

## Rule XX. Adjustment of Employee Grievance

All members of the Classified Service shall have the right to secure consideration of a grievance dealing with any of the following employment areas:

- Any wrongful application of the Personnel Rules as adopted by the Unified Personnel Board;
- Any established departmental policy or procedure or a departmental rule approved by the Personnel Board;
- Any matter relating to an employee's working condition; which an employee believes is unfair, unjust or inequitable; or
- Performance Reviews, except as described below.

Exceptions:

- A probationary employee may not grieve a dismissal or demotion.
- A permanent status employee serving a probationary period may not grieve a demotion.
- An employee receiving an overall rating of Meets Expectations may not grieve beyond Step 2 in the grievance procedure.
- An employee receiving an overall rating of Exceeds Expectations may not grieve a performance review.
- Layoffs and Displacements under Rule XXIII may not be grieved.

The submission of a grievance by a Classified Service employee shall in no way adversely affect the employee or his employment with the County. If needed, a member of the Human Resources Department staff may assist the aggrieved employee in the formulation of the grievance statement and in advising the affected employee of all rights and responsibilities in the grievance procedure. The staff member shall not act as a representative or advocate for the aggrieved employee. The Appointing Authority shall allow the aggrieved employee reasonable time to consult with the Human Resources Department and participate in the grievance process, and such time shall not be charged against the employee when it falls during the employee's normal duty hours. If such time falls outside of the employee's normal duty hours, it shall not be considered as time worked.

An aggrieved employee may, if desired, be represented by an attorney or lay advocate during any formal or informal hearing conducted under the provisions of this Rule.

### A. Procedure

Unless grievance or appeal procedures are already in effect for the particular grievance, the following procedure shall be followed by an aggrieved employee.

#### Step 1:

The aggrieved employee shall have the right to personally bring a grievance to the attention of the immediate responsible supervisor (the supervisor who serves as the employee's Rating Authority in the Employee Performance Review Program) within ten (10) working days from when the employee first becomes aware of the aggrieved situation.

The supervisor may consult with superiors and shall attempt to resolve the matter in a manner which is satisfactory to the employee and which is consistent with the Personnel Rules or other County policies that may be involved. If the employee is not satisfied with the supervisor's response or does not receive a response answer, he or she may, within twenty (20) working days from the date the employee first became aware of the aggrieved situation, proceed to Step 2.

## Step 2:

The employee may place the grievance in written form and submit it to the Department Head. The employee shall use the standard grievance form available in the Human Resources Department or on its web site for this purpose. The Department Head shall respond to the grievance in writing within ten (10) working days of his or her receipt of the form. If the employee is not satisfied with the Department Head's response, he or she may, within ten (10) working days of the date of the Department Head's response, proceed to Step 3.

## Step 3:

The employee may request an informal hearing before an Informal Grievance Committee. The request shall be made by filing a written request with the Director of Human Resources within ten (10) working days of the date of the Department Heads response. The Informal Grievance Committee shall be a three member Committee unless either party requests a five member Committee. The three member Committee's composition shall be the Appointing Authority or designee, the Director of Human Resources or designee and a classified service employee who is not employed in the grievant's department. This employee shall be selected from a list of three provided by the Employees' Advisory Council with the grievant striking or eliminating one name, followed by the Appointing Authority striking another name. A five member Committee will be composed like the three member Committee with the addition of one classified service employee and one manager, neither of whom are employees of the grievant's department. The two classified service employees shall be selected from a list of six names provided by the Employees' Advisory Council with the grievant striking two names followed by the Appointing Authority striking two other names. The additional managerial employee shall be selected from a list of three names provided by the Appointing Authority with the grievant striking one name and the Appointing Authority striking another name.

The informal grievance hearing shall be arranged by the Director of Human Resources, and shall be held within twenty (20) working days from the date the written request was received from the aggrieved employee. At the request of either the grievant or the Appointing Authority, the Director of Human Resources shall grant a continuance of the hearing not to exceed ten (10) working days unless both parties agree to extend the period of continuance for a longer period.

Within ten (10) working days from the conclusion of the informal hearing, the Chairman of the Informal Grievance Committee shall notify the parties of the result of the informal hearing in writing. A decision rendered by the Informal Grievance Committee shall become final for Oral and Written Reminders and shall be carried out without further hearing or approval by the Personnel Board.

In all other matters, either party may proceed to Step 4.

## Step 4:

Either party may appeal the decision of the Informal Grievance Committee to the Personnel Board. Such appeal shall be made by filing a written notice of appeal with the Director of Human Resources within ten (10) working days of the date of the written result of the Informal Grievance Committee. A notice of the formal hearing before the Personnel Board shall be issued within twenty (20) working days from the date of the notice of appeal. The Personnel Board shall issue a decision within ten (10) working days from the conclusion of the Board hearing. The decision of the Personnel Board shall be final.

Failure of a party to timely initiate any step in this process will result in rejection of the grievance without further action.