



**CLASSIFIED EMPLOYEE GRIEVANCE PROCESS**

**I. INTRODUCTION**

This grievance process has been adopted pursuant to State Personnel Board Rules and Personnel Director's Administrative Procedures found in Chapter 8 of the Rules. It is intended to provide a means by which permanent, classified employees may attempt to address and resolve workplace disputes at Mines.

**II. GENERAL PRINCIPLES**

- A. Appealable Matters.** This process is appropriate for resolution of all employment matters that are not directly appealable to, or reviewable by, the State Personnel Board or the State Personnel Director. Issues pertaining to leave sharing, discretionary pay differentials, granting or removal of in-range salary movements, or a performance evaluation that do not result in a corrective or disciplinary action are not subject to grievance or appeal.
- B. Role of Human Resources Office.** The Office of Human Resources shall facilitate the processing and resolution of all grievances filed hereunder. The parties shall provide copies of all documents filed or exchanged during the course of the grievance process to the Office of Human Resources.
- C. Informal Resolution.** Grievances should be resolved informally, if possible, and at the lowest possible supervisory level.
- D. Mediation.** Either party to a grievance may request mediation to resolve a grievance. Mediation can only ensue if all parties agree to its use. If chosen, the use of mediation will comply with State Personnel Rules 8-9 through 8-11.
- E. Grievance Meetings.** A meeting between the employee and the appointing authority to discuss the employee's grievance may be held at the Step II level, but is not required, if the appointing authority believes it would be helpful to achieve a fair and expeditious resolution of the grievance. The appointing authority shall have the discretion to request the attendance of any Mines employee or witness at a grievance meeting.
- F. Employee Representation.** An employee may be represented by any individual of the employee's choosing at Step II of the grievance process or beyond. The representative may participate and speak on behalf of the employee at grievance meetings, but the employee is expected to participate in all discussions held during the grievance process. If the employee utilizes the services of an attorney or a labor union representative during a grievance meeting, the decision maker shall have the right to be represented by legal counsel at that meeting.
- G. Moot Grievances.** If an employee's employment at Mines ends while his or her grievance is pending and the employee does not appeal the separation to the State Personnel Board, the grievance shall be considered concluded.
- H. Time Limits.** Any of the time limits specified below for completion of the grievance process may be waived or modified if agreed to by both parties, including deferral of deadlines associated with actions in order to allow the parties a chance to resolve the issue. If mediation is agreed to, the time limits are suspended during the mediation process and will resume upon the conclusion of mediation if a resolution is not reached through the mediation.

### III. PROCEDURE FOR INITIATING AND PROSECUTING EMPLOYMENT GRIEVANCES

- A. Time Limit for Initiation of Grievance.** A grievance must be initiated within ten days from the date of the action or occurrence that forms the basis of the grievance, or within ten days after the employee has acquired knowledge of, or reasonably should have acquired knowledge of, the action or occurrence that forms the basis of the grievance.
- B. Time Limit for Resolution of Grievance.** The grievance process shall be concluded within thirty (30) days from the date of the initiation of the Step II Formal Grievance Level unless extended by mutual agreement of the parties.
- C. Step I – Informal Grievance Level.** To initiate a grievance hereunder, an employee shall notify the supervisor and/or second level supervisor requesting an informal discussion<sup>1</sup> to resolve the grievance. The employee shall be informed in writing of the decision within seven days after the informal discussion. The decision reached at Step I shall be binding upon the parties unless the employee elects to proceed to Step II as detailed in Section D below. If a timely decision is not issued, the employee may proceed to Step II of the grievance process.
- D. Step II – Formal Grievance Level.** Within five days after receipt of the informal decision rendered at Step I, the employee may initiate a Step II formal grievance by reducing the grievance to written form and submitting it to his or her appointing authority. To proceed to Step II if a timely decision is not issued, the employee must initiate the Step II formal grievance process no later than twelve (12) days after the informal discussion. Only the issues set forth in the written grievance shall be considered thereafter.

At the discretion of the appointing authority, a meeting may be held to discuss the employee's Step II grievance. The employee shall be informed in writing of the appointing authority's decision generally within fourteen days after the meeting, or within thirty days of the filing of the formal grievance if no meeting is held. Irrespective of whether a meeting is held, the Step II formal process must be concluded no later than thirty days from the filing of the formal written grievance unless the time limit is extended by mutual agreement of the parties.

The decision reached by the appointing authority at Step II is the final Mines' decision in response to the grievance and shall be binding upon the parties unless the employee elects to appeal the decision to the State Personnel Board as described in Section F below. If a timely decision is not issued, the employee may proceed to the next step of the grievance process.

The appointing authority may appoint an objective person or panel to make recommendations on the decision or may delegate the decision.

- E. Alternate Decision Makers.** If the subject of the employee's grievance is the employee's appointing authority, the appropriate vice president (or Provost if the grievance arises within Academic Affairs) or delegee shall render the final agency decision at Step II. If the subject of the employee's grievance is a vice president or the Provost, the President shall render the final agency decision at Step II. If the subject of the employee's grievance is the President, the President of the Board of Trustees shall render Mines' final decision at Step II.

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<sup>1</sup> The discussion should be scheduled within a reasonable time of the supervisor receiving the employee's request at the informal grievance level. Generally absent extenuating circumstances, such as unavailability of needed documents or obtaining information important to the discussion, vacations, illness, or other absences from campus, if the informal grievance discussion occurs within two weeks of the request, it is considered to be timely held. In the event that the discussion cannot be held within two weeks of the request, it should occur as soon as practicable thereafter.

- F. Appeal to State Personnel Board.** The final decision reached at Step II is binding unless the employee pursues the grievance with the State Personnel Board. The employee has ten (10) days after receipt of the final Mines' decision to file a petition for hearing with the State Personnel Board. If the thirty (30) day deadline for a decision or any extension period has expired without a final decision being issued, the employee has ten (10) days after the deadline or expiration of the extension period to file a petition for hearing with the State Personnel Board. The original written grievance and Mines' final decision shall be attached to the petition for hearing. A copy of any petition for hearing filed with the State Personnel Board must be provided to the person who made Mines' final decision and to Mines' Associate Vice President for Human Resources.