

# Section 3: Compensation & Performance

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## Policy #5: Grievances

Effective Date: July 1, 2011

### I. Purpose

The purpose of the grievance policy is to:

- A. Provide employees with a policy by which their complaints can be considered promptly, fairly, and without reprisal;
- B. Encourage employees to express themselves about the conditions of work which affect them as employees;
- C. Promote better understanding of policies, practices, and procedures which affect employees;
- D. Increase employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures;
- E. Increase the sense of responsibility exercised by supervisors in dealing with their employees; and,
- F. Provide employees with a procedure by which they may appeal disciplinary actions which have been taken against them.

### II. Scope

This policy shall apply to all applicants for employment and persons holding a paid position as an employee of the Town, except the Town Manager, Town Attorney, a member of any appointed or volunteer board or committee, or any others that may be hired or appointed by the Town Board. For this purpose, and subject to the exceptions set out herein, Town employees shall be defined as those employees in departments and offices for which the Town Board serves as the final budget authority.

### III. Background

None

### IV. Definitions

- A. Grievance - a claim or complaint by an employee based upon an event or condition, which affects the circumstances under which an employee works,

allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.

**V. Legislation**

None

**VI. Policy**

It is the policy of the Town to provide a just procedure for the presentation, consideration, and disposition of employee grievances. Employees utilizing the grievance procedure shall not be subjected to retaliation or any form of harassment from supervisors or employees for exercising their rights under the grievance procedure. Supervisors, or other employees who violate this policy, shall be subject to disciplinary action up to and including termination from the Town.

**VII. Provisions**

When an employee has a grievance, the following successive steps are to be taken unless otherwise provided. The number of business days indicated for each step should be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent. The last step initiated by an employee shall be considered to be the step at which the grievance is resolved. A decision to rescind a disciplinary suspension, demotion or dismissal must be approved by the Human Resources Director before the decision becomes effective.

**A. Grievance Process**

**1) Step 1 - Informal Resolution**

Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the respective Department Director as a resource to help resolve the grievance. If the grievance is to be filed with and considered by the Department Director, the Pre- Disciplinary Conference shall satisfy the Informal Resolution.

**2) Step 2 - Supervisor**

If no resolution to the grievance is reached informally, the employee who wishes to pursue a grievance shall present the grievance to the appropriate supervisor in writing. See Section C below for guidance on a written grievance. The grievance must be presented to the supervisor within ten business days of the event or within ten business days of learning of the event or condition. The supervisor shall respond to the grievance within ten business days after receipt of the grievance. The supervisor should, and is encouraged to, consult with any employee of the Town in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the supervisor is required to

cooperate to the fullest extent possible. The response from the supervisor for each step in the formal grievance process shall be in writing and signed by the supervisor. In addition, the employee shall sign a copy to acknowledge receipt thereof. The responder at each step shall send copies of the grievance and response to the Human Resources Director.

3) Step 3 – Department Director

If the grievance is not resolved to the satisfaction of the employee by the supervisor, the employee may appeal, in writing, to the appropriate Department Director within ten business days after receipt of the response from Step 2. The Department Director shall respond to the appeal, stating the determination of decision within ten business days after receipt of the appeal.

4) Step 4 – Town Manager

If the grievance is not resolved to the satisfaction of the employee at the end of Step 3, or if the initial grievance is filed with and considered by the Department Director, the employee may appeal, in writing, to the Town Manager within ten business days after receipt of the response from Step 3. The Town Manager shall respond to the appeal, stating the determination of decision within ten business days after receipt of the appeal. The Town Manager's decision shall be the final decision. The Town Manager would notify the Board of Commissioners of any impending legal action.

B. Grievance and Adverse Action Appeal Procedure for Discrimination

When an employee, former employee, or applicant, believes that any employment action discriminates illegally (i.e. is based on age, gender, race, color, national origin, religion, creed, political affiliation, or non-job related disability), he or she has the right to appeal such action using the grievance procedure outlined in this policy. While such persons are encouraged to use the grievance procedure, they shall also have the right to appeal directly to the Human Resources Director. Employment actions subject to appeal because of discrimination include promotion, training, classification, pay, disciplinary action, reduction in force, failure to hire, or termination of employment. An employee or applicant should appeal an alleged act of discrimination within thirty calendar days of the alleged discriminatory action, but may appeal for up to six months following the action.

C. Written Grievance Guidance

Generally, the following information should be included in a written grievance:

- 1) Name of respondent
- 2) Description of the specific incident forming the basis of the grievance (date, circumstances, parties involved)
- 3) An outline of the steps taken so far to resolve the matter
- 4) Desired outcome
- 5) Any additional information and/or documentation relevant to the grievance

D. Back Pay Awards

Back pay and benefits may be awarded to reinstated employees in suspension, demotion, dismissal and discrimination cases.

**VIII. Authorization**

Approved by:

*Erskine Smith*

Town Manager

*July 1, 2011*

Date