

GRIEVANCE PROCEDURES



Model Policy

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I. PURPOSE

This department recognizes that every employee has the right to be treated fairly in matters arising from employment in this agency; that each employee should have the opportunity to be heard fully any time his or her right to fair treatment has been violated; and that a carefully designed grievance process can help to reduce personnel dissatisfaction, improve morale, identify problems in the organization, and increase the positive perception employees have of their employment with this department. The purpose of this policy is to provide a procedure whereby employees may resolve certain disputes or complaints concerning their employment.

II. POLICY

Whenever possible, disputes should be resolved informally at the lowest level in the employee's chain of command. All employees, supervisors, and administrators are encouraged to engage in free and open communication to resolve differences without resorting to a formal process. When attempts at informal dispute resolution are unsuccessful, employees may initiate the grievance procedure described herein.

This grievance procedure shall not be used in addition to any other grievance procedures that may be in effect through the governing jurisdiction or an eligible employee's collective bargaining agreement. Under no circumstances shall more than one procedure be used to redress the same grievance. Use of this or other grievance procedures does not preclude employees from seeking legal remedies as appropriate.

III. DEFINITIONS

Eligible Employee: Those persons who can initiate an action under this policy. These are permanent full-time and permanent part-time employees who have worked at least 20 hours per week on a continuous basis for at least six months.

Actionable Grievance: An allegation by an employee relating to employment matters that include, but may not necessarily be limited to, interpretation or application of (1) local, state, or federal employment law; (2) terms and conditions of the employee's collective bargaining agreement; (3) departmental policy, procedures, rules, customs, or practices; or (4) employment rules or practices of this jurisdiction. Grievances may also relate to matters pertaining to improvement or modification in working conditions or to practices or procedures that have a bearing on employee effectiveness, efficiency, safety, or health.

Excluded Grievance: Complaints or disputes arising from the following: (1) complaints related to alleged acts of sexual, racial, or other harassment and discrimination prohibited by law; (2) complaints regarding allegations of misconduct or improper job performance against any department employee that, if true, would form the basis for employee disciplinary action; or (3) retaliation against employees who file or assist in filing complaints in either of the above circumstances. Remedial actions for resolution of these matters are addressed separately in this department's policy manual.

IV. PROCEDURES

A. Informal Phase

1. Employees must make every reasonable effort to resolve grievances in an informal manner before initiating a formal grievance under this policy.
2. Employees shall bring their complaints to the attention of their immediate supervisors within seven days of the specific event or action in question.
3. The supervisor shall determine the basis for and legitimacy of the grievance and take such remedial action as deemed appropriate.
4. The employee may accept the immediate supervisor's findings and resolution, which will terminate the grievance at this informal level.

B. Formal Grievance

1. An employee who believes that he or she cannot adequately resolve a dispute or complaint informally, or who disagrees with the resolution provided by his or her immediate supervisor may file a formal grievance.
2. The formal grievance shall
 - a. be a written notice, filed with the employee's intermediate supervisor or with the grievance hearing officer designated by the department;
 - b. clearly define the situation in question, specifying the wrongful act or situation, the harm done, and the facts upon which the grievance is based;
 - c. describe informal efforts to resolve the grievance; and
 - d. provide the employee's response to the immediate supervisor's decision concerning the grievance.
3. The grievance must
 - a. arise out of an act or failure to act that directly relates to the working conditions of the employee;
 - b. define a matter within the control of the department; and
 - c. identify the relief sought that is within the power of the department to grant.
4. The intermediate level supervisor or grievance hearing officer shall complete his or her assessment of the grievance within seven calendar days and provide a written response to the aggrieved officer, identifying any actions that have been or will be taken to resolve the matter. A copy of this report and all supporting documentation shall be forwarded to the department's office of professional standards or other designated authority.

C. Chief Executive Officer (CEO) Review

1. If the grievant feels the matter is not satisfactorily resolved upon completion of the formal grievance process, he or she may submit a written request for review to the department's CEO or designee within seven calendar days of receipt of the outcome of the grievance process to that point. The request shall include a copy of all previous decisions resulting from the grievance process, as well as a statement of the employee's response to these decisions.
2. The CEO shall meet with the affected employee and a representative of the employee's choosing if so desired to discuss the grievance.
3. The CEO or designee shall provide the grievant with a written response within seven days after the meeting. The response shall state the decision of the CEO and the reasons upon which the decision was based.

D. Procedural Requirements

1. Written responses to grievances shall include
 - a. notation of the time, date, and person who received the grievance;
 - b. analysis of the facts or allegations in the grievance;
 - c. affirmation or denial of the allegations; and
 - d. identification of the remedies or adjustments, if any, to be made.
2. If a grievance is not processed by the aggrieved employee within the specified time limits provided in this policy, the grievance shall be considered void. If the department fails to process a grievance within the time limits specified, the employee may initiate action by proceeding to the next step. However, employees are encouraged to make a reasonable attempt to determine the reason for the delay and determine a mutually agreeable reasonable time continuance.
3. All times specified in this procedure are subject to scheduled vacations, sick leave or other authorized leave necessary for the proper conduct of departmental business. Additionally, involved parties may request one extension not to exceed seven days by providing written notice to the other parties prior to the expiration of the time limit established in the policy.
4. At any time during the grievance process, the employee may withdraw the grievance by making written notification of the withdrawal to all parties involved.
5. This department's CEO shall designate an officer to coordinate grievance procedures as established within these guidelines. This offi-

cer shall also be responsible for

- a. maintaining and controlling all records relating to grievances in a manner that will ensure their confidentiality; and
- b. preparing a written annual report for the chief executive officer that provides an analysis of official grievances filed.

E. Appeal

Once the department's grievance procedure has been exhausted, an employee has the right to present the grievance before an appeal panel and may be assisted by a departmental member of his or her choice. The appeal panel shall consist of appointed representatives from this department's governing jurisdiction, a departmental representative who is responsible for explaining the department's position, and any other employee of the governing jurisdiction who the aggrieved employee may select as his representative. The hearing is informal and no record will be kept of the proceedings, although there is a right to cross-examination. Findings of the appeal panel shall be rendered within 15 days of the hearing and are binding upon all parties involved.

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