

City of Sterling Personnel Policies

Effective Date:	March 24, 2018	# of Pages: 3/
City Manager Approval	<i>Jonathan J. Colery</i>	Date <i>3/12/2018</i>

CHAPTER 9

GRIEVANCES

It is the intent of this chapter to provide guidelines for processing and reviewing an employee grievance. It does not create a vested employee right or contractual obligation to continued employment.

SECTION 1 - GRIEVANCE POLICY

It is the policy of the City to encourage City employees to air grievances/complaints which they might have either in an informal manner or through a formal resolution process. The most effective accomplishment of the work of the City requires prompt consideration and equitable adjustment of employee complains informally, and both supervisors and employees shall make every effort to resolve problems as they arise. However, it is recognized that there may be situations which will only be resolved through a formal grievance/complaint and review process.

The City encourages employees and supervisors to openly and constructively discuss the issues and mutually formulate a resolution within City and Departmental Policies and operational guidelines. By working cooperatively to resolve issues as they arise, employees and the City can improve and enhance the work environment.

SECTION 2 - GRIEVANCE DEFINITION

A grievance shall be defined as a written expression of dissatisfaction by a regular employee related to the terms and conditions of employment, work relationships, oral warnings or written reprimands, requests for a reasonable accommodation under the American with Disabilities Act (ADA), or the interpretation or application of policies rules or regulations adopted to cover the City's personnel practices.

Complaints arising from the following actions will not be accepted or processed under this procedure:

- The selection or hiring of an applicant;
- A claim of Sexual Harassment or Discrimination (Chapter 15 of this manual);
- A disciplinary action which involves suspension without pay, demotion, or dismissal;
- Layoffs due to reduction in force, departmental/divisional reorganization due to economic conditions; or
- Management's prerogative to assign reasonable duties and responsibilities to employees.

All complaints or problems will be handled upward through supervisory channels. No employee will process any complaint or grievance outside the procedure set forth herein. Taking complaints directly to the City Manager or a member of the City Council without an attempted resolution through the grievance process is prohibited under most circumstances and may be grounds for disciplinary action.

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SECTION 3 - GRIEVANCE/COMPLAINT PROCESS

Note to Employees: Through the remainder of this chapter a working day shall be defined as a regularly scheduled and observed working day Monday through Friday from 8:00 a.m. to 5:00 p.m. regardless of an employee's work period, regular schedule, etc.

It is important to note that a supervisor may not be capable of enacting the changes necessary to resolve a grievance/complaint. If this be the case, it may require a supervisor's consultation with their respective Department Head to formulate a resolution and dictate the grievance/complaint to be passed on to the Department Head for a formal resolution. This would be the case if a resolution required adjustment to Departmental Policies and operation guidelines. So for the employee it is important to fully, clearly and concisely define the grievance/complaint.

A. Informal Resolution

Employees shall first attempt to resolve complaints, misunderstandings, or grievances with the immediate supervisor through informal meetings and discussions. The informal review process may take many forms, but will require the employee to define the grievance/complaint/disputed situation fully, clearly, and concisely. This may require the employee to submit the grievance in writing on forms available in the Human Resource Office. Even in an informal resolution process it is important to clearly and concisely define the disputed situation, preferably in writing, as well as any agreed to modifications, alterations which settle the dispute.

Resolved - Any agreed to resolution whether reached in an informal or formal review process shall be submitted in writing to the Human Resource Director. This written resolution shall include both the supervisor's and employee's signatures and dates.

Unresolved - If a situation remains unresolved after informal resolution attempts, or if an employee or supervisor feels it is inappropriate to address an issue formally, they will then notify their respective department head. This begins the formal resolution process.

B. Formal Resolution

Non-introductory, non-probationary, regular employees may request a formal grievance process in the event that a grievance cannot be resolved informally by the immediate supervisor or if the employee wishes to by-pass the informal grievance resolution process. Eligible employees must submit the original unresolved grievance/complaint with any attempted resolutions within the specified time limitations found in the following Department Head Review and City Manager Review parts 1. and 2. respectively.

At any time during the formal resolution process, if the time limit for responding to a supervisory recommendation is not met by an employee, the supervisors' recommendation to resolve the dispute shall become the final resolution to the grievance and further proceedings waived and forfeited. If a department head fails to respond to the grievance in the specified amount of time, the supervisor's resolution shall be deemed as the final Departmental resolution and the employee may proceed to request a City Manager Review of the grievance/complaint. The grievance process is an internal administrative review of a contested situation and as such is closed and as confidential as possible with findings made during the process not normally subject to public release.

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1. Department Head Review

- a) **Request** - A request for a formal grievance/complaint review and resolution shall be made by an employee utilizing the appropriate form and submitted either within ten (10) working days of the occurrence of the action or activity giving rise to the grievance or five (5) working days after an employee receives a written supervisory resolution attempt. The original grievance must be submitted to the employee's Department Head, with the Department Head making copies available to the Human Resource Director and the supervisor(s) involved in the unsuccessful informal resolution attempt.
- b) **Review** - The Department Head shall meet with the aggrieved employee and supervisory staff to discuss the grievance and attempted resolution. Such a meeting will occur within five (5) working days of the receipt of the written grievance.
- c) **Resolution/Findings** - The Department Head reviewing the grievance shall respond to the employee in writing within (5) working days of the review meeting. The response shall contain the finding(s) of the Department Head regarding the grievance and proposed resolution if applicable and also indicate the opportunity to pursue the grievance/complaint further through the City Manager Review.

2. City Manager Review

- a) **Request** - An employee desiring a further review of the grievance may submit the original grievance and the findings of the Department Head or any previous resolution attempts to the Human Resource Office within five (5) working days of the receipt of the response of the Department Head. The Human Resource Offices shall route the employee's request to the City Manager.
- b) **Fact Finding (Optional)** - The City Manager may assign the Human Resource Director or the City Manager's designee to conduct a fact-finding study of the grievance. Such fact-finding study shall be completed and the results submitted in writing to the City Manager within ten (10) working days of any such assignment. The scope and form of such a fact finding assignment shall be left to the discretion of the individual responsible for conducting such, unless otherwise detailed by the City Manager.
- c) **Review** - The City Manager will review the grievance and other pertinent information and may meet with the employee and department head individually or as a group to discuss and further attempt to resolve the dispute. The scheduling of meeting times and dates will be the responsibility of the City Manager.
- d) **Resolution/Findings** - Upon completion of the review process The City Manger shall render a decision resolving the grievance/complaint. This decision shall be final and not subject to further review. The written original decision of the City Manager shall be furnished to the employee.

Copies of all written grievance determinations, whether resolved by the Department Head or the City Manager as provided herein above, shall be submitted to the Human Resource Office to remain on file for an indefinite period of time.

SECTION 4 - NO PREJUDICE CLAUSE

The filing of a legitimate grievance/complaint by any employee pursuant to these rules shall in no way jeopardize the employee with regard to his employment with the City. Retaliation against an employee for filing a legitimate grievance is strictly prohibited.