

GRIEVANCE PROCEDURE

<i>POLICY NUMBER: 305</i>
<i>DATE ADOPTED: FEBRUARY 27, 1996</i>
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I. PURPOSE:

- A. To equitably resolve employee grievances at the lowest level of administrative responsibility, if possible.
- B. To provide an orderly procedure for reviewing and resolving grievances promptly.

II. DEFINITION OF GRIEVANCE:

- A. Any dispute which arises over the interpretation, application, or alleged violation of any statute, ordinance, resolution, Memorandum of Understanding or departmental rules and regulations presently in force or as may from time to time be adopted by the County on matters within the scope of representation.
- B. Discharge, suspension, and/or demotion shall not be subject to grievance pursuant to this Article.

III. REGULATIONS:

- A. No reprisal of any nature shall be taken against any employee for participating in the grievance procedure.
- B. Any party may be represented or assisted at any level of the procedure by a representative of his/her choosing.
- C. The grievant, his/her witnesses, and his/her representative shall suffer no loss of compensation of benefits while participating in this procedure, to include no more than 30 minutes preparation time per grievance.
- D. Proceedings shall be held within the grievant's normal working hours. If held at other than grievant's normal working hours, the grievant shall be entitled to an equivalent number of hours off on an hour for hour basis.
- E. Grievances other than Association grievances shall be signed by the employee or employees bringing the grievance.
- F. There shall be no hearing, witness testimony, or cross-examination at any level prior to the hearing stage of the formal procedure.

POLICY OF THE COLUSA COUNTY BOARD OF SUPERVISORS

HISTORY

First Adopted:

Amended: 2/27/96

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IV. TIME LIMITS:

A. Time limits as specified in each step of the procedure shall be strictly observed. Time limits may be extended only by mutual agreement of the parties, in writing.

B. Failure of a grievant to observe a time limit shall terminate the grievance. Failure of the party to whom the grievance is submitted to observe the time limit shall give the grievant the right to move the grievance to the next level of review.

V. EXCLUSIVE PROCEDURE:

A. This procedure shall be the exclusive procedure for adjustment of grievances for all employees.

IV. STANDING:

A. Any employee without limitation shall have standing to use this procedure.

B. The formally recognized negotiating groups shall have standing under this procedure on any dispute arising under Section II herein.

VII. PROCEDURES:

All grievances shall be initiated at the informal step of the procedure.

A. Informal Grievance:

1. Grievant shall initially present the grievance informally for disposition by the immediate supervisor. Such presentation shall be made within seven (7) calendar days of the act or omission giving rise to the grievance or within seven (7) calendar days of discovery of such act or omission, but in no event not longer than fourteen (14) calendar days after the act or omission.

2. A formally recognized negotiating group shall present its grievance informally to the appropriate first line supervisor within the time limits set out above.

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3. The first line supervisor shall immediately investigate, document and report on the grievance to his or her immediate supervisor. The documentation shall include: the date, facts and circumstances of the incident; the allegations of the grievance; the date the grievance was made; and the findings and recommendations resulting from the supervisor's investigation.

4. Presentation of an informal grievance shall be a prerequisite to the institution of a formal grievance.

B. Formal Grievance:

1. If the grievant believes that the grievance has not been resolved within seven (7) calendar days of informal presentation, he/she may initiate a formal grievance within the next seven (7) calendar days. A formal grievance can only be initiated by completing and filing with the Department Head a prescribed form within fourteen (14) calendar days of the informal presentation and sending a copy to the Employee Relations Officer. The completed form, which shall be executed under penalty of perjury, shall contain:

- (1) Name of grievant;
- (2) Class Title;
- (3) Department;
- (4) Grievant's Mailing Address;
- (5) A clear statement of the nature of the grievance (citing applicable ordinance, resolution or contract language and section);
- (6) The date upon which the grievance occurred;
- (7) A proposed solution to the grievance;
- (8) The date of execution of the grievance form;
- (9) The date of presentation of the informal grievance and name of person to whom Presented;
- (10) The signature of the grievant;
- (11) The name and signature of the grievant's representative, if any.

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2. Step 1.

Within fourteen (14) calendar days after a formal grievance is filed, the department head shall investigate the grievance, and confer with the parties to the grievance in an attempt to resolve the grievance, and make a decision in writing.

3. Step 2.

(1) If the grievance is not resolved in Step 1 to the satisfaction of the grievant, he/she may, within not more than seven (7) calendar days from his/her receipt of the Department Head's decision or expiration of the time limit for said decision, appeal to the Employee Relations Officer in writing.

(2) Within fourteen (14) calendar days after such notification, the Employee Relations Officer shall investigate the grievance, confer with persons affected and their representatives to the extent he deems necessary, and render a decision in writing.

(3) [f the decision of the Employee Relations Officer resolved the grievance to the satisfaction of the grievant, it shall bind the County, subject to the ratification of the Board of Supervisors, of unbudgeted expenditures.

4. Step 3.

(1) If the decision of the Employee Relations Officer does not resolve the grievance to the satisfaction of the grievant, the grievant or his/her representative may, within fourteen (14) calendar days of receipt of the decision, request a hearing by the Board of Supervisors. The request for a hearing shall be made, in writing, to the Employee Relations Officer who shall schedule the hearing for the next meeting of the Board which is at least fourteen (14) calendar days after the request is received unless the calendar for that meeting is filled, in which case the hearing shall be set at the following meeting.

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(2) The Board shall conduct a hearing, and shall, within thirty (30) calendar days of conclusion of the hearing, render a written decision and/or order. Any decision and/or order of the Board shall be final.

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