

NFA Counter 6/28/18 to CSN's Draft Response on 3/12/18 to GRIEVANCE PROCEDURE (NFA 1-26-18 as part of package 1)

Preamble

The objective of this Article is to provide a prompt, fair and responsive process for the resolution of grievances at the lowest possible step of the grievance procedure. The parties to this CBA recognize that the prompt resolution of difficult issues is essential to a sound employer-employee relationship. NFA and CSN Administration encourage the resolution of complaints by faculty members, at all times, at the lowest level possible.

Section 1. Definitions: "Grievance" means an allegation that there has been a violation of a specific term of this Agreement.

"Prohibited Activity" and "Specific acts of misconduct" cited in Discipline article ~~is~~-are not subject to this Grievance article.

Commented [JE1]: NFA accepts this language

"Grievant" means the member of the bargaining unit who initiates a grievance or NFA when it is the party who initiates a grievance.

"Day" means a calendar day.

Section 2. Grievance Steps:

Step 1. (Informal)

a. A bargaining unit faculty member shall first discuss a grievance with his or her department or unit head within ~~31-61~~ days following the date on which the grievant knew, or reasonably should have known, of the act, omission, or condition which is the basis of the grievance.

Commented [JE2]: CSN acceptance of a longer time limit here is a condition of NFA accepting the removal of 4(f).

b. If the department or unit head and the bargaining unit faculty member do not resolve the grievance by mutual agreement, the department or unit head shall document the outcome in a written memo within 10 days of the initial discussion. Copies of the written memo shall be issued to the grievant and NFA, and the grievant may proceed to Step 2.

Step 2. (Dean or Director)

a. If the grievance is unresolved at Step 1, the grievant may present a written grievance

to the Dean or Director, as appropriate, within 15 days of the issuance of the written memo at Step 1.

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b. The grievance shall be in writing and provide the information described in Section 5 below.

c. The Dean or Director and thean -HR representative, at the rank of Assistant HR Representative or above, Deputy Chief Human Resources representativeOfficer shall meet with the grievant and his or her NFA representative (if desired by the grievant) within 10 days of receipt ~~of receipt~~ of the written grievance. ~~The grievant shall present their grievance, and may be advised by, but not represented by, the NFA representative.~~

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d. The Dean or Director will send a decision in writing to the grievant within 14 days of the meeting.

Step 3. (Relevant Vice President)

a. If the grievant is not satisfied with the decision at Step 2, the grievant may present the written grievance to a Relevant Vice President within 15 days of the issuance of the decision at Step 2.

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b. The Relevant Vice President and a a the Chief Human ResourcesHR representative at the rank of Assistant HR Representative or above Officer will meet with the grievant and his or her NFA representative (if desired by the grievant) within 10 days of receipt of the written grievance. ~~The grievant shall present their grievance, and may be advised by, but not represented by, the NFA representative.~~

c. The Relevant Vice President will send a decision in writing to the grievant within 14 days of the meeting. Grievances against ~~thea Vice President of Academic Affairs willmay~~ will be filed with the President ~~in lieu of the Vice President of Academic Affairs~~. If the grievant is not represented by NFA, a copy of the decision will also be sent to NFA ~~alsoforthwith~~.

d. If NFA is not satisfied with the Step 3 decision, NFA may submit the matter to arbitration.

Section 3. If NFA is the grievant, NFA shall have the option to file the grievance at Step 3

no later than 60 days following the date on which it knew or reasonably should have known of the act, event, or condition which is the basis of the grievance. ~~NFA will be represented by its (Executive Director, Chapter President).~~

Section 4. General Provisions:

- a. A grievant ~~must~~ represent him or herself at ~~any~~ steps in the grievance process, ~~and~~ may elect to be accompanied or represented by a NFA representative.
- b. The grievant and CSN Administration may agree to modify the time limits in any step of the grievance procedure. At formal steps, agreements to modify time limits shall be in writing. Reasonable requests by either party for extensions of time will not be unreasonably denied.
- c. CSN Administration's failure at any step of this procedure to communicate the decision on the grievance within the time limit, including any extension thereof, shall be deemed a denial of the grievance. The grievant's failure at any step of this procedure to appeal to the next step within the time limit, including any extension thereof, shall be considered acceptance by the grievant of the decision rendered at the previous step but will not constitute a past practice or any precedent in the disposition of other cases.
- d. A grievant may withdraw a grievance at any time.
- e. All facts relevant to a grievance shall be presented by the parties with the objective expressed in the Preamble of this Article.

~~f. Grievances alleging prohibited discrimination or discriminatory harassment must be filed within 365 days following the date on which the grievant knew or reasonably should have known of the act, omission, or condition which is the basis of the grievance.~~

Section 5. Written grievances must include at least:

- a. Name of grievant.
- b. A statement describing the nature of the grievance, and the approximate date of the events giving rise to the grievance.
- c. The provision of this Agreement that the grievant believes to have been violated and a description of how it was violated.

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Commented [JE4]: We will drop 4(f), contingent upon acceptance of longer time period in Step 1(a)

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d. The specific relief sought. e. Signature of grievant, ~~or the (Executive Director, Chapter President) of the NFA,~~ or NFA representative.