

**SOUTH FLORIDA STATE COLLEGE  
ADMINISTRATIVE PROCEDURES**

**PROCEDURE NO.** 1091

**TITLE:** CAREER SERVICE AND PROFESSIONAL STAFF GRIEVANCE PROCEDURE

**BASED ON POLICY:** 1.09 GRIEVANCE PROCEDURES

**OFFICE OF PRIMARY RESPONSIBILITY:** VICE PRESIDENT FOR ADMINISTRATIVE  
SERVICES/HUMAN RESOURCES

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I. Purpose:

To afford an immediate and fair method for the resolution of disagreements which may arise between the College and a full-time career or professional staff employee who has passed his/her 90-day probationary employment period

In this procedure, the term "career employee" is used to refer to regular career service and professional staff employees.

II. Procedure:

Work rules apply to all career employees. The supervisor of the respective department/division is responsible for the administration of a career employee's performance standards and any action that may result from their administration.

All career employees will be employed on the basis of a 90-day probationary employment period during which time the employee/employer relationship may be discontinued by either party without show of cause and will not be subject to following this grievance procedure.

Evaluation programs and assessment of employee performance and behavior must, by necessity, recognize substandard performance or related traits that affect top efficiency. When corrective measures are necessary to improve performance and/or behavioral patterns, disciplinary procedures may be initiated, giving warning to the employee that immediate improvement/action is expected.

The purpose of disciplinary action is to improve substandard performance or correct improper employee behavior. If an employee exhibits a lack of ability or interest in improving his/her performance, it may become necessary to terminate the employment relationship.

The College administration is committed to pursuing fair and objective means to correct and improve employee performance in an open and uniform manner.

A "grievance" will mean a complaint by a career employee that there has been to him/her a personal loss, injury or significant inconvenience because of a violation, misinterpretation, or inequitable application of South Florida State College District Board of Trustees (DBOT) policies, state board regulations, Florida statutes, the procedures manual or unwritten precedents. The following procedure is designed to encourage any aggrieved career employee to discuss the problem with the appropriate supervisor or administrator in an effort to resolve the problem in an equitable and expedient manner.

#### A. Oral step

It will be the responsibility of the career employee to inform the employee's immediate supervisor within seven days of the grievance's occurrence that he/she wishes to discuss a grievance with that immediate supervisor. This discussion will be at a time fixed by the immediate supervisor that will not interfere with his/her appointed duties. Following such discussion, if the career employee feels that the supervisor's answer is not satisfactory, then the following steps will be taken:

Step 1: Within three work days following the immediate supervisor's oral answer, the employee will set forth in writing, the following:

- a. The facts of the complaint or claim
- b. The nature or extent of the injury, loss or inconvenience
- c. The DBOT policy(s), state board regulation, state statutes, procedures manual, or unwritten precedents that he/she believes his/her supervisor has improperly interpreted, applied or violated or the disciplinary action which he/she believes is not for just cause
- d. The adjustment or relief requested to correct the problem

Step 2: If the immediate supervisor's written answer to the grievance does not satisfactorily settle the grievance, then the employee may, within five work days, appeal the grievance to the next step, the director, human resources.

The director, human resources will then, within 10 work days following receipt of the written grievance, schedule a meeting with the employee involved and any other employees the director, human resources deems necessary either separately or together.

Within 10 work days following the meeting, the director, human resources will forward his/her written decision to the employee.

Step 3: If the director, human resources' written decision does not satisfactorily settle the grievance, the employee may, within five work days, appeal the complaint to the president of the College.

- a. The president will, within 10 work days after receipt of the written grievance, schedule a meeting with the employee and all employees involved in the grievance.
- b. After the meeting and within 10 work days, the president will forward his/her written decision to the employee.
- c. In the event that the grievant fails to process the complaint in the time limits as set forth previously, then the grievance will be deemed to be settled on the basis of the College's last answer.
- d. In the event that the College fails to observe the previously stated time limits, then the grievance will automatically be processed to the next step of the grievance procedure.

#### B. Grievances involving possible termination of employment with the College

In those instances in which the grievant has been suspended or upon unsatisfactory evaluation pending possible termination of employment, the grievance procedure as previously outlined will be adhered to through Step 2. If the employee still wishes to pursue the matter, a grievance review committee will be formed to review the facts surrounding the suspension or unsatisfactory evaluation.

- a. The committee will be composed of three career employees and two administrators. The members will select their own chairperson from among the five. The four remaining members will each have a vote. The chairperson will vote only in the case of a tie.
- b. The director, human resources will select the committee members from present, full-time employees after consultation with the chairperson of the Career and Professional Employees Council. This selection will then be submitted to the president for review and approval.
- c. The director, human resources will be an ex officio to the committee to ensure that applicable policies, procedures, regulations, background information, etc. are followed.
- d. The EA/EO officer will review the complaint and attend the committee meeting if an equity-related issue is being aggrieved.
- e. The committee will be scheduled to review the case as soon as practical but no later than 10 work days following the selection of the committee.

The committee may hear testimony from present or previous employees and may appoint a stenographer to record the proceeding.

- f. The purpose of the committee will be to gather all pertinent information to present a recommendation to the president of the College. The recommendation made by the committee to the president will not be binding on him/her.
- g. Employees who are selected to testify in the course of fact-finding efforts will be required to present all information known to them and requested of them.
- h. Any actions to intentionally withhold or willfully alter the information requested/presented will be considered insubordination. The matter will then be referred to the director, human resources for handling. (In the case of a career service or professional staff employee, the matter will be handled under Procedure 1092.)

C. Grievance of career employees working in the Human Resources Department

In those instances in which a career employee working in the Office of Human Resources has a grievance that he believes involves the director, human resources then that individual should follow Step 1 as outlined previously. However, Step 2 should involve the vice president for administrative services in place of the director, human resources. Step 3, after the vice president, the process would then involve the president as stated in the procedure.

**HISTORY: Last Revised: 11/5/19**

**Adopted:** 5/17/85

**Reviewed:** 2/28/05, 2/28/08, 6/27/12

**Revised:** 7/27/93, 2/6/02, 11/5/19