlowChart.pdf>.



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# Managing Grievances



# A Grievance is...

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- A written request for the resolution of an issue related to one's employment status within the College (such as, probation, suspension, or termination), academic freedom, or an alleged violation of state or federal law.
- It is expected that, prior to filing a grievance, an employee will have attempted to resolve the issue informally with the appropriate supervisor.





# Grievance Procedure

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Step 1. An employee who wishes to formally request the resolution of an issue related to his or her employment status or to other issues as defined in the Administrative Rule, shall submit a written Statement of Grievance form to the VP of HR.



# Grievance Procedure

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The Statement of Grievance must be submitted within twenty (20) working days of the situation that gives rise to the grievance. The VP of HR shall immediately notify the employee upon receipt of the Statement of Grievance.



# Grievance Procedure

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Step 2. The VP of HR shall, within 5 working days of receipt of a Statement of Grievance form, forward it to the VP or AVP who has supervisory responsibility for the grievant, or, if none exists to the appropriate EVP or other supervisor who reports directly to the President/CEO.



# Grievance Procedure

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Upon receipt of the Statement of Grievance, the administrator addressing the grievance has 10 working days to meet with the employee to discuss the grievance.



# Grievance Procedure

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Step 3. After meeting with the employee, the administrator addressing the grievance has 10 working days to gather data, conduct an investigation, determine the facts, consult with the Office of Human Resources (if necessary), render a decision and submit the decision in writing to the VP of HR.



# Grievance Procedure

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Step 4. The VP of HR shall notify the employee, in writing, of the decision within 5 working days from the day the decision is received in HR.



# Grievance Procedure

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Step 5. The employee shall notify the VP of HR, in writing, as to whether the decision is accepted or rejected, within 10 working days of receipt of the decision.

If the decision is **accepted** by the employee, the VP of HR shall notify, in writing, all relevant parties of the decision within 5 working days. A copy of this final decision will be placed in the employee's master personnel file.



# Grievance Procedure

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Step 6. If the employee does not accept the decision, and the administrator who addressed the grievance reports to an EVP, then steps 2-5 above are repeated with the appropriate EVP. Within 10 working days of receipt of the decision, the VP of HR shall notify, in writing, all relevant parties that the employee did not accept the initial decision.



# Grievance Procedure

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Step 7. If the above steps **do not** yield a decision accepted by the employee, the employee may request that a Grievance Review Committee be established, by submitting a Request for Grievance Review Committee to the VP of HR within 10 working days of receipt of the decision.



# Grievance Procedure

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If an employee who has not accepted such a decision does not request a Grievance Review Committee, the decision shall be treated as final, distributed to all parties to the grievance, and placed in the employee's master personnel file.



# Grievance Procedure

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Step 8. The VP of HR will deliver the Request for Grievance Review Committee (GRC) and all related documentation to the elected Grievance Review Committee Chair. The GRC shall meet with the employee within 10 working days from receipt of the materials. The GRC shall review the materials, conduct an investigation, determine the facts, and submit a written recommendation to the President/CEO within 20 working days of meeting with the employee.

# Grievance Procedure

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If a GRC cannot develop a recommendation supported by a majority of its members, it shall provide a written report to the President/CEO explaining the views held within the committee and their purported justification.

View how the Grievance Review Committee is selected at

<http://www.austincc.edu/hr/vp/documents/GrievanceReviewCommitteeFlowChart.pdf>



# Grievance Procedure

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Step 9. The President/CEO shall review the recommendation or report of the Grievance Review Committee and render a final decision within 10 working days.

Step 10. The final decision of the President/CEO shall be sent to the VP of HR for distribution to the employee and the employee's supervisors at each level.



# Grievance Procedure

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Step 11. The Office of Human Resources will ensure that the final decision of the President/CEO is implemented and that documents related to the grievance are recorded appropriately, including preserving a record of the final disposition of the matter in the employee's master personnel file.



# Grievance Flow Chart

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- An overview of the Grievance Procedure is available online at <http://www.austincc.edu/hr/vp/documents/GrievanceFlowChart.pdf>.



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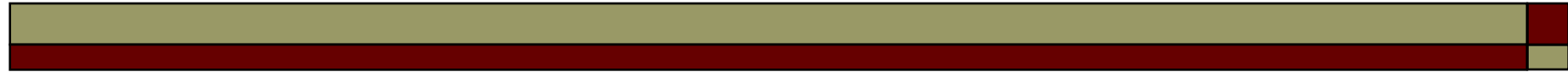
# Mediation



# Mediation is...

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- A process in which a trained third party meets with disputants to assist them in reaching an agreement that is acceptable to all parties.
- At any time during the processing of either a complaint or grievance, with the agreement of all relevant parties, including the Vice President of Human Resources, the parties may utilize mediation.





# Mediation Process

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Step 1. At any time an employee may request mediation of a work-related concern by delivering a written request to the VP of HR.

Step 2. The VP of HR will inform all parties to the dispute in writing, within 5 working days of receiving the request, that they have 5 working days to inform the VP in writing as to whether they accept or reject mediation.



# Mediation Process

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Step 3. If any party to the dispute rejects mediation, The VP of HR will so inform all parties to the dispute within 5 working days.



# Mediation Process

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Step 4. If all parties to the dispute accept mediation, the VP of HR will assign a mediator and inform all parties of the assigned mediator within 5 working days. Mediation temporarily halts other complaint or grievance procedures and timetables from the date of the request for mediation through the date that the mediator reports that mediation has been completed. If mediation is unsuccessful, the complaint or grievance continues from the point at which it was halted.



# Mediation Process

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Step 5. An employee may object to the assignment of a particular mediator if there is a conflict of interest or other appropriate reason; in such cases the VP of HR may assign another mediator (or may decide that mediation is not appropriate in this case).



# Mediation Process

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Step 6. The mediator will begin the process of mediation immediately, schedule such meetings as the mediator considers appropriate, and complete the process as soon as is reasonably possible.

Step 7. When mediation is successfully completed, or when the mediator determines that mediation will not be successful in this case, the mediator will so inform the VP of HR in writing.



# Mediation Process

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Step 8. If there is a written agreement between the parties, the mediator must deliver a copy to each party to the agreement and must deliver a sealed copy to the VP of HR. This sealed copy may only be opened at the request of a party to the dispute as part of a complaint or grievance related to the same matter (except that any written agreement may be subject to state or federal open records laws).

# Mediation

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- An overview of the Mediation Process is available online at <http://www.austincc.edu/hr/vp/documents/MediationFlowChart.pdf>.
- A listing of the ACC certified mediators can be found at <http://www.austincc.edu/hr/vp/mediation.php>.

# Mediators

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- The role of a mediator is to serve as a neutral facilitator in the negotiation between the disputing parties as they work to develop a mutually acceptable resolution. It is not within the role of mediator to suggest a resolution to the dispute.
- For more information on the mediators used visit:  
<http://www.austincc.edu/hr/vp/mediation.php>.