

# **CITY OF COMMERCE ADMINISTRATIVE POLICIES**

## **GRIEVANCE PROCESS**

### **1.0 PURPOSE**

It is the purpose of this Administrative Policy to assure City employees that their work related grievances will be treated in a fair and timely manner; and to facilitate free discussions of employment and employee problems between employees and supervisors so as to foster better understanding of administrative policies, procedures and practices; and to promote reaching the right decision (rather than determining who is right) in a climate of mutual understanding and objective, factually-based thinking; and to assure that both those who file grievances and this grievance policy and procedure is not abused or arbitrarily interfered with. This grievance policy and procedure is intended to achieve purposes stated herein; however, it is not intended to and does not create any property right. This policy may be modified, amended or eliminated at the discretion of the employer. Nothing herein will modify or limit the at-will employment status of employees.

### **2.0 POLICY**

It is the administrative policy of the City of Commerce that:

- 2.1 This grievance procedure be available to all employees of the City of Commerce;
- 2.2 All employees involved in processing a grievance will work diligently to insure that all grievances are handled fairly and expeditiously and that all required deadlines are met;
- 2.3 Every effort be made to resolve grievances at the lowest possible level in the City organization;
- 2.4 No employee will be discriminated against or retaliated against in any way as a result of using this procedure;
- 2.5 Department Directors will be responsible for the administration of this procedure within their respective departments.

### **3.0 GENERAL PROVISIONS**

- 3.1 Grievances may be initiated only by the employee concerned and may not be pursued without the affected employee's consent.

- 3.2 Grievances must be initiated in writing within thirty (30) calendar days from the date of the act or from the date the employee became aware of the occurrence. Repeated filing of grievances concerning the same issue which has been denied will not be permitted.
- 3.3 Supervisors hearing a grievance are urged to call upon the Director of Administrative Services for advice or assistance in the appropriate interpretation of City rules and procedures.
- 3.4 Whenever possible, the steps outlined in this procedure will be pursued during the regular work hours of the parties involved. Use of City time by an employee to discuss grievances with persons other than supervisors, City administrative personnel, or employees of the Administrative Services Department assigned to the grievance, is prohibited unless authorized by the employee's Director.
- 3.5 This procedure is normally intended for the use of individual employees. Should a number of employees file separate grievances on the same matter, those grievances will be combined. A final determination on a combined grievance will, be binding on all such similar grievances, and a copy of the final reply will be provided to all grievants.
- 3.6 Any grievance will be considered resolved at the completion of any step if all parties are satisfied or if neither party appeals the matter to the next step of the procedure within the prescribed period of time.
- 3.7 If the City administrative or supervisory representative does not comply with the time limits set forth in the first two steps of this procedure, the employee filing the grievance may contact the Director of Administrative Services who will notify the administrator or supervisor involved and his or her immediate supervisor. If no answer is received within two (2) working days after the Director of Administrative Services has contacted the Department, the grievance will proceed to the next level of review. City supervisory or administrative personnel who are not responsive to the time limits set forth in this procedure may be subject to disciplinary action.
- 3.8 Failure of the grievant to comply with the established time limits will constitute abandonment of the grievance.
- 3.9 Either party to a grievance may extend the time limits by receiving the approval of the City Manager.
- 3.10 If a grievance is presented to a supervisor regarding the correct application of a City administrative policy, rule, or procedure which such supervisor does not have the authority to modify or change, such grievance will be forwarded as rapidly as possible to the management level which can address the administrative policy, rule or procedure. Those parties forwarding such grievances may, however, include a

recommendation as to the appropriateness of such policy, rule, or regulation.

- 3.11 If a grievance originates with a Director, those employees must informally discuss their grievance with the Director in accordance with Step One (paragraph 4.1 below). From this point, the grievance will be processed through the remaining steps of the procedure.
- 3.12 If a grievance is presented to a supervisor regarding an action taken by an employee of another Department over which that supervisor has no control, the grievance will be forwarded immediately to the grieving employee's Director. The Directors of both Departments will investigate and confer on the grievance. The procedures outlined in Step Two (paragraph 4.2 below) will be followed by the Director of the employee against whom the grievance has been brought. The response will be returned to the grieving employee through the employee's Director. If the employee is not satisfied, he or she may then proceed to Step Three (paragraph 4.3 below).
- 3.14 It is the responsibility of all City employees involved in the grievance process, with the exception of the grieving employee, to maintain the confidentiality of the grievance. Confidentiality is necessary to insure that all individuals involved in the process feel free to present any and all information they may have without fear of reprisal or recrimination. Any employee, again with the exception of the grievant, who violates the requirement of confidentiality may be subject to disciplinary action. Confidentiality is limited by any requirements of state law or city code.
- 3.15 In instances where an individual files a grievance regarding a termination or suspension, the grievance procedure will be expedited. Such grievances must be forwarded immediately to the City Manager and the Director of Administrative Services and will be processed in accordance with Step Three of the procedure outlined below. In cases of termination, grievances must be filed within five (5) working days of the effective date of termination. Employees will be placed on administrative leave with pay until a grievance is filed and a final decision is made or the sixth (6th) day after the date of termination.

#### 4.0 GRIEVANCE PROCEDURE STEPS

The following steps will be followed in the processing of a grievance:

##### 4.1 Step One

It is the responsibility of an employee who believes that he or she has a bona fide grievance to promptly inform or discuss such grievance with his or her immediate supervisor in order to endeavor in good faith to clarify the matter expeditiously and informally. Along with presenting the problem, it is recommended that the employee verbally express the suggested solution. Within five (5) working days or less, the supervisor

will give an oral response to the employee. Every reasonable effort will be made to resolve the problem at this step. If the employee is not satisfied with his or her supervisor's oral response, then the employee has the option, within five (5) working days or less, to proceed to Step Two.

#### 4.2 Step Two

Employee will complete a written employee grievance including:

- a. Statement of the grievance and relevant facts
- b. Remedy sought
- c. Reasons for dissatisfaction with the immediate supervisor's solution

and submit it to his or her Director. Upon receipt of a written grievance, the Director will immediately forward a copy of the grievance to the Director of Administrative Services. The Director may conduct an investigation into the substance of the grievance. The Director and supervisor will submit their response in writing to the employee within five (5) working days of receipt of the grievance. Where a grievance concerns the conduct of the immediate supervisor, the Director may choose to respond on his or her own to the grievance. A copy of the response will also be forwarded to the Director of Administrative Services.

#### 4.3 Step Three

If the Director's response is not acceptable to the grievant, the grievant must so indicate in writing and request that a review be made by the City Manager by forwarding the written grievance and response to the City Manager's office within five (5) working days of the grievant's receipt of the Director's response.

Upon receipt of the grievance, the City Manger may either:

- A. Provide a final decision to the grievant and forward the answer to the grievant and the Director of Administrative Services. The City Manager will make a good faith effort to respond within ten (10) working days; or
- B. Appoint a Grievance Committee to investigate the grievance and recommend a solution.

The City Manager may, at his or her option, meet with the parties to the grievance, separately or together, and conduct such investigations as may be felt necessary. In any case, the City Manager's decision, except in the case of Directors, is final.

Directors may request a hearing before the City Council either in executive

session or as a public hearing...

Grievance Committee Guidelines is attached as Exhibit A.

## **5.0 GRIEVANCE COMMITTEE**

- 5.1 The Grievance Committee will be a neutral administrative hearing board and will be composed of three City employees (one Director and two other employees). A separate committee will normally be designated for each grievance.**
- 5.2 The Committee will have ten (10) working days from the date of its appointment to investigate the grievance in accordance with the guidelines presented herein and forward a written report of it's recommended solution to both the City Manger and to the employee bringing the grievance.**
- 5.3 The Committee has the authority to call witnesses and review related information, records, and reports.**
- 5.4 The Department of Administrative Services is responsible for facilitating and providing staff support to the Committee.**
- 5.5 An employee may have no more than one representative present when being interviewed by the Committee. The representative may be present only when the Committee is interviewing the employee**
- 5.6 The City Manager or his/her representative will review the recommendations of the Grievance Committee and provide a final written response to the grievant. The final grievance ruling will be transmitted to the grievant and the Department of Administrative Services. The final response will normally be provided within five (5) working days of the City Manager's receipt of the Grievance Committee report.**

## **6.0 CITY COUNCIL APPEARANCES**

**With the exception of Department Directors, unless approved and authorized by the City Manager, neither an employee nor any employee representative or agent may appear before the City Council on questions and problems concerning salary, working conditions, or other problems brought forward through this grievance procedure. This does not restrict the appearance of an employee before the Council on other matters that would affect an employee as a citizen or taxpayer and which are unrelated to his or her employment with the City of Commerce.**

## **7.0 REPRISALS**

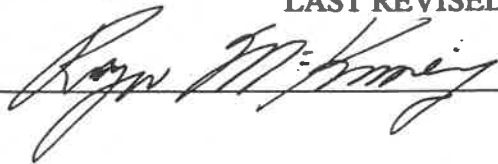
**All employees who make use of this policy and procedure will be free from any restraint, interference, discrimination or reprisal therefrom, regardless of the merit of the grievance.**

Any supervisor, administrator or other City employee found to have restrained or interfered in an employee's attempt to file or completely process a grievance or found to have discriminated against or made reprisals against an employee due to his or her pursuit of a grievance will be subject to disciplinary action up to and including dismissal.

EFFECTIVE: 06-01-97

LAST REVISED: 09-20-94

CITY MANAGER APPROVAL:



A handwritten signature in black ink, appearing to read "Ryan M. King", is written over a solid horizontal line.

Grieve.adp