

1.0 PURPOSE

1.1 Big Bend Community College is committed to the fair and equitable treatment of all employees, and to establishing and maintaining a workplace atmosphere where all employees are encouraged to seek solutions to workplace concerns through free and informal communication with appropriate levels of management.

Employees are therefore encouraged, though not required, to discuss concerns with their supervisor directly and informally prior to initiating a grievance under this procedure. Nothing in this procedure shall preclude the parties from engaging in informal methods to resolve potential grievances.

2.0 SCOPE

2.1 This procedure applies to all non-represented classified, administrative/exempt, part-time hourly, and student employees. Employees covered under a collective bargaining agreement should refer to that agreement for the applicable grievance process.

3.0 DEFINITIONS

3.1 For the purposes of this procedure, the following definitions apply:

Grievance: A formal, written complaint against a supervisor, administrator, or other official of the college, that there has been a misapplication, misinterpretation or violation of a specific rule, practice, or policy of the college. Grievances may be documented and submitted using the BCC grievance form, an email, or letter.

Grievant: An employee who submits a grievance for resolution under this procedure.

Non-Grievable Matter: Matters not subject to resolution through the grievance process, including, but not limited to the following:

- Position classification and salary decisions.
- The measurement and assessment of work activity and work performance standards, which may be formalized in a performance evaluation or memorandum of coaching and counseling.
- Discipline below the level of written reprimand, including verbal warnings and written work expectations.
- Separation from employment during a probationary period, unless the employee successfully completed a probationary period in an immediately preceding position, with no interruption in service, and was not terminated for cause from the prior position.
- The contents of college policies, procedures, rules, and strategic plans.
- The methods, means, priority, and assignment of work to be performed, unless the employee proposes to show that their health or safety is

endangered as a result of the college's failure to follow WISHA or OSHA regulations.

- Decision for and the method by which employees will be laid-off because of reorganization, a lack of work, reduction in the work force, or job elimination.
- Termination of a restricted-fund or grant-funded position due to cessation of funding.

Retaliation: Any threats or acts of interference, coercion, restraint, discrimination or reprisal for any form of good faith participation in the grievance process.

4.0 PROCESS

The College provides a formal multi-step process by which a grievance is considered once it is submitted within the deadlines established in this procedure. At all steps of the process, the parties will work together to find meeting times as soon as practicable, with due consideration for operational needs.

4.1 Pre-Disciplinary Process – If the grievance involves the dismissal, suspension, reduction in salary or demotion of a permanent non-represented classified staff member, the college will follow the provision of WAC 357-40 of the Washington State Civil Service Rules. All permanent classified and administrative/exempt staff will be given the opportunity for a pre-disciplinary meeting with the Appointing Authority or designee prior to implementation of recommended personnel actions previously named.

4.2 Discrimination Claims – Claims of discrimination, harassment, sexual harassment, sexual assault, sexual misconduct, domestic violence, stalking, or retaliation will be addressed using the process outlined in AP 6115, Prohibition of Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Stalking, and Retaliation.

4.3 Computation of Time – The time limits in this procedure must be strictly adhered to unless mutually modified in writing. Days are calendar days and will be counted by excluding the first day and including the last day of timelines. When the last day falls on a Saturday, Sunday, or holiday, the last day will be the next day which is not a Saturday, Sunday or holiday. Transmittal of grievances, appeals, and responses may be filed by fax or email. Timelines will apply to the date of receipt. Documents filed after 5:00pm on a scheduled business day, or on a Saturday, Sunday, or holiday will be considered received on the next business day.

4.4 Effect of Deadlines - Except as provided herein, failure of the Grievant to comply with the time limitations set forth in this policy at any of the Steps shall preclude any further processing of the grievance. Failure of the college to answer a grievance within the time limitations set forth in this policy shall allow the grievance to be processed automatically to the next step.

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- 4.5** Extensions of Time - Notwithstanding the timeframes outlined in this procedure, all time limits may be extended by mutual agreement in writing (which may include email), and shall not be unreasonably denied. The Grievant's requests for extension of a deadline shall be made to the person hearing the grievance at each step (i.e., to the dean or VP if the request pertains to a Step 2 deadline).
- 4.6** Interim Periods - An employee pursuing a grievance shall continue to observe all assignments, rules, or directives of the college pending the outcome of the grievance. The consideration of a grievance at Steps 1-4 shall not prevent the college from taking the action that precipitated the grievance.
- 4.7** STEP 1 - A grievance must be filed within thirty (30) days from the time the Grievant knew or could reasonably have been aware of the existence of the situation which formed the basis for the grievance. The grievance must be presented by the Grievant in writing to the Grievant's immediate supervisor, and must include the the following information to be processed: the nature of the grievance(s), including relevant facts; the provision(s) of any rule, policy, or procedure alleged to have been violated; the date(s) of any alleged violations; and a clear statement of the remedy(ies) sought. Within five (5) days of the receipt of a grievance, the Grievant's supervisor shall arrange and hold a discussion, either in person by telephone, about the grievance with the Grievant. The Grievant's supervisor shall submit a written response to the Grievant within ten (10) days of the date of the discussion, regardless of whether the grievance is resolved during the discussion.
- 4.8** STEP 2 - If the grievance is not resolved at Step 1, then within ten (10) days of the Grievant's receipt of the Step 1 written response, the Grievant may present the written grievance to the supervising dean or vice-president. The grievance presented shall contain all of the same information that was contained in the Step 1 grievance, along with all other documents and evidence in the record from Step 1. No new evidence may be submitted or considered. Within five (5) days of the receipt of a grievance, the supervising dean or vice-president shall arrange and hold a discussion, either in person or by telephone, about the grievance with the Grievant. The supervising dean or vice president shall submit a written response to the Grievant within ten (10) days of the date of the discussion, regardless of whether the grievance is resolved during the discussion.
- 4.9** STEP 3 - If the grievance is not resolved at Step 2, then within ten (10) days of the Grievant's receipt of the Step 2 written response, the Grievant may present the written grievance to the Vice President for Human Resources & Labor. For grievances arising within the Human Resources and/or Payroll Offices, the Step 3 Grievance will instead be presented to the Vice President for Finance & Administration. The grievance presented shall contain all of the same information, documents and other evidence in the record from Step 1 and Step 2. No new evidence may be submitted or considered. Within five (5) days of the receipt of a grievance, the Vice President shall shall arrange and hold a

discussion, either in person or by telephone, about the grievance with the Grievant. The Vice President shall submit a written answer to the Grievant within ten (10) days of the date of the discussion, regardless of whether the grievance is resolved during the meeting.

4.11 STEP 4 - If the grievance is not resolved at Step 3, then within thirty (30) days of the receipt of the Grievant's receipt of the Step 3 written response, the Grievant may present the written grievance to the President of Big Bend Community College. The grievance presented shall contain all of the same information, documents and other evidence in the record from Steps 1, 2, and 3. No new evidence may be submitted or considered. Within five (5) days of the receipt of a grievance, the President shall arrange and hold a discussion, either in person or by telephone, about the grievance with the Grievant. The President shall forward a written answer to the Grievant within ten (10) days of the Step 3 discussion, regardless of whether the grievance is resolved during the meeting. The decision of the President is final.

Grievances covered by the Washington State Civil Service rules and regulations for classified employees, may be pursued in addition to or in lieu of this grievance process. Those appeal rights can be found at WAC 357-49 or WAC 357-52. Please note the time frames for filing an appeal under the Washington State Civil Service rules and regulations are not suspended during this grievance process.