

PERSONNEL RULES

RULE 13 - EMPLOYEE GRIEVANCE PROCEDURE

13.1 DEFINITION, SCOPE, AND RIGHT TO FILE

13.1.1 A grievance is a claimed violation, misinterpretation, inequitable application or non-compliance with provisions of a County:

- 1) Collective bargaining agreement,
- 2) Ordinance,
- 3) Resolution,
- 4) Written Rule,
- 5) Written Regulation,
- 6) Written Policy.

13.1.2 The following are not grievable through this process:

- 1) Matters, such as Disciplinary Actions and Performance Evaluations, reviewable under some other established County administrative appeal procedure.
- 2) Employment examinations
- 3) Appointments to a position
- 4) The Board of Supervisors exercise of legislative or judicial authority and the authority to appropriate funds and adopt the budget
- 5) Discrimination complaints reviewable under the County's discrimination complaint procedure.

13.1.3 A grievance may be filed by an employee in his own behalf, or jointly by any group of employees. At the employee's request, a union representative may assist in the preparation of the grievance during non-work time.

13.2 DISCRIMINATION COMPLAINTS

If a complaint alleges discrimination, the Human Resources Director shall be immediately informed and, upon completion of his investigation and review, shall advise the County Administrative Officer (CAO), the department and the employee of the resolution of the complaint.

13.3 TIMELINES FOR FIRE PERSONNEL

The provisions of this article when applied to Fire fighter personnel who work 24 hours shifts or 48 hour tours of duty shall be converted to calendar days such that for every 5 work days applied to 40 hour employees shall be converted to 8 calendar days a ratio of 1:1.6.

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13.4 INFORMAL GRIEVANCE

- 13.4.1 Within five (5) work days of the event giving rise to the grievance, the grievant shall present the grievance informally for disposition by the immediate supervisor or at any appropriate level of authority within the department. The immediate supervisor (or other appropriate level of authority) shall respond informally within five (5) work days.
- 13.4.2 Except as provided in 13.2 above, presentation of an INFORMAL grievance shall be a prerequisite to the institution of a formal grievance.

13.5 FORMAL GRIEVANCE

13.5.1 If the grievant believes that the issue(s) of the grievance have not been resolved within five (5) work days of the informal presentation he may initiate a formal grievance within five (5) work days thereafter. A formal grievance can be initiated by completing and filing a County Employee Grievance Form with the Human Resources & Development Department. The form shall contain:

- 1) Name(s), class title(s), department(s) and mailing address(s) of the grievant(s),
- 2) A clear statement of the nature of the grievance (citing the applicable ordinance, rule, regulation, or contract language),
- 3) The date upon which the event giving rise to the alleged grievance occurred,
- 4) The date upon which the informal discussion with the supervisor or Human Resources Officer took place,
- 5) A proposed solution to the grievance,
- 6) The date of the execution of the grievance form,
- 7) The signature of the grievant(s),
- 8) The name of the organization, if any, representing the grievant followed by the signature of the organization's representative.

13.5.2 Step 1

Within ten (10) working days after a formal grievance is filed, the Supervisor or Manager shall investigate the grievance, confer with the grievant in an attempt to resolve the grievance, and make a decision in writing. The department head may first seek to resolve the issue(s) through a meeting including the grievant and such staff as the grievant's supervisor, a manager of that supervisor and/or a department Human Resources specialist.

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13.5.3 Step 2

- a) If the grievance is not resolved in Step 1 to the satisfaction of the grievant, he may, within not more than five (5) work days from his receipt of the Supervisor's or Manager's decision, request consideration of the grievance by the Appointing Authority, by so notifying the Human Resources & Development Department in writing.
- b) Within ten (10) work days after such notification, the Appointing Authority shall commence investigation of the grievance, confer with the grievant and other persons affected and their representatives (if any) to the extent he deems necessary, and render a decision in writing.
- c) If the written decision of the Appointing Authority resolves the grievance to the satisfaction of the grievant, it shall end the grievance process.

13.5.4 Step 3

- a) A final appeal may be filed by the grievant, in writing, with the Human Resources & Development Department not more than five (5) work days from receipt of the Administrative Officer's decision.
- b) The grievance will be reviewed by the Grievance Panel consisting of one County employee selected by the grievant, one person appointed by the department and one member appointed by the Board of Supervisors. The Board appointed member shall chair the committee.
- c) Failure on the part of the County or the grievant to appear before the Grievance Panel, without good cause as determined by the Panel Chairman, shall result in forfeiture of the case.
- d) The decision of the Grievance Panel shall be made in writing within thirty (30) calendar days after the conclusion of the appeal hearing. The decision of the Grievance Panel shall be final and binding on all parties, subject to ratification by the Board of Supervisors if the decision requires an unbudgeted expenditure.

13.6 GENERAL CONDITIONS

- 13.6.1 The Human Resources & Development Department shall act as the central repository for all grievance records. The Human Resources & Development Department will be sent a copy of the decision at each level or step.
- 13.6.2 Any time limit may be extended only by mutual agreement in writing.
- 13.6.3 An aggrieved employee may be represented by any person or by the organization certified as the representative for the Representation (Bargaining) Unit in which the aggrieved employee is included. The representative shall be a non-attorney lay advocate unless otherwise mutually agreed in advance that both parties may be represented by attorneys. The representative is entitled to be present at all formal meetings, conferences and hearings pertaining to the grievance.

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- 13.6.4 At any level, in order to provide a timely and appropriate response, the named County official may delegate the handling of the grievance.
- 13.6.5 At any level, should either party raise a procedural issue such as, but not limited to, whether the other party filed or responded in a timely manner or whether a particular issue falls within the jurisdiction of the grievance procedure; the County Administrative Officer (CAO), or his designee, shall meet with the parties within five work days solely to hear and rule on the procedural issue(s). The CAO will issue his ruling within five (5) work days. The decision of the CAO shall be final and binding on all parties.
- 13.6.6 The processing of an appeal shall be considered County Business with the aggrieved employee and the representative (if a County employee) receiving reasonable release from duty for this purpose without loss of pay.