XVI. EMPLOYEE GRIEVANCE PROCEDURE

Section 1. PURPOSE

The grievance procedure is established to provide a structured process for employees to express their grievances with personnel policies and/or actions that directly affect them, including disciplinary actions taken against them.

It is the intent and desire of the City to resolve grievances informally and as quickly as possible. Supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be some grievances which will be resolved only by this formalized system. The submittal of a legitimate grievance by an employee will in no way adversely affect the employee or his employment with the City.

Section 2. DEFINITIONS/RULES

For purposes of the grievance procedure, the following definitions and rules apply.

DEFINITIONS

A. **Grievance** - shall be a complaint, submitted in writing, arising out of an interpretation or application of a rule/disciplinary action or some condition of employment or a complaint by the public regarding the provision of government services which is deemed unfair/unjust.

B. **Disciplinary action** – is defined as verbal or written reprimands, no-pay suspensions and/or discharges. Employee counselings are not subject to appeal.

C. **Grievant/Appellant** - is a regular employee or a citizen having a complaint.

D. **Day** - shall mean Monday through Friday (working days). Saturday, Sunday, and holidays are excluded unless otherwise noted.

RULES

A. Regular status employees have access to the grievance procedure. Probationary employees and Department Directors do not have access to the grievance procedure.

B. Only unpaid suspensions and discharges can be appealed to the City Manager's level. The decision of the Department Head and/or Human Resources Director on verbal and written reprimands is final and binding.

C. A grievance filed by an employee must be submitted on the designated form, filled out completely, signed, and dated.

D. A discharged employee must submit written notice outlining his grievance and the desired resolution **directly** to the City Manager review/hearing within five working days after receipt of notice of his discharge.

E. A grievance/complaint that is not appealed within the specified time limits shall be deemed permanently withdrawn and settled on the basis of the decision most recently given.

F. The grievance procedure steps and time limits will be strictly enforced. Exception to the order and time limits may be made only with the mutual consent of the City Manager, Department Director, Supervisor, and/or Human Resources Director and the grievant.

G. The City shall not be obligated for retroactive pay covering more than five working days immediately preceding the date of the incident that prompted the grievance/complaint.

H. The City Manager may designate the Human Resources Director or another member of his staff to hear grievances.

I. The Grievance Procedure for represented employees is outlined in the respective collective bargaining agreements.

Section 3. BASIS FOR GRIEVANCE

The grievance procedure is for an individual employee's use to resolve a problem relating to the personnel rules, regulations, and policies of the City or to appeal a disciplinary action. Grievances will not be accepted if filed by one employee on behalf of another, or group actions.

Section 4. MANAGEMENT PREROGATIVES

The following areas of administration are considered prerogatives of management and shall not be a subject of the grievance procedure:

- scheduling and assignment of work, work hours, and work stations.
- establishing work standards and quality.
- size of work force and reorganizations.
- reductions in the work force.
- appropriations and budget.
- scope of work within job classifications.

- performance evaluations.
- salary scales, salary increases, and rates of pay falling within officially established ranges.
- promotions and involuntary demotions or transfers deemed to be in the interest of the City.
- the right to discipline.
- the goals and objectives of the City.

Section 5. GRIEVANCE PROCEDURE STEPS

In order to assure employees that grievances are considered rapidly, fairly, and without reprisal, the following steps are provided for non-substance disciplinary actions (verbal and written reprimands) and substance disciplinary actions (suspensions without pay and discharge from employment).

NON-SUBSTANCE DISCIPLINARY ACTION PROCEDURES – Verbal and Written Reprimands

A. STEP ONE

1. The employee shall submit his written complaint on the appropriate form to the immediate supervisor or the Department Director (if the disciplinary action was issued by the Department Director) **within five working days** of receipt of the disciplinary action (verbal or written reprimands) or his knowledge of the issue which is the subject of the grievance. The written grievance shall contain information relevant to the issues and shall identify the resolution/action requested by the employee.

2. Upon receipt of the written grievance, the supervisor will note the date and time of receipt of the grievance. The supervisor will review the written grievance; meet with the employee, if deemed necessary; and prepare a written response to the grievance **within seven working days** of receipt of the grievance. If the supervisor determines, upon his initial review of the grievance, that the nature of the grievance is such that it cannot be addressed within seven working days (i.e., it is necessary to hold a hearing or to obtain information/statements from other employees/citizens not immediately available, etc.), the supervisor will notify the employee in writing of the need for additional time needed to properly evaluate and respond to the grievance. The supervisor's written notice regarding the need for additional time shall include a specific date by which the complete response will be provided. No response shall take more than ten working days from the date the grievance was received by the supervisor. It is the supervisor's responsibility to conduct any research/meetings, or confer with higher levels of management in cases involving City policies, rules and regulations or employees in other departments/divisions, etc.,

required in order to respond to the grievance and to issue his written response within the seven working days or extended time frame outlined in this section.

B. STEP TWO

1. If the grievance response issued by the immediate supervisor (or the Department Director) in Step One does not resolve the matter to the employee's satisfaction, or if no response is given to the employee within the seven working day time frame or the agreed upon extended time frame (up to ten working days), the employee shall have the right to advance his grievance to the Department Director (if Step One was to the supervisor). The employee shall document the reason for advancing the appeal to the Department Director; i.e., he shall state his disagreement with the proposed resolution or state that no reply was received within the proper time frame.

2. Upon receipt of the grievance from the employee, the Department Director shall meet the same standards and time frames for response as outlined in Step One. The Department Director may conduct his review in conjunction with the Human Resources Director.

3. The decision of the Department Director (and Human Resources Director) will be final and binding for verbal and written reprimands. These reprimands shall not be submitted to the City Manager.

SUBSTANCE DISCIPLINARY ACTION PROCEDURES –Unpaid Suspensions and Discharge

UNPAID SUSPENSIONS

A. STEP ONE

1. The employee shall submit his written complaint on the appropriate form to the Department Director **within five working days** of receipt of the no-pay suspension. The written grievance shall contain information relevant to the issues and shall identify the resolution/action requested by the employee.

2. Upon receipt of the written grievance, the Department Director will note the date and time of receipt of the grievance. The Department Director will review the written grievance; meet with the employee and witnesses/other employees, if deemed necessary; and prepare a written response to the grievance **within seven working days** of receipt of the grievance. If the

Department Director determines, upon his initial review of the grievance, that the nature of the grievance is such that it cannot be addressed within seven working days (i.e., it is necessary to hold a hearing or to obtain information/statements from other employees/citizens not immediately available, etc.), the Department Director will notify the employee in writing of the need for additional time in order to properly evaluate and respond to the grievance. The Department Director's written notice regarding the need for additional time shall include a specific date by which the complete response will be provided. No response shall take more than ten working days from the date the grievance was received by the Department Director. It is the Department Director's responsibility to conduct any research/meetings, or confer with the Human Resources Director in cases involving City policies, rules and regulation, or employees in other departments/divisions, etc., required in order to respond to the grievance and to issue his written response within the seven working days or extended time frame outlined in this section.

B. STEP TWO

1. If the grievance response issued by the Department Director in Step One does not resolve the matter to the employee's satisfaction, or if no response is given to the employee within the seven working day time frame or the agreed upon extended time frame (up to ten working days), the employee shall have the right to advance his grievance to the City Manager. The employee shall document the reason for advancing the appeal to the City Manager; i.e., he shall state his disagreement with the proposed resolution, or state that no reply was received within the proper time frame.

2. Upon receipt of the grievance from the employee, the City Manager or designee will review the proposed resolution(s) from the Department Director's response and shall, within ten working days, review the written grievance, meet with the employee and/or conduct a hearing, as the City Manager deems appropriate; and issue a final and binding written response to the employee within ten working days or at a time specified by the City Manager.

If the grievance was appealed to the City Manager due to lack of action/response within prescribed time frames by the Department Director, the City Manager will process the grievance and will administratively deal with the Department Director's failure to respond in accordance with the time frame requirements outlined herein.

DISCHARGES

The employee shall submit his written complaint on the appropriate form to the Department Director **within five working days** of receipt of the notice of termination. The written grievance shall contain information relevant to the issues and shall identify the resolution/action requested by the employee.

Upon receipt of the grievance from the employee, the City Manager or designee will review the information and documentation that lead to the discharge, and shall, within ten working days, review the written grievance, meet with the employee and/or conduct a hearing, as the City Manager deems appropriate.; and issue a final and binding written response to the employee within ten working days or at a time specified by the City Manager.

Section 6. THE ROLE OF THE HUMAN RESOURCES DIRECTOR

1. The Human Resources Director shall serve as procedural advisor at the request of either the grievant or the hearing officer during each step of the grievance process. The Human Resources Director shall attend the grievance hearings at the request of the grievant or the hearing officer.

2. The Human Resources Department will maintain a file for each grievance brought by an employee. The Department Director or designee is responsible for ensuring that the Human Resources Department is furnished copies of all related documents during the grievance process.