

## **ARTICLE VIII. GRIEVANCE AND COMPLAINT RESOLUTION PROCEDURE**

A. The procedure is to be used by employees and management to resolve concerns about the way employees are treated that occur during the course of City business. Such concerns will be processed as either a complaint or a grievance. Employees, supervisory and management personnel are encouraged to contact the Personnel Department for advice, at any point in the process, to facilitate a resolution to the complaint or grievance.

B. A complaint is any concern an employee may have about the terms or conditions of their employment which they want to discuss with supervisory or management personnel. Discussion about an employee's concern is to start with the employee's immediate supervisor. If the employee is not satisfied with the result of the discussion at that level, they may request to meet with the next level of supervision to discuss the concern further. This may include meetings, as may be appropriate, with the employee's division head, department director, and the City Manager. There are no time limits for such discussions to occur. An employee may bypass any level of the complaint process when the complaint involves the supervisor at that level (i.e., the employee's immediate supervisor, the department director, etc.) and it is believed that discussion of the complaint with that supervisor would be ineffective.

C. A grievance involves the application or interpretation of the terms and provisions of these Personnel Policies and Procedures. Grievances will be settled by utilizing Steps 1 through 4 identified below.

D. Grievances involving alleged discrimination or sexual harassment may be filed directly with the Personnel Department.

E. No employee shall be harassed, intimidated or discriminated against as a result of providing information regarding or filing a grievance or complaint. If the employee feels that he or she has been subjected to such treatment, the employee shall have the right to appeal directly to the Personnel Department.

### F. Grievance Procedure

Step 1. Informal If one or more employees have a grievance, the employee(s) will attempt to settle the grievance with their immediate supervisor. This Step of the grievance procedure must be completed prior to proceeding to Step 2. The grievance must be presented to the immediate supervisor within fourteen (14) calendar days of the date on which the cause of the grievance was known to the employee or could reasonably be expected to have been known. If not presented within the required time, the matter will be considered dropped. The immediate supervisor will have seven (7) calendar days to respond to the grievance.

Step 2. Intermediary If no agreement is reached with the immediate supervisor, the grievance may be submitted to the department director, within seven (7) calendar days thereafter. At this Step the grievance must be in writing. The written grievance shall

specify the provision of the Personnel Policies & Procedures violated and the remedy requested. Appropriate documentation must also be submitted. Grievance forms are available from the Personnel Department. The employee(s) may have their representative accompany them in their contact with the department director. The director will respond, in writing, within seven (7) calendar days after the filing of the grievance.

Step 3. Formal In cases where the employee is not satisfied with the decision to a grievance by the department director at Step 2, the following formal grievance process may be invoked.

a. Within seven (7) calendar days of the director's decision, the employee may present a written request for a formal grievance review to the City Manager. All informal and intermediary processes must first be exhausted, except as otherwise set out in this Article. Documentation shall be submitted supporting the employee's position regarding the grievance.

b. The City Manager will, within seven (7) calendar days, respond to a formal grievance by making a determination based on the information presented or by referring the grievance to an administrative hearing. The following will be the administrative hearing process.

- (1) Selection of the Hearing Officer - The administrative hearing officer will be appointed by the City Manager.
- (2) The Personnel Director will schedule the administrative hearing date within five (5) days of the selection of the hearing officer. The administrative hearing will take place as soon as practicable thereafter. With the consent of both the employee and City, the administrative hearing can occur at times other than regular work hours.
- (3) The employee and department will provide the Personnel Director a list of witnesses, including a summary of their testimony, and evidence being presented. Copies of all information and correspondence relating to the grievance must be submitted to the Personnel Director, by both the employee and department director.
- (4) The Personnel Director will have available witnesses and evidence required by the hearing officer. All other witnesses and evidence will be the responsibility of the employee or department director.
- (5) A record will be made of the review hearing.
- (6) The hearing officer will conduct the hearing according to procedures established by the Personnel Department, allowing each side the opportunity to explain their position and present evidence. The hearing officer may make such orders prior to and during the hearing as are necessary to enable

the hearing officer to act effectively.

- (7) Based on the facts presented, the hearing officer will make a recommendation to the City Manager for the resolution of the case within fourteen (14) calendar days following the hearing.
- 8) The City Manager will have final authority to render a decision at this step. The City Manager will notify the employee and the department director of the hearing officer's recommendation and of the City Manager's decision. This notification will occur within fourteen (14) calendar days of receipt of the hearing officer's recommendation.
- (9) All grievance records and correspondence will be maintained in the Personnel Department.

Step 4. Personnel Board Appeal In cases where the employee is not satisfied with the decision to a grievance by the City Manager at Step 3, the following formal grievance appeal process before the Personnel Board may be used. This grievance process shall not apply to cases involving layoff, suspension without pay for more than ten (10) work days, demotion or termination from City service. These grievances would be processed in accordance with Section VIII.G. of this Article.

- a. Requests must be filed in writing with the Personnel Director. If a request for hearing before the Personnel Board is not delivered within fourteen (14) calendar days, the grievance will be considered abandoned.
- b. Within seven (7) calendar days of receipt of the employee's request for a Personnel Board hearing, the Personnel Director will contact the Personnel Board Members to set a hearing date. The hearing will be held in a timely manner. Notice of the time and place of the Board hearing will be given not less than seven (7) calendar days in advance to the employees and the department director. The Board will be furnished all files, depositions and other information requested for use in reviewing the case. Within fourteen (14) calendar days after the hearing, the Board will present their recommendations regarding disposition of the grievance.
- c. Decision of the Personnel Board - The Personnel Board will have authority to decide the facts and to apply and interpret the provisions of the Personnel Policies and Procedures Manual. The Board will have no power to add to, subtract from or modify any of the terms of the Personnel Policies and Procedures. The Personnel Board will have no power to establish or change any wage rates.

G. Cases of non-probationary employees regarding layoff, suspension without pay for more than ten (10) work days, demotion or termination from City service

will be referred directly to the Personnel Board upon the employee's request for such a hearing. The procedure for processing these cases is the same as that identified in Section VIII.F., Step 4 a through c of this Article.

H. Failure of the employee to conform with the time limits specified in this Grievance Procedure will deem the grievance abandoned. Failure of supervision or management to conform with the specified time limits, will allow the grievance to proceed to the next step in the process. To allow for resolution and upon mutual consent of the parties, as evidenced by a written and signed agreement, a time extension may be authorized at any step in the grievance process.

I. The Director may, when unavailable, appoint another person to act in his or her stead, and this person will have full power to act in all matters arising under this Article.

J. Employees who are witnesses or representatives for the grievant will not be compensated for the time spent preparing for the grievance or in a hearing that occurs outside the employees normal working hours. An employee will be compensated, when directed to attend a grievance hearing by the City.