

# **CHAPTER 12 - GRIEVANCE PROCEDURE**

## **SECTION A      PURPOSE**

The purpose of this procedure is to provide an orderly method for resolving grievances.. The employee must make a determined effort to settle any such differences at the lowest possible level in the grievance procedure.

## **SECTION B      GRIEVANCE DEFINED**

A grievance is a dispute or disagreement arising between the employee and the County in regard to the interpretation or application of County rules, policies, and procedures. Specifically excluded from further recourse to the grievance procedure are grievances that have been processed and decided; grievances not presented within the time limits that were previously established. Oral warnings, written reprimands, transfers, and job abandonment are not grievable.

## **SECTION C      WHO MAY GRIEVE**

Any employee who believes he/she has a grievable dispute as defined above which directly affects the employee has the right to file a grievance. Probationary employees do not have the right to grieve dismissal or the imposition of continued probation.

## **SECTION D      TIME LIMITS**

In order to maintain good employee relations and employee morale, it is important that grievances be handled promptly and fairly. If an employee fails to submit a grievance within the time schedule in the steps below, the employee waives his/her right to grieve. If the Employing Official fails to respond within the time limits established in the steps below, the next step in the grievance process shall apply. If mutually agreed upon, the time limits established in the steps below and any individual step in the grievance procedure may be waived. Where time limits are expressed in working days, “working days” means Monday through Friday, excluding holidays.

Note: The Employing Official should work with the Human Resources Department at Step 1 and Step 2 of the Grievance Procedure.

## **SECTION E      PROCEDURE**

Step 1 - Oral Discussion: Within 10 working days of the occurrence which gave rise to the grievance, or within 10 working days after the employee becomes aware of the situation giving rise to the grievance, the employee is required to discuss the grievance with his or her immediate supervisor. The immediate supervisor shall notify the employee of his/her decision within 10 working days after the discussion with

the employee, or the grievance shall be deemed denied. The employee may elect to bypass step one, and proceed directly to step two within 10 working days.

Step 2 - Written Grievance: If the employee believes the matter has not been settled or cannot be adjusted to his/her satisfaction by the immediate supervisor, the employee is required to present his/her grievance in writing to his/her Employing Official within ten (10) working days after the receipt of the response or expiration of the time frame for response or if the employee elects to bypass step one. The written grievance is to include the following:

- a. The facts upon which the grievance is based.
- b. Reference to the rules, policies, or procedures alleged to have been violated.
- c. The remedy sought.

Upon receipt of the grievance, the Employing Official shall review the grievance along with all documents and evidence provided, and may if deemed appropriate meet with the employee and supervisor. The Employing Official shall provide a written response within ten (10) working days of receipt of the employee's written grievance.

Step 3 - County Administrator: If the employee believes the matter has not been settled or adjusted to his/her satisfaction by the Employing Official, the employee may grieve the matter to the County Administrator. Provided, however, that in no case shall the County Administrator hear non-wage related grievances brought by employees in Elected Official departments. The employee is required to submit a written grievance to the County Administrator within ten (10) working days of the written response of the Employing Official. The County Administrator shall set a mutually agreed upon date for the hearing preferably within 15 working days of receipt of the grievance. The County Administrator shall hear the grievance and receive all documentation submitted during the grievance process from both parties. In addition, either party may submit oral or written evidence limited to the subject matter of the grievance as originally filed. The County Administrator shall issue a written decision within ten (10) working days of the hearing.

The County Administrator may appoint a hearing examiner to hear the grievance and render a decision on his/her behalf.