
Grievances

Policy Number:	4302
Key Process Area:	Employee Engagement & Culture
Owner:	VP FA
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POLICY STATEMENT

Employees who have a complaint against New Brunswick Community College (NBCC), provisions of a statute, or a regulation, by-law, direction, or other instrument have a process to follow contained in this policy as a mechanism to resolve the complaint by advancing their complaint to various levels in the organization.

PURPOSE

The intent of the grievance process is to provide employees with an administrative process for redress of any matter that is felt by the employee to be the proper subject of a grievance.

SCOPE AND LIMITATIONS

This policy applies to non-union employees. Bargaining employees should refer to the applicable collective agreement.

This policy does not apply to:

- a) a person appointed by the Lieutenant-Governor in Council under an Act of Legislature to a statutory position described in that Act and to whom the Civil Service Act does not apply;
- b) a person locally engaged outside the Province;
- c) a person whose compensation for the performance of the regular duties of their position or office consists of fees of office, or is related to the revenue of the office in which they are employed;
- d) a person not ordinarily required to work more than one-third of the normal period for persons doing similar work;
- e) a person employed on a casual or temporary basis, unless they have been so employed for a continuous period of six months or more;
- f) a person employed by or under the Public Service Labour Relations Board.

1.0 DEFINITIONS

Not applicable.

2.0 IMPLEMENTATION

2.1 Guidelines

Before a complaint becomes an official grievance, the parties to the complaint are encouraged to arrive at a settlement through discussion with their supervisor or manager.

2.2 Scope of Grievance

A non-union employee who feels adversely affected by:

- a) the interpretation or application of a provision of a statute, or a regulation, by-law, direction, or other instrument made or issued by the employer, dealing with terms and conditions of employment, or a provision of the terms and conditions for non-union employees or Management's actions; or
- b) any other occurrence or matter affecting the terms and conditions of employment where there is no other administrative process for redress in or under an Act of the Legislature.

2.3 Process

For grievances which do not relate to classification or to disciplinary action resulting in discharge, suspension or a financial penalty, the process is as follows:

2.3.1 First Level

- a) EMPLOYEE may submit, on the approved grievance form, a statement of the grievance to their immediate supervisor or to the person identified by the employer as the FIRST LEVEL in the grievance process. Such form is to be submitted no later than twenty (20) working days after the day on which the employee was notified orally or in writing, or where they are not so notified, not later than twenty (20) working days after the day on which they first had knowledge of any action or circumstances giving rise to the grievance.
- b) LEVEL I PERSON in the grievance process shall reply to the grievance in writing not later than fifteen (15) working days after the day on which the grievance was presented at that level.

2.3.2 Second Level

- a) EMPLOYEE who does not receive an answer which is satisfactory to them from the first level, may present their grievance on the form prescribed by the employer to the person identified by the employer as the SECOND LEVEL in the grievance process not later than ten (10) working days after the day on which they received a reply to their grievance.
- b) LEVEL II PERSON in the grievance process shall reply to the grievance in writing not later than fifteen (15) days after the day on which the grievance was presented at that level.

2.3.3 Final Level

- a) EMPLOYEE who does not receive an answer to their grievance which is satisfactory to them or who does not receive a reply to this grievance at the second level may proceed in a similar manner and with the same time limits set forth in the second level, above, to present their grievance to the person identified by the employer as the FINAL LEVEL in the grievance process.
- b) FINAL LEVEL PERSON in the grievance process, i.e., the President shall reply to the grievance in writing not later than fifteen (15) working days after the day on which the grievance was presented at that level.

Decisions that are made at the final level of the grievance process, which may not be referred to adjudication, are final and binding. The only grievances that may be referred to adjudication are ones which result from disciplinary action involving discharge, suspension, or a financial penalty.

2.3.4 For non-union employees whose grievance relates to disciplinary action resulting in discharge, suspension or a financial penalty, the process is as follows:

- a) EMPLOYEE may submit on the approved grievance form a statement of their grievance to the person identified by the employer as the FINAL LEVEL in the grievance process, i.e., the President, not later than twenty-five (25) working days after the day on which the employee was notified orally or in writing, or where they are not so notified, not later than twenty-five (25) working days after the day on which they first had knowledge of any action or circumstances giving rise to the grievance.
- b) PRESIDENT shall reply to the grievance in writing not later than sixty (60) working days after the day on which the grievance was presented at that level.

3.0 OTHER RELATED DOCUMENTS

Public Service Labour Relations Act
Public Service Labour Relations