



Policy Number 3.3.10

Chapter: Administration

Title: Grievance Procedures

Division/Department: Administration/Human Resources

Policy Administrator: Human Resources Director

Adoption Date: January 22, 2025

Revision Dates:

1. PURPOSE

Employees of Auraria Higher Education Center (AHEC) are provided with various rights and privileges, including the right to grieve certain employment matters. This policy guides the grievance process at AHEC to assure prompt resolution of complaints and fairness to all concerned. The grievance process is designed to address and resolve problems at the lowest level possible.

2. DEFINITIONS

- 2.1. **Appointing Authority:** The individual with administrative responsibility and authority over hiring and other personnel decisions pertaining to the employee initiating a grievance.
- 2.2. **Exempt Employee:** An employee of AHEC whose position is exempted from the state personnel system in accordance with Colorado Revised Statutes (C.R.S.) § 24-50-135, or who is a temporary employee under C.R.S. § 24-50-114.
- 2.3. **State Classified:** The employment positions and employees within the state personnel system, as defined in C.R.S. Title 24, Articles 50-50.5.
- 2.4. **State Personnel Board Rules (SPB Rules):** The rules promulgated by the State Personnel Board and the State Personnel Director pursuant to the authority granted in Colorado Constitution Art. 12, § 14(3) and C.R.S. 24-50-123. The SPB Rules are codified at 4 Code of Colorado Regulations (C.C.R.) 801-1.

3. PROCEDURES

- 3.1. These grievance procedures apply to all workplace actions for both state classified and exempt (non-classified) employees, except for:

- Disciplinary actions
- Any action that adversely affects pay or status
- Selection disputes
- Performance management disputes that do not result in a disciplinary action
- Coverage designation disputes
- In-range salary movements
- Issues pertaining to leave sharing
- Discretionary pay differentials
- Hazardous duty premium pay

3.2. Deadlines in the Grievance Process

Any of the timeframes for completion of any step or action in the grievance process may be waived or modified if agreed to by both parties, including deferral of action to allow the parties a chance to resolve the issues.

3.3. Initiating a Grievance (All Employees)

3.3.1. To initiate the grievance process, the employee shall notify their supervisor or a superior employee within the employee's chain of command. Such notification may be verbal, but must communicate that the employee intends to file a grievance and initiate the grievance process. A mere complaint by an employee that does not clearly indicate the intention to initiate a grievance is not sufficient.

3.3.2. The employee must initiate the grievance process within ten (10) days from when the employee first knows of the disputed action or occurrence.

3.3.3. A supervisor who receives a complaint from an employee in which the employee clearly communicates that they are initiating a grievance must direct the employee to complete the [AHEC Employee Grievance Form](#) and provide the link to the online form or a printed copy of the form to the employee.

3.4. Step One Discussion (All Employees)

3.4.1. The Step One Discussion shall include the employee and the supervisor or another person within the employee's chain of command.

3.4.2. The Step One Discussion shall include ideas for resolving the matter with fairness to all concerned.

3.4.3. The employee does not have the right to representation during the Step One Discussion.

3.4.4. The Step One Discussion shall occur within fourteen (14) days from the employee initiating the grievance process.

- 3.5. Step One Decision
 - 3.5.1. The employee shall be informed in writing of the Step One Decision by the employee's supervisor or Appointing Authority within fourteen (14) days from the date of the Step One Discussion.
 - 3.5.2. The Step One Decision is binding on the parties unless the employee timely proceeds to Step Two of the grievance process.
 - 3.5.3. The Step One Decision shall state that if the employee initiates Step Two, the employee must provide a written grievance to the Appointing Authority within ten (10) days from receipt of the Step One Decision using the [Grievance Form](#).
 - 3.5.4. The Step One Decision shall identify the employee's Appointing Authority.
- 3.6. Initiating Step Two (All Employees)
 - 3.6.1. To initiate Step Two of the grievance process, the employee shall provide a written grievance to the employee's Appointing Authority using the [Grievance Form](#). The written grievance shall include all the reasons why the employee believes the action or occurrence was improper. Only the issues raised in the written grievance will be considered in subsequent proceedings.
 - 3.6.2. The employee shall initiate Step Two of the grievance process within ten (10) days from receipt of the Step One Decision.
 - 3.6.3. If the Appointing Authority fails to issue the Step One Decision within fourteen (14) days from the Step One Discussion, the employee may initiate Step Two without awaiting the Step One Decision, but shall do so no later than twenty-one (21) days after the Step One Discussion.
- 3.7. Step Two Review (All Employees)
 - 3.7.1. The Appointing Authority will review the grievance at Step Two of the grievance process unless the Appointing Authority appoints another person or a panel to investigate and/or make recommendations regarding the grievance.
 - 3.7.2. The Appointing Authority may delegate the Step Two Decision to another person or a panel other than the employee's immediate supervisor.
- 3.8. Step Two Meeting (All Employees)
 - 3.8.1. The Appointing Authority or delegate will meet with the employee to gather information and/or attempt to resolve the grievance.

- 3.8.2. The Step Two Meeting shall occur within twenty-eight (28) days from the employee initiating Step Two.
 - 3.8.3. The employee may bring a representative, who may or may not be an attorney, to the Step Two Meeting.
 - 3.8.4. AHEC may be represented in the Step Two meeting by the AHEC General Counsel or their delegate.
 - 3.8.5. A representative during the Step Two Meeting may participate and speak during the meeting but the employee is expected to answer any questions and actively participate.
- 3.9. Step Two Decision (All Employees)
- 3.9.1. The Appointing Authority or delegate shall provide a written Step Two Decision to the employee within fourteen (14) days from the date of the Step Two Meeting.
 - 3.9.2. The Step Two Decision is binding on the parties, unless the employee elects to appeal as further set forth below.
- 3.10. Appeal to the State Personnel Board (State Classified Employees Only)
- 3.10.1. The employee shall file an appeal, if desired, to the Board within ten (10) days from receipt of the Step Two Decision.
 - 3.10.2. If AHEC fails to issue the Step Two Decision within forty-two (42) days from the date the employee initiated Step Two, the employee may appeal to the Board without awaiting the Step Two Decision but shall do so within fifty-two (52) days after initiating Step Two.
 - 3.10.3. The Board may exercise its discretion to hear an appeal of a Step Two Decision under the Board Rules for discretionary hearings set forth in 4 CCR 801-1 State Personnel Board Rules and Personnel Director's Procedures, Chapter 8.
 - 3.10.4. A grievance initiated within ten (10) calendar days from the disputed action or occurrence suspends the deadline to file an appeal with the State Personnel Board if the written grievance at Step Two asserts:
 - Discrimination or retaliation in violation of the Colorado Anti-Discrimination Act ("CADA"); or
 - Retaliation in violation of the Whistleblower Act for disclosing protected information.
- 3.11. Appeals (Non-Classified Employees Only)
- 3.11.1. An employee may file an appeal to the AHEC Chief Executive Officer (CEO) within ten (10) days from receipt of the Step Two Decision.

- 3.11.2. If AHEC fails to issue the Step Two Decision within forty-two (42) days from the date the employee initiated Step Two, the employee may appeal to the CEO without awaiting the Step Two Decision but shall do so within fifty-two (52) days after initiating Step Two.
 - 3.11.3. The CEO will review the records and documents from the grievance process through the Step Two decision and may, in the CEO's sole discretion, request further information from the grievant or the Appointing Authority.
 - 3.11.4. The CEO's decision shall be provided to the grievant and the Appointing Authority within 45 days of the filing of the appeal. The decision of the CEO is final.
 - 3.12. Effect of a Separation on a Pending Grievance (State Classified Employees Only)
 - 3.12.1. If a grievant is separated from employment in the state personnel system, any grievance pending at the AHEC level is ended.
 - 3.12.2. If the grievant's employment is restored at AHEC, then the grievant may resume any grievance that had been pending at the time of the separation. To resume a grievance, the restored employee shall notify the supervisor in writing within ten (10) days after the employee's return to work.
 - 3.12.3. A separation does not preclude the State Personnel Board from hearing a discrimination or a whistleblower claim related to the facts underlying a grievance.

4. APPROVAL AND ADOPTION

This Policy has been reviewed and approved by the Board of Directors for the Auraria Higher Education Center.

Date: January 22, 2025

Approved by: */s/ Kate Barton*
Chairperson of the Auraria Board