

06:07:02:02 Support Staff Grievance

Purpose:

Dyersburg State Community College (DSCC) has established a clear, orderly and expedient procedure through which all DSCC support staff employees may process a bona fide grievance if they have been demoted, suspended without pay, or terminated.

Scope:

This policy applies to all DSCC support staff employees. Support Staff employees are employees who are not faculty, executive, administrative or professional staff.

Policy:

Time for Filing

A grievance must be initiated within fifteen (15) work days after the employee receives notice or becomes aware of the action which is the basis for the grievance. If the employee is not satisfied with the decision at any step, he/she must carry the grievance forward to the next step within fifteen (15) work days after receiving the written decision. If the employee does not carry the grievance forward within fifteen (15) work days, the grievance procedure shall be terminated and the grievance disposed of in accordance with the last written decision. For purposes of this procedure, the term "work days" refers to Monday through Friday.

Testimony, Witnesses and Representation

At every step, the employee may testify and present witnesses and materials in support of his/her position. The testimony of an employee, given either on his/her own behalf or as a witness for another employee, will not subject an employee to retaliatory action. At every step, the employee may be accompanied by an employee representative. At the discretion of the panel chair (see Steps of Review, Item 3 below), additional employees from the unit may be allowed to attend the employee panel hearing conducted as the final step.

STEPS OF REVIEW

1. Immediate Supervisor

- a. Within fifteen (15) work days after the employee receives notice or becomes aware of the action which is the

basis for the grievance, the employee completes a Grievance form (obtained from Human Resources), submits it to Human Resources and provides a copy to his/her immediate supervisor.

b. Within fifteen (15) work days after receipt of the Grievance form, the immediate supervisor and the employee meet and discuss the grievance in a face-to-face meeting.

c. The supervisor completes a written decision within fifteen (15) work days after the face-to-face meeting.

2. **Next Higher Level Supervisor**

a. If the supervisor fails to respond within fifteen (15) work days after the face-to-face meeting or if the employee is not satisfied with the supervisor's decision, the employee must notify Human Resources within fifteen (15) work days that he/she wants further review. Within fifteen (15) work days after receiving notice that the employee wants further review, Human Resources will schedule a face-to-face meeting between the division head/vice president and the employee to discuss the grievance.

b. Within fifteen (15) work days after the face-to-face meeting, the division head/vice president will issue a written decision explaining the specific reasons for the decision.

3. **Hearing:** If the decision is not satisfactory, the employee can elect to have a hearing before a Grievance Committee or a hearing under the Tennessee Uniform Administrative Procedures Act (TUAPA). The employee must notify Human Resources in writing within fifteen (15) work days after receiving the written decision at Step 2 whether he/she wants a hearing and the type of hearing desired.

a. For a Grievance Committee review, procedures in DSCC Policy 06:07:02:04 (Grievance Committee) will be followed. The recommendation of the Grievance Committee will be forwarded to the President. Within fifteen (15) work days, the President or a designee will notify the grievant of the final decision.

b. Hearings conducted under TUAPA must adhere to the following procedures:

1. Hearings shall be heard by:

a. a hearing officer or administrative judge employed by the Administrative Division of the Secretary of State's Office,

b. a hearing officer or judge designated by the institution from the professional administrative staff, or

c. a hearing committee appointed by the President from the professional administrative staff and/or appropriate employees.

2. The institution has sole discretion to decide whether to exercise option (a), (b), or (c). In any case where a hearing pursuant to TUAPA procedures is required, the President shall determine, in his or her discretion, whether the hearing shall be held before a hearing officer or a hearing committee.

3. The hearing officer or panel shall be selected as follows:

a. Hearing officers shall normally be appointed by the President from the administrative or professional staff of the institution. Upon request from the President, the Chancellor may appoint a hearing officer in any case, either from within or without the institution. Contested cases may also be conducted by an administrative judge from the Administrative Procedures Division of the Office of the Secretary of State. An institution may submit a request for an administrative judge to the Office of General Counsel.

b. A hearing committee may be appointed by the President from the professional administrative staff and/or appropriate employees or students at the institution. The person appointed as chairperson of the committee shall be deemed to be the hearing officer for purposes of presiding at the hearing.

4. All proceedings shall be conducted according to the parameters set forth at T.C.A. § 4-5301 et seq., and TBR Policy No. 1:06:00:05, Uniform Procedures for Cases Subject to the Tennessee Uniform Administrative

Procedures Act. Attorneys' fees and costs shall not be recoverable by the prevailing party. The complainant/employee shall bear the burden of proof.

Compliance:

All Dyersburg State Community College employees are expected to adhere to this policy.

Definitions:

Support Staff: Employees who are not faculty, executive, administrative or professional staff.

Grievance: A feeling of resentment or injustice expressed by an employee who believes they have been unfairly treated in matters regarding demotion, suspension without pay, termination for cause and/or work assignments or conditions of work which violate statute or policy.

Employee: Administrators, faculty (including full-time faculty on term or temporary contracts), professionals, clerical and support personnel. Probationary employees are also included in this definition. Student workers, adjunct faculty, and temporary workers are not included in the definition of employee for the purposes of this policy.

Immediate supervisor: That person who is directly responsible for the supervision of the employee's activities.

Next-higher-level supervisor: That person who is directly responsible for the supervision of the immediate supervisor's activities.

Working days: Days on which the business offices of the institution are officially open.

Grievance Review Committee: Committee of at least three (3) employees, none of whom has a direct interest in the grievance to be considered. The President selects the members and chairperson.

Revision History:

Policy created September, 2012; approved by Administrative Council on 2/14/12.