



# Unified Government Human Resources Guide

Effective 04-06-2015

## GRIEVANCE PROCEDURE

- I. General: It is the policy of the Unified Government to provide employees with an internal procedure through which work-related complaints can be presented to management. This procedure encourages fair and equitable treatment and communication in the attempt to reconcile conflicts.
- II. Policy
  - A. Coverage: This Procedure covers only employees not covered separately by a Memorandum of Understanding or other agreement between the Unified Government and a represented group of employees. Also, this Procedure does not cover members of the Chief Executive/Mayor's appointive staff, temporary or summer employees, or probationary employees. This Procedure does cover employees who have been transferred to a new position.
  - B. Definition of Grievance
    1. A "grievance" is a complaint seeking reversal of disciplinary action taken against an employee on the ground that such action was improper. A Grievance may also address working conditions. Grievances complaining of discrimination on the basis of race, color, national origin or ancestry, religion or creed, sex, pregnancy, sexual orientation, gender identity, age, or disability will be heard under the procedure set out in 2.2—Harassment In The Workplace.
    2. A Grievance will not be heard if it pertains to a situation in which the employee has no direct interest, or if it is brought in bad faith.
    3. The Administrator will determine whether a particular complaint may properly be heard under the Grievance Procedure. The Administrator may, by written directive, remove any matter as grievable hereunder.
  - C. Steps of the Grievance Procedure
    - Step 1a. Verbal Step to supervisor: The employee must first verbally explain his/her Grievance to the supervisor within ten working days of the event or within ten working days of the date the employee became aware of the event, whichever is later. Within five working days of the discussion, the supervisor must verbally inform the employee of his/her decision. Every effort shall be made to resolve minor problems at this stage.
    - Step 1b. Written Step to supervisor: If the situation is not resolved, the employee must then obtain a Grievance Report form from Human Resources. The employee must complete the form in his/her own words, stating the facts surrounding the event, including date and time; the policy allegedly violated; and the relief sought. The employee must give the supervisor the appropriate form within five working days after being verbally informed of the supervisor's decision. The supervisor must send a copy of the report



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to the department head within two working days of receipt. The supervisor must also answer the Grievance Report in writing within five working days of receipt.

Step 2a Written Step to division head: If the issue remains unresolved, the employee may appeal the Grievance to the division head (using the same Grievance Report form) within five working days after receiving the supervisor's written answer. The division head shall attempt to resolve the issue and shall answer the Grievance Report in writing within five working days of receipt.

Step 2b Written Step to department head: If the issue remains unresolved, the employee may appeal the Grievance to the department head (using the same Grievance Report form) within five working days after receiving the division head's written answer. The department head shall attempt to resolve the issue by convening a meeting of those involved, if appropriate, and shall answer the Grievance Report in writing within five working days after receipt.

Step 3 Written Step to Administrator: If the situation is not resolved, the employee may appeal the department head's decision to the Administrator within five working days after receiving the department head's answer. Within ten working days of the appeal to the Administrator, the Administrator shall decide whether to hear the appeal or to convene a Grievance Review Board.

District Attorney employee grievances, at this step, shall be heard by the Grievance Review Board following the hearing format below.

Step 4 Hearing

a. By Administrator: The hearing by the Administrator will be held using the Procedure as outlined below, except that the Administrator will be substituted for the Grievance Review Board.

b. By Grievance Review Board

(1) Time for hearing: The hearing will be held within 20 working days after the Administrator's decision to convene a Grievance Review Board.

(2) Attendance: At the hearing, the employer shall be represented by the department head, or his/her designee, and a member of the Unified Government Attorney's staff if the employee bring legal counsel. The employee shall appear on his/her own behalf and, may bring legal counsel or other representative. Such counsel or representative will have the right to fully participate in the hearing on the employee's behalf, including the right to cross-examine



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witnesses. Also present at the hearing shall be a representative of Human Resources to answer any questions.

- (3) Nature of the hearing: Informal
- (4) Agenda
  - (a) Introductions by Chairperson of the Grievance Review Board
  - (b) Statement by employee from the Grievance Report explaining the Grievance and the requested remedy
  - (c) Statement by employer or representative explaining employer's position
  - (d) Grievant's evidence (with opportunity for cross-examination)
  - (e) Employer's evidence (with opportunity for cross-examination)
  - (f) Grievant's rebuttal
  - (g) Employer's (supervisor's) rebuttal
  - (h) Questions from the Grievance Review Board: The Board may question any witness at any time, and may request that additional information be provided.
  - (i) Adjournment: The Grievance Review Board will confer to decide, based on facts contained in the record in light of departmental rules and Unified Government policies.
- (5) Report and recommendation: The Grievance Review Board shall issue findings of fact and recommendations to the Administrator within 15 working days of the conclusion of the hearing.

Recommendations by the Grievance Review Board involving District Attorney employees shall be forwarded to the District Attorney and County Administrator for consideration and final determination. This represents the final step in the Grievance Procedure for District Attorney employees.

## Step 5

Review by the Administrator: The Administrator shall consider the Grievance Review Board's findings and shall make a final determination within 15 working days after receipt of the Board's recommendation. The Administrator's office will provide a copy of the completed Grievance Report form with his/her final decision to the employee, Grievance Review Board members, the employee's department head, the Director of Human Resources and the Unified Government Attorney.



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## III. General Provisions

- A. **Retaliation:** This Procedure shall be used by employees without fear of retaliation. The Unified Government will take no adverse employment action against any employee on the grounds that the employee has filed a Grievance or has assisted in the Grievance of another employee.
- B. **Confidentiality:** A grievance proceeding shall be kept confidential to the extent reasonably possible.
- C. **Compensation for hearing time:** Time spent in a Grievance hearing is considered as any other hour worked for pay. If a grievant has been separated from employment, however, he/she will not be paid for the hearing time.
- D. **Failure to pursue Grievance to next level:** If an employee fails to initiate the next step of the Grievance Procedure within the specified time, the Unified Government will consider the Grievance settled in it's favor. If the supervisor, division head, or department head fails to answer the employee within the specified time, the Grievance shall automatically advance to the next step in the Procedure.
- E. **Time limits:** At any time, for good cause, the Administrator may extend the time limits as necessary.
- F. **Recording of hearings:** Grievance Review hearings will be tape-recorded. The tapes will be kept in the Clerk's office for a period of three years following the hearing. Grievants may request copies of the tapes, at grievant's expense.
- G. **Majority rule:** If the Grievance Review Board cannot come to a unanimous decision, the simple majority will rule.
- H. **Composition of the Grievance Board**

The Administrator shall appoint three employees to serve as the Grievance Board. The three Board members will then designate a chairperson and a recorder. The chairperson will schedule and chair the hearings, and the recorder will take notes. At the end of the deliberations, the chairperson will report the Board's findings of fact and conclusions to the Administrator.

- I. **EMPLOYEES REMAIN "AT WILL":** THIS PROCEDURE IS NOT MEANT TO IMPLY ANYTHING OTHER THAN AN "AT WILL" RELATIONSHIP BETWEEN THE UNIFIED GOVERNMENT AND ITS EMPLOYEES. THE UNIFIED GOVERNMENT MAY TERMINATE AN EMPLOYEE'S EMPLOYMENT BY THE UNIFIED GOVERNMENT AT ANY TIME, FOR ANY REASON. LIKEWISE, A UNIFIED GOVERNMENT EMPLOYEE MAY TERMINATE HIS/HER EMPLOYMENT WITH THE UNIFIED GOVERNMENT AT ANY TIME, FOR ANY REASON.



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RELATED POLICIES: 2.2 Harassment In The Workplace

RELATED FORM(S): Grievance Report Form