

	Policy: Grievance Procedure & Adverse Action Appeal	Effective Date: May 19, 1992
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	Policy Number: HR-21	Page 1 of 4
	<i>Jerry E. Cox</i> <hr/> Jerry E. Cox, City Manager	<hr/> Human Resources Responsible Party

PURPOSE

It is the policy of the city to provide a just procedure for the presentation, consideration, and disposition of employee grievances. The purpose of this article is to outline the procedure and to assure all employees that a response to their complaints and grievances will be prompt and fair.

Employees utilizing the grievance procedure shall not be subjected to retaliation or any form of harassment from supervisor or employees for exercising their rights under the grievance procedure. Supervisors or other employees who violate this policy shall be subject to disciplinary action up to and including termination from the city.

GRIEVANCE DEFINED

A grievance is a claim or complaint by an employee based upon an event or condition, which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.

PURPOSES OF THE GRIEVANCE PROCEDURE

The purposes of the grievance procedure include, but are not limited to:

- (A) Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
- (B) Encouraging employees to express them-selves about the conditions of work which affect them as employees;
- (C) Promoting better understanding of policies, practices, and procedures which affect employees;
- (D) Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures; and
- (E) Increasing the sense of responsibility exercised by supervisors in dealing with their employees.

PROCEDURE

When an employee or group of employees has a grievance, the following successive steps are to be taken unless otherwise provided. The number of calendar days indicated for each step should be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent. The last step initiated by an employee shall be considered to be the step at which the grievance is resolved. A decision to rescind a disciplinary suspension, demotion or dismissal must be approved by the City Manager before the decision becomes effective.

(A) *Informal resolution.* Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the respective department head and/or Human Resources Director as a resource to help resolve the grievance.

(1) Step 1.

(a) If no resolution to the grievance is reached informally, the employee who wishes to pursue a grievance shall present the grievance to the appropriate supervisor in writing. The grievance must be presented within 15 calendar days of the event or within 15 calendar days of learning of the event or condition. The supervisor shall respond to the grievance within ten calendar days after receipt of the grievance. The supervisor should, and is encouraged to consult with any employee of the city in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent possible.

(b) The response from the supervisor for each step in the formal grievance process shall be in writing and signed by the supervisor. In addition, the employee shall sign a copy to acknowledge receipt thereof. The responder at each step shall send copies of the grievance and response to the Human Resources Director.

(2) Step 2. If the grievance is not resolved to the satisfaction of the employee by the supervisor, the employee may appeal, in writing, to the appropriate department head within ten calendar days after receipt of the response from Step 1. The department head shall respond to the appeal, stating the determination of decision within ten calendar days after receipt of the appeal.

(3) Step 3. If the grievance is not resolved to the satisfaction of the employee at the end of Step 2, the employee may appeal, in writing, to an ad hoc Grievance Advisory Board composed of one employee appointed by the grievant, one by the department head, and one employee appointed by the other two appointees. All appointees shall be neutral and have no previous association with the grievance or its causes. The purpose of the Grievance Advisory Board is to find facts and make a recommendation to the City Manager, including conducting a

Policy No.: HR-21	Policy Name: Grievance Procedure & Adverse Action Appeal	Page 3 of 4
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hearing, if needed. The Board is encouraged to consult with any employee of the city in order to reach a correct, impartial, fair and equitable recommendation. The Board's recommendation shall be in writing and made within 15 calendar days after receiving the appeal. The City Manager shall review the recommendation of the Board and make a final determination of the grievance in writing within ten days of receiving the recommendation. If the City Manager's determination differs from the recommendation of the Board, a reason should be stated in the written final determination. The City Manager's decision shall be the final decision. The City Manager shall notify the City Council of any impending legal action.

(B) *Role of the Human Resources Office.*

(1) Throughout the grievance procedure, the roles of the Human Resources Office shall be to:

(a) Advise parties (including employees, supervisors, and the Grievance Advisory Board members) of their rights and responsibilities under this policy, including interpreting the grievance and other policies for consistency of application;

(b) Be a clearinghouse for information and decisions in the matter including maintaining files of all grievance documents;

(c) Give notices to parties concerning timetables of the process, and the like;

(d) Assist in drafting statements; and

(e) Facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process.

(2) The Human Resources Office shall also determine whether or not additional time shall be allowed to either side in unusual circumstances if the parties cannot agree upon extensions when needed or indicated.

GRIEVANCE APPEAL PROCEDURE FOR DISCRIMINATION

Any applicant for city employment, city employee, or former city employee, who has reason to believe that any employment action, including promotion, training, classification, pay, disciplinary action, transfer, layoff, failure to hire, or termination of employment was based on age, sex, race, color, national origin, religion, creed, political affiliation, or non-job related disability, has the right to appeal such action using the grievance procedure outlined in this article if he or she desires. While such persons are encouraged to use the grievance procedure, they shall have the right to appeal directly to the City Manager or Human Resources Director. An employee or applicant should appeal an alleged act of discrimination within 30 calendar days of the alleged discriminatory action.

Policy No.: HR-21	Policy Name: Grievance Procedure & Adverse Action Appeal	Page 4 of 4
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BACK PAY AWARDS

Back pay and benefits may be awarded to re-instated employees in suspension, demotion, dismissal and discrimination cases.