



ARTICLE XXXIII GRIEVANCE PROCEDURE POLICY

I. POLICY:

It is the policy of the Town to provide a just procedure for the presentation, consideration, and disposition of employee grievances. The purpose of this Article is to outline the procedure and to assure all employees that a response to their complaints and grievances will be prompt and fair. The Human Resources Director will be available to assist all parties with the procedures during the grievance process.

Employees utilizing the grievance procedures shall not be subjected to retaliation or any form of harassment from supervisors or employees for exercising their rights under this this Personnel Policy. Supervisors or other employees who violate this Personnel Policy shall be subject to disciplinary action up to and including dismissal from Town service.

II. PURPOSE:

Every employee shall have the right to present his/her problem or grievance in accordance with these procedures, free from interference, coercion, restraint, discrimination, penalty, or reprisal. This includes any cause for dissatisfaction outside the employee's control or anything connected with his/her job that he/she thinks or feels is wrong.

III. PROVISIONS:

A grievance is a claim or complaint by a current or a former 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.

Purposes of the Grievance Procedure

The purposes of the grievance procedure include, but are not limited to:

- 1) Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal.

- 2) Encouraging employees to express themselves about the conditions of work which affect them as employees.
- 3) Promoting better understanding of policies, practices, and procedures which affect employees.
- 4) Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures.
- 5) Increasing the sense of responsibility exercised by supervisors in dealing with their employees.
- 6) Encouraging conflicts to be resolved between employees and supervisors who must maintain an effective future working relationship, and therefore, encouraging conflicts to be resolved at the lowest level possible of the chain of command; and
- 7) Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the Town or its leaders, thus freeing up employee motivation, productivity, and creativity.

Grievance Procedure

When an employee has a grievance, the following successive steps are to be taken unless otherwise provided. The number of calendar 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 the step at which the grievance is resolved. A decision to rescind a disciplinary suspension or demotion must be approved by the Department Head or Town Manager and rescinding a dismissal must be approved by the Town Manager before the decision becomes effective.

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 Head or the Human Resources Director as a resource to help resolve the grievance.

In some instances, if both parties agree, and with the approval of the Town Manager, the parties may request mediation assistance from a neutral party to assist in identifying mutually agreeable solutions or understandings. Mediation may be used at any step in the process if agreed to by the parties and with the approval of the Town Manager.

Step 1. 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. The grievance must be presented within fifteen calendar days of the event or within fifteen calendar days of learning of the event or condition. The supervisor shall respond to the grievance within ten calendar 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.

Step 2. 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 Head within ten calendar days after receipt of the response from Step 1. The Department Head shall respond to the appeal, stating the determination of the decision within ten calendar days after receipt of the appeal.

Step 3. If the grievance is not resolved to the satisfaction of the employee at the end of Step 2, the employee may appeal, in writing, to the Town Manager within ten calendar days after receipt of the response from Step 3. The Town Manager shall respond to the appeal, stating the determination of the decision within ten calendar days after receipt of the appeal. The Town Manager's decision shall be the final decision. The Town Manager will notify the Town Council of any impending legal action.

Department Heads.

In the case of Department Heads or other employees where the Town Manager has been significantly involved in determining disciplinary action, including dismissal, the Town may wish to obtain a neutral outside party to either:

- 1) provide mediation between the grieving Department Head and the Town Manager (see definition of mediation in "informal resolution" above); or
- 2) consider an appeal and make recommendations back to the Town Manager concerning the appeal. Such parties might consist of human resource professionals, attorneys trained in mediation, mediators, or other parties appropriate to the situation.

The Town Manager's decision shall be the final decision. The Town Manager will notify the Town Council of any impending legal action.

Role of the Human Resources Director

Throughout the grievance procedure, the role of the Human Resources Director shall be as follows:

- 1) To advise parties (including employee, supervisors, Department Heads, and Town Manager) of their rights and responsibilities under this policy, including interpreting the grievance and other policies for consistency of application.
- 2) To be a clearinghouse for information and decisions in the matter including maintaining files of all grievance documents.
- 3) To give notices to parties concerning timetables of the process, etc.
- 4) To assist employees and supervisors in drafting statements.
- 5) To facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process; and
- 6) To help locate mediation or other resources as needed.

The Human Resources Director shall also determine whether or not additional time shall be allowed to either side in unusual circumstances if the parties cannot agree upon extensions when needed or indicated.

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, sex, race, color, national origin, religion, creed, political affiliation, non-job related disability, marital status, veteran status, or genetic information), he or she has the right to appeal such action using the grievance procedure outlined above. While such persons are encouraged to use the grievance procedure, they shall also have the right to go directly to the Human Resources Director or to appeal directly to the Town Manager.

Employment actions subject to appeal because of discrimination include promotion, training, classification, pay, disciplinary action, transfer, layoff, 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.

IV. NON-GRIEVABLE ISSUES:

- 1) The negotiation of wages, salaries, or fringe benefits.

- 2) Any work activity accepted by the employee as a condition of employment.
- 3) Operating and/or organizational changes adopted by the Town for the efficient and economical operation of Town services, including but not limited to hours of work, licenses and certifications, residency requirements, work assignments including temporary assignments, and other specified conditions of employment.
- 4) Denial of promotion or transfer (unless due to illegal discrimination, harassment, or retaliation).
- 5) Disciplinary actions of less severity than suspension without pay, demotion, or dismissal (such as written warnings, etc.)

Non-grievable complaints may, however, be provided for management review through the “open door” policy outside the scope of this grievance procedure.

V. OPEN-DOOR POLICY

This practice is an informal and discretionary first step in the grievance procedure by which any employee may bring an issue to his/her supervisor’s attention verbally and without documentation. Many problems may be resolved by an informal meeting at which an opportunity for discussion of issues is permitted. Grievants are therefore encouraged to first discuss their complaints with the person closest to the problem. The Open-Door Policy is informal and optional. It may be bypassed by the Grievant’s choice. No negative consequences shall occur when an employee chooses to utilize the Open-Door Policy.

Policy adopted by Selma Town Council

Effective Date: July 10, 2018

As of August 10, 2021, this policy replaces and supersedes any previous policies, or unwritten policies or practices covering the same subject.