



# Classified Grievance Process

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Within this document Pikes Peak State College is the "Department." The following actions are subject to the Grievance Process.

The grievance process applies to all workplace actions, except for:

- a. disciplinary actions;
- b. any action that adversely affects pay, status, or tenure;
- c. selection disputes;
- d. performance management disputes that do not result in a disciplinary action;
- e. coverage designation disputes;
- f. in-range salary movements;
- g. issues pertaining to leave sharing;
- h. discretionary pay differentials; and
- i. hazardous duty premium pay.

## **Grievance - General Provisions.**

The grievance process is designed to address and resolve problems at the lowest level possible.

The Department is making their grievance process readily available to employees by posting it on the Department's website or intranet.

A grievance initiated within ten (10) days<sup>1</sup> from the disputed action or occurrence suspends the deadline to file an appeal with the Board if the written grievance at Step Two asserts:

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<sup>1</sup> Day is defined as a calendar day.

- Discrimination or retaliation in violation of the Colorado Anti-Discrimination Act (“CADA”); or
- Retaliation for disclosing protected information in violation of the Whistleblower Act.

## Grievance Procedures.

### Step One:

1. Initiating a Grievance. To initiate the grievance process, the employee shall notify the employee’s supervisor or another person within the employee’s chain of command. Such notification may be verbal, but must communicate that the employee is initiating Step One of the grievance process.
2. Deadline for Initiating a Grievance. The employee shall initiate the grievance process within ten (10) days from the disputed action or occurrence.
3. Step One Discussion.
  - a. The Step One Discussion shall include the employee and the supervisor or another person within the employee’s chain of command.
  - b. The Step One Discussion shall include ideas for resolving the matter.
  - c. The employee does not have the right to representation during the Step One Discussion.
  - d. The Step One Discussion shall occur within fourteen (14) days from the employee initiating the grievance process.
4. Step One Decision.
  - a. The employee shall be informed in writing of the Step One Decision.
  - b. The Step One Decision is binding on the parties unless the employee proceeds to Step Two of the grievance process.
  - c. The Department shall provide its Step One Decision to the employee within fourteen (14) days from the date of the Step One Discussion.
  - d. The Step One Decision shall state that if the employee initiates Step Two, the employee must provide a written grievance to the appointing authority within ten (10) days from receipt of the Step One Decision.
  - e. The Step One Decision shall identify the employee's appointing authority.

## Step Two:

1. Written Grievance. To initiate Step Two of the grievance process, the employee shall provide a written grievance to the employee's appointing authority. The written grievance shall include all the reasons why the employee believes the action or occurrence was improper. Only the issues raised in the written grievance will be considered in subsequent proceedings.
2. Deadline for Initiating Step Two.
  - a. The employee shall initiate Step Two of the grievance process within ten (10) days from receipt of the Step One Decision.
  - b. If the Department fails to issue the Step One Decision within fourteen (14) days from the Step One Discussion, the employee may initiate Step Two without awaiting the Step One Decision, but shall do so no later than twenty-one (21) days after the Step One Discussion.
3. Review of Step Two Grievance.
  - a. The appointing authority will review the grievance at Step Two of the grievance process unless the appointing authority appoints another person or a panel to investigate and/or make recommendations regarding the grievance.
  - b. The appointing authority may delegate the Step Two Decision to another person or a panel.
4. Step Two Meeting.
  - a. The appointing authority or delegate will meet with the employee to gather information and/or attempt to resolve the grievance.
  - b. The Step Two Meeting shall occur within twenty-eight (28) days from the employee initiating Step Two.
  - c. The employee may bring a representative, who may or may not be an attorney, to the Step Two Meeting.
  - d. A representative during the Step Two Meeting may participate and speak during the meeting but the employee is expected to answer any questions and actively participate.
5. Step Two Decision.
  - a. The employee shall be informed in writing of the Step Two Decision.
  - b. The Department shall provide its Step Two Decision to the employee within fourteen (14) days from the date of the Step Two Meeting.

- c. The Step Two Decision is binding on the parties unless the employee elects to appeal the Step Two Decision to the Board.

Any of the timeframes for completion of the grievance process may be waived or modified if agreed to by both parties, including deferral of action to allow the parties a chance to resolve the issue.

#### **Deadline for Appealing Step Two Decision to the Board.**

The employee shall file an appeal to the Board within ten (10) days from receipt of the Step Two Decision.

If the Department fails to issue the Step Two Decision within forty-two (42) days from the date the employee initiated Step Two, the employee may appeal to the Board without awaiting the Step Two Decision but shall do so within fifty-two (52) days after initiating Step Two.

The Board may exercise its discretion to hear an appeal of a Step Two Decision under the Board Rules for discretionary hearings set forth in 4 CCR 801-1 State Personnel Board Rules and Personnel Director's Procedures, Chapter 8.

#### **Effect of a Separation on a Pending Grievance.**

If a grievant is separated from employment in the state personnel system, any grievance pending at the Department level is ended.

If the grievant's employment is restored at the same Department, then the grievant may resume any grievance that had been pending at the time of the separation. To resume a grievance, the restored employee shall notify the supervisor in writing within ten (10) days after the employee's return to work.

A separation does not preclude the Board from hearing a discrimination or a whistleblower claim related to the facts underlying a grievance.

#### **Other Information**

- [Grievance Process](#) (Flowchart)
- [Grievance Form](#) (Template)