



MCCC DCE CONTRACT GRIEVANCE PROCEDURES **2013-2016 Collective Bargaining Agreement**

A grievance is an alleged violation of the terms of the collective bargaining agreement. A real or perceived injustice may not necessarily be the basis of a viable grievance. However, there may be alternative means of addressing these issues. Although not mandatory, it is best to discuss your case with your local MCCC representatives prior to filing a grievance. The MCCC DCE grievance Coordinator is also available to review and prepare the grievance in conjunction with the designated MCCC Chapter officers.

Informal Adjustments

Whenever possible, attempt to informally adjust the grievance with the immediate supervisor and/or other relevant college administrators. Be careful of time lines; the 30-day limit still applies unless there is a mutually agreed upon waiver.

Step One – College President or Designee

- 30 Days to file using the grievance form with Human Resources with a copy to the college president and others as noted.
- 30 Days for hearing and decision.
- If denied/no response, file the "Step Two/Mediation Election" form within 20 days of the receipt of the Step One decision. In the event that there is no decision rendered, the appeal to Step Two must be filed within 50 days of filing the Step One grievance.

Step Two – Mediation

- Mediation is a forum where a professional neutral party attempts to resolve the grievance through agreement of the parties.

- Mediation hearing dates are scheduled throughout the year except for July and August. Specific grievances are scheduled for hearing based upon the date received and location.

If not resolved, file a request for arbitration with the MCCC within 10 days of the conclusion of mediation. The MCCC must certify all arbitration requests in order for the grievance to be scheduled for an arbitration hearing.

There are two types of grievances that can only be processed to the level of mediation. One is a grievance that challenges the professional judgment of the college in filling an MCCC Day unit position. However, a grievance alleging a procedural violation of the contract in the filling of a Day unit vacancy can be arbitrated. The other form of grievance that is mediated, but not arbitrated, is non reappointment grievances citing Article 10.03.

Step Four – Arbitration

If certified, the MTA will file demand to arbitrate. The arbitrator's decision is binding on the parties. However, the arbitrator has no authority to arbitrate an affirmative action or discrimination grievance. An arbitrator cannot award punitive damages, require an appointment, or award more than one DCE session salary per violation.

Non-compliance with the grievance procedures will result in the waiving of one's rights.

- Time limits may be extended through mutual agreement; however, oral agreements must be confirmed in writing.
- Grievance contract violations may be added up to the Step Two hearing. Rebuttal evidence may be submitted in mediation and arbitration.
- All reference to "days" is to mean calendar days.
- DCE Grievance forms are found in the DCE contract and on the MCCC website.
- Cases of unlawful discrimination are best handled by the MCAD (Massachusetts Commission Against Discrimination) and the EEOC (Equal Employment Opportunity Commission), a federal agency.
- Cases alleging a violation of public employee labor laws are processed by the Massachusetts Division of Labor Relations.