

SECTION XVII - GRIEVANCE & APPEAL PROCEDURE

- A. General Statement: It shall be the policy of the county, insofar as possible, to prevent the occurrence of grievances and to deal with those which occur in a prompt, forthright, and professional manner. Every effort shall be made to adjust grievances within the framework of existing laws and regulations, in a manner mutually satisfactory to employees and management. A grievance may exist when an employee is dissatisfied with some condition or aspect of employment and desires remedial action and is desirous of filing an appeal for relief of the condition. The employee having the grievance shall have responsibility to carry on the grievance process as far as necessary to reach a satisfactory solution. The human resources personnel shall assure that all supervisors and elected officials respond affirmatively to this policy and procedure and expedite the resolution or processing of any grievance which may be received without the presence of discrimination, coercion, restraint, or reprisal.
- B. Employee Rights: An employee is entitled to:
1. Assistance by a representative of the employee's choice to act as an advocate at any level of the procedure
 2. A reasonable amount of time during work hours to confer with the representative and to prepare the grievance
 3. Freedom from reprisals for use of the procedures
 4. Call other employees as witnesses at an appeal hearing and such employees shall be allowed to attend and testify at the hearing if reasonable advance notice is given to the witnesses' immediate supervisor
- C. Automatic Step Processing & Waivers: Failure to answer an employee's appeal within the time specified automatically grants the aggrieved employee the right to process the appeal to the next step. Any appeal step, or any time limits specified at any step, may be waived or extended by mutual agreement, in writing, between the aggrieved employee and the person to whom the appeal is directed. Failure by the aggrieved employee to process an appeal from one step to the next, within the time specified or time period mutually agreed to, is deemed a waiver by the employee of any right to process the appeal further or to appeal any level (if failure to process was not due to circumstances outside the control of the employee).

D. Stipulations: No employee may submit an appeal more than one (1) year after the event giving rise to the appeal, nor does any person who has voluntarily terminated their employment with the county have any standing thereafter to submit an appeal.

E. Grievance Procedure Steps:

STEP 1: Whenever a grievance arises or is directed to the attention of the department head, the department head shall promptly discuss all relevant circumstances with the employee and remove the cause of the grievance to the extent the department head deems advisable and possesses authority.

STEP 2: If the department head fails to settle the grievance to the satisfaction of the employee, a written grievance and the decision of the department head shall be referred to the county commission.

STEP 3: The county commission shall schedule a hearing with the party(s) within fifteen (15) working days after the receipt of the written grievance. The county commission shall render a written decision to the employee and to the department head within five (5) working days after the conclusion of the hearing. The county commission shall render its findings and decision to all concerned parties in writing, which decision shall be final and binding.

F. Hearing Guidelines: The following procedures are intended to serve as a guide to assure orderly hearing processes and facilitate the bringing out of all relevant and material facts. Deviation from these processes may occur upon mutual agreement of all parties concerned.

1. The appellant may present his/her case personally or through a representative of their choosing.
2. The hearing shall not be bound either by legal procedures or by legal rules of evidence.
3. A tape recording shall be kept of the proceedings and at the request of either party, all witnesses shall be excluded from the hearing room until such time as they are called upon to testify.

G. Hearing Procedures:

1. The office/department representative and employee's representative may briefly summarize their cases in an opening statement.
2. At the conclusion of the opening statements, witnesses or material

- evidence may be introduced in support of the office/department position.
3. The appellant and then the hearing officer(s) may ask questions of each witness of the office/department after said witness has testified.
 4. The appellant then presents material evidence, calls witnesses, etc. following same processes as previously mentioned.
 5. After presentation of appellants case, the office/department shall be allowed to present rebuttal evidence.
 6. Before closing the hearing, the hearing officer(s) shall allow the appellant and the office/department in turn to make closing statements.

H. Discharge or Transfer: In cases of discharge or transfer, the employee shall file a written

notice of appeal with the county clerk, within ten (10) days after the discharge or transfer. The county clerk shall then refer the appeal to the county commission, which shall begin it's investigation, take and receive evidence, and fully hear and determine the matter which relates to the cause for the discharge or transfer. The employee shall be entitled to appear in person, to have a public hearing to confront the witness(es) whose testimony is to be considered, and to examine the evidence to be considered by the county commission.

I. Decision by Secret Ballot: The decision of the county commission shall be by secret ballot and shall be certified to the county clerk within fifteen (15) days from the date the matter is referred. The commission may, in it's decision, provide that an employee shall receive his/her salary for the period(s) he/she was transferred to a position of less remuneration, but not to exceed the fifteen (15) day period. In no case shall the employee be discharged or transferred, where an appeal is taken, except upon a concurrence of at least a majority of the county commission.

