



# Employee Grievance Procedure

Effective February 17, 2017

## Related Forms:

- Grievance Initiation – [Form 1A](#)
- Supervisor Response to Grievance – [Form 1B](#)
- Grievant Additional Information in Response to Supervisor – [Form 2A](#)
- Department Head Response to Grievance – [Form 2B](#)
- Grievant Submission to Personnel Board – [Form 3](#)

## Grievance Submission Procedures

It is important that employees within the Merit System are treated fairly and receive prompt responses to problems and concerns. For this reason, the Personnel Board provides a grievance procedure to promote prompt and responsible resolution of issues raised by *Regular Employees*. The grievance process is dependent upon the willingness of all those involved to participate in good faith, whether as a grievant, respondent, witness or support person. Accordingly, it is expected that Merit System employees will participate in the grievance procedure in an open, civil and respectful manner that is aimed at productive resolution. The procedures outlined below are designed to provide an appropriate and clear process for providing Classified Employees' rights under the [Personnel Board Rules & Regulations](#) (Rule 15). It is important to note that all steps and timeframes provided within this procedure are strictly enforced. The Employee Relations Department is available to provide assistance with the grievance process; however, neither this department nor its employees shall be viewed as representatives of the employee filing the grievance or the management/organization responding to the grievance.

Important issues to note when considering filing a grievance under Personnel Board Rule 15:

- If the action or matter in dispute involves disciplinary action covered in Personnel Board Rule 13, then the employee should follow the procedures for disciplinary action appeal ([Administrative Appeal Procedure](#)).
- To be deemed grievable by the Personnel Board Director, the grieved action must have adversely affected a substantial term or condition of the Regular Employee's employment with their employing agency.
- It shall be the burden of the employee to provide sufficient proof of any allegations made in the grievance submission. Such proof need only be presented in summary or outline form within the statements made on the grievance forms and shall not require submission of documentation in the form of affidavits or other legal documents.
- There are certain matters that are not grievable under the Personnel Board Rules & Regulations. Please review Rule 15.3 to ensure that the issue being grieved is not among the list of matters excluded from adjustment under this procedure.
- The grievance procedure is governed by strictly enforced timeframes and deadlines. It is the responsibility of the grievant to adhere those timeframes and deadlines in the

submission of required forms. Failure to adhere those prescribed timeframes and deadlines will result in the grievance being dismissed.

The steps below outline the procedure for initiating and documenting the grievance process. It is important to note that Steps 1A through 3 are intended to encourage an interactive dialogue between an employee and management regarding the issue or situation being grieved. The Personnel Board encourages resolution of the grieved issue(s) through this interactive process; however, the Personnel Board is not involved in Steps 1A through 2B of this procedure (though completed forms are required to be copied to the Personnel Board). The Personnel Board does not consider a grievance formally filed for Board consideration until Form 3 outlined in Step 3 is received.

### **Step 1A: Grievance Initiation – [Form 1A](#)**

The Personnel Board encourages informal resolution of complaints and urges employees to discuss complaints with their immediate supervisor whenever possible. If the complaint is not resolved as a result of this discussion, or such a discussion is not appropriate under the circumstances, then an employee may begin the grievance process by completing the Grievance Initiation – Form 1A.

- Grievance Initiation – Form 1A must be submitted to the employee's immediate supervisor with a copy provided to the Personnel Board Employee Relations Department ([EmployeeRelations@pbjcal.org](mailto:EmployeeRelations@pbjcal.org)) *within seven calendar days of the grieved incident.*
- All sections of the Grievance Initiation – Form 1A should be completed. The grievant should prepare the response in sufficient detail that the supervisor and the Personnel Board can understand the matter being described, the term or condition adversely affected, and any proposed solution(s) that the employee believes will address the situation.

### **Step 1B: Supervisor Response to Grievance – [Form 1B](#)**

Upon the receipt of Grievance Initiation – Form 1A, the supervisor should thoroughly review the issue or matter and appropriately and meaningfully consider the issue and any potential resolutions. The supervisor should ensure that any internal policies or procedures are appropriately followed. Within the Personnel Board grievance procedure, the supervisor may have face-to-face discussions or other methods of communication with the employee in attempt to effectively address the grieved matter; however, regardless of the manner of communication, the supervisor is strongly encouraged to complete the Supervisor Response to Grievance – Form 1B.

- The immediate supervisor should acknowledge receipt of Form 1A in writing to the grievant no later than the next business day after receipt of the referred grievance.
- Supervisor Response to Grievance – Form 1B should be completed by the immediate supervisor in order to document the supervisor's response to the employee grievance.
- The supervisor should complete all sections of Form 1B in sufficient detail that the employee and the Personnel Board can understand the supervisor's perspective on the grieved matter and any proposed solution(s) that the supervisor believes will address the situation. In lieu of replying, the immediate supervisor may elect to refer the complaint to his or her superior within the time period of his or her reply.

- The completed Supervisor Response to Grievance – Form 1B should be submitted to the employee with a copy provided to the Personnel Board Employee Relations Department ([EmployeeRelations@pbjcal.org](mailto:EmployeeRelations@pbjcal.org)) *within seven calendar days of receipt of Form 1A*.
- A supervisor's failure to complete Supervisor Response to Grievance – Form 1B within the specified timeframe does *not* preclude a grievant from proceeding to the next step of the grievance process.

### **Step 2A: Grievant Additional Information in Response to Supervisor – Form 2A**

The grievant should consider all communications and information related to the grievance when deciding whether to proceed with Step 2A of the grievance process. If the grievant is satisfied with the information provided or resolutions proposed by the supervisor, then the grievant may end the grievance process, if so desired. If the grievant is not satisfied with the supervisor's response or proposed resolution, then in order to proceed with the grievance, the grievant must complete the Grievant Additional Information in Response to Supervisor – Form 2A.

- The grievant should review any information provided by the supervisor upon receipt of Form 1B. If the grievant wishes to proceed with the grievance, then he or she must complete Grievant Additional Information in Response to Supervisor – Form 2A.
- This Form 2A must be submitted to the employee's department head with a copy provided to the Personnel Board Employee Relations Department ([EmployeeRelations@pbjcal.org](mailto:EmployeeRelations@pbjcal.org)) *within five calendar days of receipt of Form 1B (or within five calendar days of the due date of Form 1B, if the supervisor fails to respond)*.

### **Step 2B: Department Head Response to Grievance – Form 2B**

Upon the receipt of Grievant Additional Information in Response to Supervisor – Form 2A, the department head should thoroughly review the issue or matter as outlined in Forms 1A through 2A and provide appropriate and meaningful consideration of the issue. The department head should ensure that any internal policies or procedures are appropriately followed. Within the Personnel Board grievance procedure, the department head may have face-to-face discussions or other methods of communication with the employee in attempt to effectively address the grieved matter; however, regardless of the manner of communication, the department head is strongly encouraged to complete the Department Head Response to Grievance – Form 2B.

- Department Head Response to Grievance – Form 2B should be completed by the department head and submitted to the employee with a copy provided to the Personnel Board Employee Relations Department ([EmployeeRelations@pbjcal.org](mailto:EmployeeRelations@pbjcal.org)) *within five calendar days of receipt of Form 2A*.
- The department head should complete all sections of Form 2B in sufficient detail that the employee and the Personnel Board can understand the department head's perspective on the grieved matter and any proposed solution(s) that the department head believes will address the situation.
- A department head's failure to complete the Department Head Response to Grievance – Form 2B within the specified timeframe does *not* preclude a grievant from proceeding to the next step of the grievance process.

### **Step 3: Grievant Submission to the Personnel Board – [Form 3](#)**

If the grievant is satisfied with the information provided or resolutions proposed by the department head, then the grievant may end the grievance process, if so desired. If the grievant feels the complaint was not resolved in discussions or communications with his/her department head, then the grievant may prepare the [Grievant Submission to the Personnel Board – Form 3](#).

- The grievant should review any information provided by the department head upon receipt of Form 3. If the grievant wishes to proceed with the grievance, then he or she must complete [Grievant Submission to the Personnel Board – Form 3](#).
- Form 3 must be submitted to the Personnel Board ([EmployeeRelations@pbjcal.org](mailto:EmployeeRelations@pbjcal.org)) *within five calendar days of receipt of Form 2B (or within five calendar days of the due date of Form 2B, if the department head fails to respond)*.

This Form 3 is the final submission in the grievance procedure and should be completed by the grievant only if he/she is dissatisfied with the response provided by the supervisor in Form 2B and wishes to submit the grievance to the Personnel Board for a determination on whether the matter is adjustable under Rule 15 of the Personnel Board Rules & Regulations and subject to a hearing.

### **Withdrawal of Grievance**

At any point in the grievance process, the grievant may withdraw the grievance by emailing the Personnel Board's Employee Relations Department at [EmployeeRelations@pbjcal.org](mailto:EmployeeRelations@pbjcal.org) informing them of the desire to withdraw the grievance.

### **Personnel Board Review of Grievance Forms**

The Personnel Board of Jefferson County will thoroughly review all forms and materials submitted in the grievance process in order to determine appropriate next steps. Upon receipt of Form 3, the Personnel Board will determine if the matter is adjustable under Personnel Board Rule 15.

Specifically, the Personnel Board will determine:

- if the grievant is a Regular Employee within the Merit System;
- if the deadlines for completion of each of the steps and submission of the forms were met;
- whether the grievant has outlined a substantial term or condition of the Regular Employee's employment with their employing agency that was adversely affected as a result of the outlined matter; and
- whether the matter outlined in the grievance form submissions is a grievable under the Personnel Board Rules & Regulations.

If each of the issues outlined above are determined in the affirmative, then the Personnel Board Director will communicate in writing to the grievant (copying the grievant's supervisor, department head, and Appointing Authority) that the matter has been deemed grievable and outline the next steps in the grievance process. In such instances, the Appointing Authority of the employing

agency may appeal the Director's determination by filing a written appeal to the Three-Member Board within 10 calendar days of the date of receipt of the Director's letter granting the grievance.

If *any* of the above issues are determined in the negative, then the Personnel Board Director will communicate in writing to the grievant (copying the grievant's supervisor, department head, and Appointing Authority) that the matter has been deemed *not* grievable and the reason for the determination. In such instances, the grievant may appeal the Director's determination by filing a written appeal to the Three-Member Board within 10 calendar days of the date of receipt of the Director's letter denying the grievance.