

COLORADO SCHOOL OF MINES
CLASSIFIED EMPLOYEE GRIEVANCE PROCESS

I. INTRODUCTION

This grievance process has been adopted pursuant to State Personnel Board Rule 8-8 to serve as an effective method by which permanent, classified employees may attempt to address and resolve workplace disputes at CSM.

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 Director of State Personnel, except issues pertaining to leave sharing, discretionary pay differentials, and/or a performance evaluation that does not result in a corrective or disciplinary action.
- B. Role of Human Resources Office.** The parties shall provide copies of all documents filed or exchanged during the course of the grievance process to the Office of Human Resources, which shall facilitate the processing and resolution of all grievances filed hereunder.
- C. Informal Resolution.** Grievances should be resolved informally, if possible, and at the lowest possible supervisory level.
- D. Mediation.** In accordance with State Personnel Board Rule 8-9, if either party to a grievance wishes to use mediation, the other party must participate and the time limits governing the grievance process are suspended pending the outcome or discontinuance of the mediation.
- E. Grievance Meetings.** A meeting between the employee and the designated decision maker to discuss the employee's grievance may be held at the Step II level and the Step III level of this grievance process, if the decision maker believes it would be helpful to achieve a fair and expeditious resolution of the grievance. The decision maker shall have the authority to request the attendance of any CSM employee or witness at a grievance meeting.
- F. Employee Representation.** An employee may be represented by any individual of the employee's choosing at any step of the grievance process. 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 CSM ends while his or her grievance is pending, the grievance shall be considered moot and be dismissed without further processing.

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. This time limit may be extended with the mutual consent of the parties.

- B. Time Limit for Resolution of Grievance.** The grievance process shall be concluded within thirty days from the date of the initiation of the written grievance process. This time limit may be extended with the mutual consent of the parties.
- C. Step I – Informal Grievance Level.** To initiate a grievance hereunder, an employee shall notify his or her supervisor, or the individual serving at the lowest management level capable of providing effective relief for the employee's grievance. An informal discussion shall be held between these individuals to attempt to resolve the employee's grievance. The employee shall be informed in writing of the decision within seven days after the informal discussion. The decision reached at the informal stage shall be binding upon the parties unless the employee elects to proceed to the written grievance level detailed in section D below. If a timely decision is not issued, the employee may proceed to the next step of the grievance process.
- D. Step II – Written Grievance Level.** Within five days after receipt of the informal decision rendered in section C above, the employee may initiate the written grievance level by reducing the grievance to written form and submitting it to his or her appointing authority. Only the issues set forth in the written grievance shall be considered thereafter. At the option of the appointing authority, a meeting may be held to discuss the employee's grievance. The employee shall be informed in writing of the appointing authority's decision within seven days after the meeting, or the filing of the written grievance if no meeting is held. The decision reached at the written grievance level shall be binding upon the parties unless the employee elects to proceed to the appeal level detailed in section E below. If a timely decision is not issued, the employee may proceed to the next step of the grievance process.
- E. Step III – Appeal Level.** Within five days after receipt of the formal decision rendered in section D above, the employee may initiate the appeal level by reducing his or her appeal to written form and submitting it to the appropriate vice president. At the option of the vice president, a meeting may be held to discuss the employee's appeal. The employee shall be informed in writing of the vice president's decision within seven days after the meeting, or the filing of the written appeal if no meeting is held. The decision reached at the appeal level shall serve as the final agency decision with respect to the employee's grievance. If a timely final decision is not issued, the employee may proceed to appeal to the State Personnel Board as outlined in section G. below.
- F. Alternate Decision Makers.** If the subject of the employee's grievance is the employee's appointing authority, the appropriate vice president shall render the final agency decision at the Step II level. If the subject of the employee's grievance is a vice president, the President shall render the final agency decision at the Step II level. If the subject of the employee's grievance is the President, the President of the Board of Trustees shall render the final agency decision at the Step II level.
- G. Appeal to State Personnel Board.** The employee has ten (10) days to file a petition for hearing with the State Personnel Board after receipt of the final CSM decision, or after expiration of 30 days of initiation of the written grievance process or any extension period granted by the State Personnel Board. The original written grievance and CSM's 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 CSM's final decision and to CSM's Director of Human Resources.