


Category	General	INCA Community Services Human Resource Policy 
Policy Number	000.001	
Effective Date		
Revised Date	2/24/2014	
References: INCA By-Laws		
Forms: Employee Grievance Form		
Responsible: Supervisor, Program Director, Human Resource Director, Executive Director		

Employee Grievance Policy

Purpose

Agency policies and procedures shall be uniformly interpreted, applied and enforced. All employees will be treated fairly and in accordance with established policies and procedures. When an employee feels that he/she has been subjected to unfair treatment in violation of Agency policies, that employee shall have the right to participate in a grievance procedure.

This policy should be invoked only when informal attempts to address an issue have failed.

Introduction:

It is good practice to settle any grievance an employee may have as quickly as possible. Most problems will be addressed by the supervisor or member of management as part of the normal working relationship.

However, in order to promote and maintain good working relationships, it is essential to have clear and simple rules laid down for dealing with those cases which cannot be dealt with via normal working practices

Exclusions:

Separate policies and procedures exist for dealing with complaints about or harassment, sexual harassment or discrimination.

- These procedures do not apply to discrimination complaints involving race, color, creed, sex, national origin, age, political affiliation beliefs, or handicap. Procedures to file discrimination complaints are contained in the Agency Affirmative Action Plan.
- Also, excluded from this policy are complaints concerning:
 - wages and salaries;
 - performance-related dismissals during the initial probation period of employment;
 - agency policy and rules; and
 - Falsification of application (or resume) for employment and other employment related documents.

- Issues in which the agency becomes aware of serious wrong doing at work by others (e.g. frauds, dangers and cover-ups) should be dealt with under the Whistleblowing Policy.
- The Grievance Policy should not be used for appeals against decisions taken via other procedures that have their own appeals process, eg. disciplinary decisions and redundancies. If necessary, the original process may be suspended for a short period until the grievance can be considered.
- However, if there are several different linked grievances, a single process may be used to address all the issues. If there is a harassment issue within a number of grievances considerations will be given to any additional support required.

Definitions:

Grievance -is defined as a dispute relating to the application or interpretation of Agency policies and/or procedures. It is a concern, problem or complaint that an employee may have relating to work, working conditions, unfair treatment or even relationships with colleagues.

Policy applies to:

This policy applies to all employees of INCA Community Services. This policy applies during the whole of the employee’s service, including the probationary period, and any temporary contract.

The Possible Outcomes of a Grievance

The outcome may be to take no action, or to amend some aspect of the employee’s working conditions, or to provide training. In rare instances, it may also be to instigate disciplinary proceedings against another employee or member of staff. If disciplinary proceedings are instigated, the full disciplinary procedure should be followed including a separate investigation – the grievance panel is not at liberty to impose penalties.

Informal Action

If an employee has a problem, issue, complaint or concern, they should try to resolve it first through informal discussion. The supervisor or management team member must give careful consideration to the employee’s concern and make efforts to explain, address or resolve the matter quickly.

Where possible, staff should aim to settle grievances informally and the Program Director should be receptive to such approaches. Only if the informal route is inappropriate or has been exhausted should a grievance become formal.

If a Supervisor becomes aware that informal discussions have the potential to develop into a formal grievance, they should ensure they keep brief notes of any such discussions.

Time Limits

- Its aim is to enable grievances to be considered fully and dealt with fairly, consistently and speedily.
- In computing the number of days in the grieving procedure, Saturday, Sundays and Holidays shall be excluded.

- Issues will be dealt with promptly and within reasonable timescales (these may vary depending on the complexity of the case).
- Where time limits are referred to in the course of the Grievance Procedure they may be varied by agreement between the employee and HR Director and approved by Executive Director.

Procedure:

If an employee has a problem or complaint that has cannot be solved through informal actions the following steps should be taken:

Step 1:

- An employee with a grievance must present it in writing (Employee Grievance Form) to his or her direct supervisor. The statement of the grievance must set out the events complained about and the requested remedy, must specify the policy and/or procedure which are alleged to have been violated, and must be signed by the employee.
- The grievance must be filed within five days after the event on which the grievance is based.
- A copy must be given to the Human Resource Director.

Step 2:

- If the employees direct supervisor does not settle the grievance to the satisfaction of the employee within three days after it is presented to him, the employee may appeal the grievance in writing to his/her Program/Project Director.
- This second step must be taken within ten days after the events on which the grievance is based.
- The Program/Project Director shall have five days after the grievance is received to give an answer. If a written answer is not given within a five-day period, the grievance shall be deemed to be denied.
- A copy must be given to the Human Resource Director

Step 3 (Final Appeal):

- If the Program/Project Director does not settle the grievance to the satisfaction of the employee within the stated five day period, the employee may appeal the decision by written notice to the Executive Director.
- The third step must be mailed certified, return receipt requested, within twenty a day after the events on which grievance is based.
- The Grievance Review Board will be convened by the Executive Director.

Members of the Grievance Review Panel: This review board shall be composed of the following members:

- Human Resource director serves as permanent chairman.

- Two supervisory employees appointed by the Executive Director to serve as members on the review board.
- When the grievance is filed by a Head Start employee, one of the two members selected will be a representative of the Policy Council.
- Grievance Review Board members shall not serve in a review capacity in grievances concerning employees under their supervision.
- In the event that a grievance is filed by an employee under a review board members supervision the Executive Director shall appoint a replacement for that hearing.

Employee Appeal Review Rights

An employee desiring to appeal an action has the following rights:

- To review all pertinent documents to assist him/her with the appeal action and the right to review by the employee's representative.
- To be represented by a person of his/her choice
- To present witnesses in his/her choice.

Grievance Review Panel Process:

- The Grievance Review Panel shall meet within ten days of receipt of the notice of appeal by the aggrieved employee.
- The review board may uphold the original action, recommend modification of the decision of the program/project director, or recommend that no action be taken.
- The Panel shall review grievances, receive testimony and evidence of the parties, and provide a report of its findings and recommendations to the Executive Director.

Final Decision

The recommendations of the review board are subject to the final decision of the Executive Director.

Other types of Grievances:

Grievance against:

Program Director: Where a grievance is raised against a Program Director, and cannot be worked out through the informal action process or Step 1, Step 2 will be skipped, and utilize the grievance procedure beginning with Step 3(Appeal).

Executive Director: Where a grievance is raised against the Executive Director, and cannot be worked out through the informal action process or Step 1 the grievance will be directed to the Chair of INCA Community Service Board to be handled as outlined in agency by-laws. A grievance Committee appointed by the chairperson shall have the responsibility for hearing grievance on personnel matter involving the Executive Director.

Dissemination of Policy: All employees