

# DIVISION OF CONTINUING EDUCATION



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## MCCC DCE CONTRACT GRIEVANCE PROCEDURE

### Informal Adjustments

Although it is not mandatory, attempt to informally adjust the grievance with the immediate supervisor and/or other college administrators. Be careful of time lines; the 30-day limit still applies unless there is a mutually agreed upon waiver.

### Step One - Immediate Supervisor

*(Supervisor: Person whose decision, action or omission gave rise to the grievance.)*

- 30 Days to file with supervisor with copies as indicated on the form.
- 15 Days for hearing and decision.
- If denied or no response, file "Step Two" complaint within 20 days. This is from the date due or received, whichever is sooner.

### Step Two - College President

- 30 Days for hearing and decision.
- If denied/no response, file Request for mediation within 20 days from date due or received, whichever is sooner.

### Step Three - Mediation

Request for mediation are sent to Office of the General Counsel as indicated on the appeal form. If not resolved, file request for arbitration with MCCC within 10 days of the conclusion of mediation.

*Non reappointment grievances citing*

- *Article 10.03 a (unsatisfactory evaluation)*
- *Article 10.03 b (insufficient courses), or*
- *Article 10.03 c (written reasons)*

*follow the same process as regular grievances, except that the final level consists of mediation rather than arbitration. The primary difference is that mediation attempts to bring both sides together rather than to issue a binding award.*

### Step Four - Arbitration

If the arbitration request is certified by the MCCC, the MTA will file a demand to arbitrate. The arbitrators decision is binding on the parties. However, the arbitrator has no authority to arbitrate an incident involving affirmative action, discrimination or a grievance which cites article 10.03. An arbitrator cannot award punitive damages, require an appointment, or award more than one DCE session salary per violation.

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### 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 issues and contract violations may be added through the Step Two hearing. Rebuttal evidence may be submitted in mediation and arbitration.
- All reference to "days" is to mean calendar days.
- The MCCC may file an "unfair labor practice" charge in the event the college does not comply with the grievance procedure.
- Cases of unlawful discrimination are best handled by the MCAD (Massachusetts Commission Against Discrimination) and the EEOC (Equal Employment Opportunity Commission), a federal agency.

The DCE Collective bargaining agreement and grievance forms are available on the MCCC website.

For further information contact Joseph Rizzo, DCE Grievance Coordinator  
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