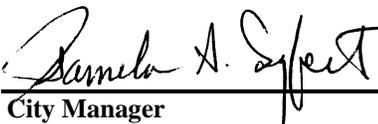




Subject/Title  
**Employee Grievance Process**

Date Effective  
July 23, 1984

Revision Date Effective  
August 1, 1997

  
City Manager

Code Number  
HR 11

Human Resources  
**Responsible Key Business**

**Objective:**

To clarify the City's policy concerning the processing of employee grievances, in accordance with Rule VI, Personnel Rules and Regulations.

**Policy:**

1. The presentation of a grievance shall not, in itself be considered as reflecting unfavorably on the employee's good standing, loyalty, or his/her value to the City. Therefore, an employee shall be free to use the grievance procedure without fear of interference, coercion, discrimination, or reprisal on the part of management at any level, or other employees.
2. For purposes of these procedures, the following definitions shall apply:
  - A. "Grievance" means a complaint or a dispute concerning the interpretation and application of the provisions of the Personnel Rules or of established work rules. (Examples of grievable items and items not grievable are indicated later in these procedures.)
  - B. "Grievant" means the person who submits a grievance for consideration.
  - C. "Hearing Officer" means the person conducting a hearing which is a Key Business Executive at "Step II," or Assistant City Manager at "Step III" of the process.
  - D. "Respondent" means the person responding to the grievance.
  - E. "Step II" means the point in the employee grievance process whereby a grievance may be presented to a Key Business Executive; "Step III" is the point where a grievance may be presented to the City Manager.
3. Coverage of Personnel

With the exception of personnel specified in this policy, all regular full-time and regular part-time employees are eligible to file grievances under the formal grievance process. Exceptions are:

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- A. Persons who have not completed the initial six months of regular employment and who are suspended or discharged cannot formally grieve such suspension or discharge.
- B. Persons covered by the provisions of Section 4.61, City Charter who are suspended from duty for violation of Civil Service and key business unit rules and regulations, since such persons have the right to appeal such suspension to the Civil Service Board.

Also, should a person allege a discriminatory act, a complaint may be filed under Rule VI, Grievance Procedure, or Rule X, Discrimination Complaint Procedure, but not under both procedures.

4. Grievable items shall include, but are not limited to:

- Disciplinary actions involving dismissals, suspensions, demotions, reduction in pay
- Denial of promotion to a vacant position for which the grievant applied
- Concerns regarding the application, meaning, or interpretation of personnel rules or key business unit work rules
- Acts of harassment or reprisal (retaliation)

Examples of items not grievable are:

- Establishment and revision of pay ranges, denial of performance bonuses, position classification, or general benefits
- Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be part of the job content
- Performance appraisals
- Suspension or discharge if the person has not completed the initial six months of regular employment
- Methods, means, and personnel by which such work activities are to be carried on. Examples include, but are not limited to, the size of crews, procedures to be followed, and type of equipment used.

The Human Resources Key Business Executive is authorized to determine whether an item is grievable.

5. The final decision to conduct a hearing rests with the Hearing Officer.

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6. Employee grievance hearings shall be conducted in accordance with the guidelines established herein.
7. For grievance hearings to be held at the Key Business Executive level, the Key Business Executive is responsible for the scheduling of the hearing; however, such scheduling shall be coordinated with the Human Resources Key Business Unit. Grievance hearings to be held at the City Manager's level will be scheduled by the Human Resources Key Business Unit.
8. The Human Resources Key Business Unit shall provide such assistance as necessary to ensure that resolution of employee grievances is consistent with the City's Personnel Rules and Regulations, policies and procedures, and sound personnel management principles.
9. The Human Resources Key Business Unit shall determine from the grievant whether he/she will be represented by anyone, and will advise the Hearing Officer accordingly prior to the conducting of the hearing.
10. Prior to the hearing being conducted, the grievant and respondent shall provide to each other a copy of all documents to be introduced in the hearing, as well as the names of witnesses to be called. Such information shall be provided to the Human Resources Key Business Unit no later than 3 days prior to the hearing date, for distribution to the appropriate parties.
11. No mechanical device will be used to record the hearing proceedings.
12. Witnesses shall not be sworn.

Procedure for Conducting Hearing

1. The Hearing Officer will call the hearing to order, introducing himself/herself; all other persons present at the hearing will introduce themselves, indicating name, title, and key business unit/division.
2. A representative of the Human Resources Key Business Unit will be asked by the Hearing Officer to state the reason for the hearing.
3. The Hearing Officer will ask the grievant if he/she is represented by anyone.
4. The grievant will state to the Hearing Officer what is hoped to be gained as a result of the hearing.
5. The Hearing Officer will inform the grievant, respondent, and their representative(s) as follows:

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- A. That grievant and respondent may be represented by someone of his/her choice; however, the respondent may not be represented by an attorney.
- B. That grievant and respondent may provide testimony on his/her behalf before the Hearing Officer.
- C. That grievant and respondent may call witnesses on his/her behalf; however, they shall state why the witnesses are being called.
- D. That grievant and respondent may introduce evidence.
- E. That grievant and respondent may ask questions.
- F. That grievant and respondent have the right to inspect all documents offered in evidence.
- G. That the respondent will present his/her case first, including the questioning of witnesses and introduction of evidence.
- H. After the respondent has presented his/her case, the grievant will present his/her case, including the questioning of witnesses and introduction of evidence.

During each presentation, the Hearing Officer may ask such questions as necessary.

The proceeding will be considered informal, but also keeping in mind rules of conduct and decorum necessary for efficiency and fair process; however, the traditional rules of evidence required in courts do not apply.

- 6. The Hearing Officer will then inform the grievant that since all evidence is before the Hearing Officer, the hearing will be concluded, and will comment as appropriate regarding a resolution date.

Attendance

The Hearing Officer has the authority to determine those persons who may attend the hearing. Usually, those in attendance will be the Hearing Officer, the grievant, representative of the grievant, representative(s) of the Human Resources Key Business Unit, the employee's Key Business Executive, and witnesses giving relevant testimony. Witnesses, at the discretion of the Hearing Officer, may be required to wait in another area until their testimony is required. It is noted that a grievant may be represented by only one person.

City employees appearing at a hearing on behalf of a grievant are considered to be in their "work status" and will not be charged with leave.

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Basis for Decision

The Hearing Officer will base his/her decision only upon competent material and substantial evidence.

In upholding or overruling action by the respondent, the Hearing Officer will state in writing to the grievant the decision and basic facts on which he/she relied with sufficient specificity to inform the parties as to what induced the Hearing Officer's decision.

Should the Hearing Officer decide to overrule action by the respondent, the remedy will be provided to the respondent and other appropriate persons prior to the grievant being notified.