

RULE 18 - GRIEVANCE PROCEDURES

Section 1. Purpose

- A. To assure employees that their complaints, grievances, and recommended resolutions will be considered fairly, rapidly and without reprisal, coercion, or discrimination.
- B. To determine what is right, rather than who is right, and to provide for the objective consideration of employee problems.
- C. To establish uniform policies and procedures in handling employee grievances.
- D. To outline the respective rights and obligations of all employees in hearing and resolving complaints and/or grievances on matters for which an appeal or hearing is not provided by other regulations.
- E. To provide a systematic means for obtaining further consideration of problems after every reasonable effort has failed to resolve them through discussion. Employees should attempt to resolve all disputes at the lowest possible level within the organization.
- F. Each grievance will be fully processed until the employee receives a satisfactory decision/explanation or until the employee's right of appeal is exhausted.
- G. The provisions of this rule shall apply to all employees including those on probation and those listed in Rule 1, Section 5A, (4) and (5).

Section 2. Definition of a Grievance

- A. A grievance is a written complaint by an employee(s) concerning the application of rules, regulations, or policies that govern personnel practices, or alleging improper treatment of an employee(s), which the employee believes is unfair and adversely affecting the employee's working conditions. Employees covered by the terms of a Memorandum of Understanding (MOU) shall use this process for issues arising from or related to the application of the MOU.
- B. The following topics are not grievable under this procedure:
 - 1. Counseling letters and memoranda;
 - 2. The exercise of discretion by a supervisor or director that falls within the permissible scope of the applicable delegation of discretionary authority. (For example, when a supervisor has authority to award up to a five (5) percent

merit increase, the decision to give a specific employee less than the full amount authorized based on the employee's performance or conduct during the performance period is not grievable.);

3. Employee performance evaluations except to the extent that an employee can show the evaluation is based on false or erroneous factual information;
4. Complaints related to bullying, harassment, and discrimination. See City of Chandler Anti-Harassment and Anti-Bullying Policy and Complaint Procedure.

Section 3. Time Limit for Presenting Grievances

No grievance will be considered if more than 15 workdays have elapsed from the date of the circumstance which gave rise to the grievance or from the date when the employee should reasonably have known of the circumstance. Workdays are defined as those days that the City Manager's Office is open for business, Monday through Friday, 8:00 a.m. to 5:00 p.m.

Section 4. Procedure for Filing a Grievance

- A. If an employee feels that grounds for a grievance exist, the situation must first be discussed with the employee's immediate supervisor and/or the party identified in the grievance. If the problem is not resolved informally through this discussion and the employee wishes to pursue the grievance further, the employee must put the grievance in writing and attach the appropriate routing form provided for filing grievances. Both the verbal discussion and filing of any written grievance must be completed within the 15 workdays specified in Section 3 of this Rule.
- B. The employee must first file the written grievance with the Human Resources Director. Electronic submissions are accepted and encouraged. Within 10 workdays after receipt, the Human Resources Director will evaluate whether the matter is grievable under this Personnel Rule. If the matter is grievable under this Personnel Rule, the Human Resources Director will advise the employee that the grievance has been accepted and will forward the grievance to the appropriate next step.

Section 5. Procedure for the Grievance Process

- A. Within five (5) workdays from the date the grievance was forwarded by the Human Resources Director, the supervisor shall return the grievance routing form to the employee with the supervisor's written response to the employee's grievance. A copy shall be filed with the Human Resources Director.

- B. If the employee is not satisfied with the immediate supervisor's response and wishes to pursue the grievance further, the employee must submit the grievance routing form along with the original grievance and the supervisor's response within five (5) workdays to the Director of the employee's department. In submitting the grievance to the next level, the employee must include facts and reasons explaining why the supervisor's response was unacceptable to the employee.
- C. The Department Director shall provide a written response to the employee's grievance within five (5) workdays of the Director's receipt of the grievance. A copy of the Director's response shall be filed with the Human Resources Director.
- D. If the employee is not satisfied with the Department Director's response and wishes to pursue the grievance further, the employee shall submit the grievance routing form with the original grievance and all responses to the City Manager within five (5) workdays of the employee's receipt of the Director's response. In submitting the grievance to the next level, the employee must include facts and reasons as to why the Department Director's response was unacceptable to the employee.
- E. If the immediate supervisor or the Department Director fails to respond in writing within five (5) workdays as required, the employee may advance the grievance to the next step of the procedure without waiting for a response.
- F. A Department Director may request approval from the Human Resources Director to establish an additional step in their Department to permit Division Managers to review and respond to grievances. If approved, employees will be required to submit any written grievance to the Division Manager before submitting it to the Department Director. If the employee is not satisfied with the Division Manager's response, the employee may submit the grievance to the Department Director and include the facts and reasons why the employee does not agree with the response given. The provisions of Section 5 C, D, and E will then be followed if the employee files with the Department Director.
- G. Any or all of the time limits set forth in this Section may be extended by mutual written agreement of the parties involved in that step. The Human Resources Director has the authority to resolve any disputes regarding time limits.

Section 6. City Manager's Action

- A. The City Manager shall do one of the following:
 - 1. Within five (5) workdays from the receipt of the grievance at the City Manager's level, the City Manager shall render a written decision to the

employee. There is no further administrative appeal beyond the City Manager's written decision on the grievance; or

2. The City Manager may, within three (3) workdays, call for a meeting of the Review Committee or a neutral third-party (such as a hearing officer) to review the matter before a decision is rendered. If the City Manager refers the matter to the Grievance Review Committee, the Committee shall review the grievance and within 10 workdays render a written recommendation based on its findings to the City Manager regarding the grievance.
 3. If the City Manager refers the matter to a third party, the third party shall review the grievance as soon as practical and within 15 workdays of the meeting render a written recommendation based on his or her findings to the City Manager regarding the grievance.
- B. Within 10 workdays of the receipt of the Review Committee's or third party's recommendations, the City Manager shall provide a written decision to the employee. There is no further administrative appeal beyond the City Manager's written decision on the grievance.
- C. A copy of the City Manager's final decision, with the complete grievance packet, shall be filed with the Human Resources Director.
- D. The City Manager may extend the time limits in this section by giving written notice to the employee.

Section 7. Grievance Review

- A. If the City Manager refers the grievance to a review committee, the committee shall be composed of three (3) regular full-time City employees and chosen as follows:
1. One member selected and designated by the City Manager as Chairperson.
 2. One member selected by the Department Director of the employee who filed the grievance.
 3. One member from the Employee Advisory Committee or the employee's association President or designee.
- B. No employee involved in the grievance shall be a member of the review committee.

- C. The Grievance Review Committee may only be convened at the call of the City Manager.
- D. If the City Manager refers the grievance to a third party, the employee and the City shall agree on the third party. If the parties are unable to reach agreement within a reasonable time, the City Manager shall notify the employee that the grievance will be resolved without the benefit of a third party's recommendation.
 - 1. The third party shall be confined solely to reviewing the subject matter of the grievance and shall have no authority to consider any other issue.
 - 2. Neither the employee nor the City shall have legal representation at the review proceedings before the third party.

Section 8. City Time for Processing Grievances

Employees shall be allowed to confer with the Human Resources Director regarding the grievance procedure on City time but only after requesting and receiving permission from the employee's immediate supervisor. Reasonable requests shall be granted but in no case shall the request interfere with the employee's assigned work.

Section 9. City Time for Serving on Grievance Review Committee

Employees selected to serve on Grievance Review Committees shall be allowed to do so whenever scheduled by the Chairperson of the Review Committee. Employees shall be granted compensatory time, if eligible, or follow the normal practices of the Department when they are required to attend Grievance Review Committee meetings during other than their normal shift.

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