

RULE 18 - GRIEVANCE PROCEDURES

Section 1. Purpose

- A. To assure employees that their complaints, grievances, and recommended resolutions will be considered fairly, rapidly and without reprisal, coercion or discrimination.
- B. To determine what is right, rather than who is right, and to provide for the objective consideration of employee problems.
- C. To establish uniform policies and procedures in handling employee grievances.
- D. To outline the respective rights and obligations of all employees in hearing and resolving complaints and/or grievances on matters for which an appeal or hearing is not provided by other regulations.
- E. To provide a systematic means for obtaining further consideration of problems after every reasonable effort has failed to resolve them through discussion between the employee and the employee's supervisor.
- F. To provide that all complaints and/or grievances shall be settled as near as possible to the point of origin.
- G. The provisions of this rule shall apply to all employees including those on probation and those listed in Rule 1, Section 5A, (4) and (5).

Section 2. Definition of a Grievance

A grievance is a circumstance, other than wages, policies and procedures established by the Personnel Rules, which an employee believes to be unfair and is adversely affecting the employee's working conditions.

Section 3. Time Limit for Presenting Grievances

No grievance shall be considered if more than 15 workdays have elapsed from the date of the circumstance which gave rise to the grievance or from the date when the employee should reasonably have known of the circumstance.

Section 4. Procedure

- A. If an employee feels that grounds for a grievance exist, the situation must first be discussed with the immediate supervisor. If the problem is not resolved with the

immediate supervisor by discussion then the employee must put the grievance in writing on the form provided for filing grievances, if the employee wishes to pursue the grievance further. Both the oral discussion and filing of any written grievance, as appropriate, must be completed within the 15 workdays specified in Section 3 of this Rule. The forms are available in the Human Resources Office, and the Human Resources Director will provide procedural assistance when requested.

- B. The employee must file the written grievance form with the immediate supervisor. The supervisor shall return the written grievance form to the employee within 5 workdays with the supervisor's written response to the employee's grievance. A copy shall be filed with the Human Resources Director.
- C. If the employee is not satisfied with the immediate supervisor's response and desires to pursue the grievance further, the grievance form must be submitted within 5 workdays to the Department Director of the employee's department. In submitting the grievance to the next level, the employee must include facts and reasons on the grievance form as to the reasons the supervisor's response was unacceptable to the employee.
- D. The Department Director shall return the grievance form to the employee within 5 workdays of the Department Director's receipt of it. It shall contain the Department Director's written response to the employee's grievance. A copy shall be filed with the Human Resources Director.
- E. If the employee is not satisfied with the Department Director's response, the employee shall submit the grievance form within 5 workdays to the City Manager, if the grievance is to be pursued further. In submitting the grievance to the next level, the employee must include facts and reasons on the grievance form as to the reasons the Department Director's response was unacceptable to the employee.
- F. If the immediate supervisor or the Department Director fails to respond in writing within the 5 workdays, the employee may go to the next step of the procedure without waiting.
- G. Any or all of the time limits mentioned in this Section may be extended by mutual written agreement of the parties involved in that step.
- H. Department Director's may request approval from Human Resources to establish an additional step in their Department to permit Division Managers to review and respond to grievances. If approved, employees will be required to submit any written grievance to the Division Manager before submitting it to the Department Director. If the employee is not satisfied with the Division Manager's response, the employee may submit the grievance to the Department Director and include on

the grievance form the facts and reasons why the employee does not agree. The provisions of Section 4D, E, F and G will then be followed if the employee files with the Department Director.

Section 5. City Manager's Action

- A. The City Manager shall do one of the following:
 - 1. Within 5 workdays from the receipt of the grievance at the City Manager's level, the City Manager shall render a written decision to the employee on the grievance form the employee originally submitted. There is no further administrative appeal beyond the Manager's written decision on the grievance; or
 - 2. The City Manager shall, within 3 workdays, call for a meeting of the Review Committee. The Committee shall review the grievance and within 10 workdays render a written recommendation based on its findings to the City Manager on the grievance, using the employee's original grievance form.
- B. The City Manager shall respond within 5 workdays from the receipt of the Review Committee's recommendations and give a written decision to the employee. There is no further administrative appeal beyond the Manager's written decision on the grievance.
- C. A copy of the Manager's final decision shall be filed with the Human Resources Director.
- D. The City Manager may extend the time limits in this section by giving written notice to the employee.

Section 6. Grievance Review Committee

- A. If the City Manager refers the grievance to a review committee, the committee shall be composed of 3 regular full-time City employees and chosen as follows:
 - 1. One member selected by the employee who filed the grievance.
 - 2. One member selected by the Department Director of the employee who filed the grievance.
 - 3. One member appointed by the President of the Employee Council.
 - 4. The three members shall select one member to serve as president.

- B. No employee involved in the grievance shall be a member of the review committee.
- C. The Grievance Review Committee may only be convened at the call of the City Manager.

Section 7. City Time for Processing Grievances

Employees shall be allowed to confer with the Human Resources Director and an Employee Council representative regarding the grievance procedure on City time, but only after requesting and receiving permission from the immediate supervisor. Reasonable requests shall be granted but in no case shall the request interfere with the employee's assigned work.

Section 8. City Time for Serving on Grievance Review Committee

Employees selected to serve on Grievance Review Committees shall be allowed to do so whenever scheduled by the President of the Review Committee. Employees shall be granted compensatory time, if eligible, or follow the normal practices of the Department when they are required to attend Grievance Review Committee meetings during other than their normal shift.

Revised – May, 2015 – Resolution No. 4847