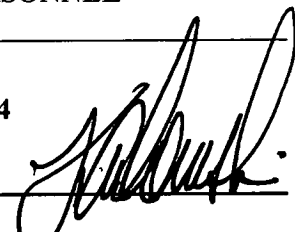


TOWN OF PRESCOTT VALLEY
POLICIES AND PROCEDURES

Subject: GRIEVANCE PROCEDURES	File under Section: PERSONNEL	
Effective Date: August 11, 2005 Res. No. 1376, 8/11/2005	Number: 2-23	Page: 1 of 4
Supersedes: September 23, 2002 Res. No. 1117, 8/22/2002	Approved By:  Larry Tarkowski Town Manager	
	Date: <u>8-11-05</u> S	

1.0 POLICY

- 1.1 The Town of Prescott Valley's general policy is to provide a day-to-day working environment in which employees can communicate effectively with management and without inhibitions. It is the role of management to commit to discover and to respond to employee dissatisfaction by encouraging employees to bring their problems to their supervisors and managers. This is often referred to as an open door policy, a reliable and observable mechanism to learn of and to cure the various causes of employee disgruntlements before they become grievances.
- 1.2 In order to make absolutely certain that other means of communications are not abandoned or ignored, and to make certain that problems are being solved at a relatively early stage, we encourage managers to meet regularly with all employees (on an individual basis, in small groups, or within departments) to discuss problems and to follow up with talks and solutions.

2.0 PURPOSE

- 2.1 The purpose of this policy is to provide a mechanism for employees to have recourse in the event that some grievances cannot be resolved even with an open door policy and good employer-employee communications. In addition, this policy is structured to provide a fair and impartial handling of grievances in the event that an employee feels he or she has not been dealt with according to the rules and regulations as outlined in Town Personnel Policies and Procedures.

3.0 APPLICABILITY

- 3.1 All Town of Prescott Valley employees.

4.0 REFERENCE

5.0 GRIEVABLE VS. NON-GRIEVABLE ISSUES

5.1 Employees shall have the right to appeal violations of the provisions of the Personnel Manual except for the following issues which are not grievable.

- Complaints for which the Town provides an alternate dispute resolution procedure.
- Termination of an introductory period appointment.
- Termination of a temporary/part-time appointment.
- Classification.
- Compensation.
- Performance evaluation.
- Oral warnings.

6.0 LEVELS OF REVIEW

6.1 Informal Dispute Resolution Procedure

6.1.1 All efforts to settle a dispute shall initially be conducted informally with the employee's immediate supervisor and the assistance of the human resources manager prior to filing a formal grievance. However, if an employee believes that discussion with the supervisor is not appropriate, the employee may proceed to the formal grievance procedure.

6.1.2 In the event of allegations of discrimination and/or harassment, including sexual harassment, the employee should follow the guidelines contained in the Equal Employment Opportunity Policy, the Harassment Policy and the Americans with Disabilities Act Policy.

6.2 Formal Grievance Procedure

6.2.1 First Level of Review

6.2.1.1 The appeal shall be presented in writing to the employee's department head within ten (10) working days of the incident.

6.2.1.2 At this time, the Town may determine if the grievance is proper pursuant to section 7.8.

6.2.1.3 The department head shall render a decision and comments in writing and return them to the employee within ten (10) working days after receiving the appeal.

6.2.1.4 If the employee does not agree with the department head's decision or if no answer has been received within ten (10) working days, the employee may present the appeal for the second level of review within ten (10) working days. Failure of the employee to take further action within ten (10) working days after receipt of the written decision from the department head will constitute dropping of the appeal.

6.2.1.5 The written grievance shall include the following:

- (a) A full description of the grievance and how the employee was adversely affected.
- (b) The section of the Personnel Policies and Procedures allegedly violated and state the specific nature of the violation.
- (c) The date(s) of the incident(s) grieved.
- (d) The remedy or solution to the grievance sought by the employee.
- (e) The signature of the grievant.

6.2.2 No modification in the alleged basic violation shall be made subsequent to filing of a grievance, unless mutually agreed to by both the Town and the grievant. However, corrections or other clarifying amendments can be made at any time by the grievant.

6.2.3 Second Level of Review

6.2.3.1 The Personnel Officer shall render a decision in writing and return it to the employee within ten (10) working days after receiving the appeal.

6.2.3.2 If the employee does not agree with the decision, or if no answer has been received within ten (10) working days, the employee may present the appeal in writing within ten (10) working days to the Personnel Board. Failure of the employee to take further action within ten (10) working days after receipt of the decision will constitute dropping the appeal.

6.2.4 Third Level of Review

6.2.4.1 Upon receiving the appeal, the Personnel Board or a designated representative shall schedule a formal hearing with the employee, the employee's designated representative, if any, and with other appropriate persons.

6.2.4.2 The Personnel Board shall render an advisory opinion, consisting of its findings and conclusions, in writing within thirty (30) calendar days of the appeal.

6.2.4.3 The Personnel Board shall forward its opinion to the Personnel Officer who shall render the final decision no later than ten (10) working days after the receipt of the Personnel Board's opinion. Copies of the opinion shall also be forwarded to each party.

6.2.5 Final Remedy

6.2.5.1 If the employee is dissatisfied with the Personnel Officer's final decision, the employee may file a special action in Superior Court. The Court's review will be limited to deciding whether the administrative action was illegal in that it was arbitrary, capricious or involved an abuse of discretion. Only evidence presented to the Town will be considered by the Court.

7.0 CONDUCT OF GRIEVANCE PROCEDURE

- 7.1 The time limits specified above may be extended to a definite date by mutual agreement of the employee and the reviewer concerned with the approval of the Personnel Officer.
- 7.2 The employee may request the presence of another person of the employee's own choosing, except a member or members of the Personnel Board or the elected body, in preparing and presenting an appeal at any level of review.
- 7.3 An appeal, once dropped through action by the employee or through the failure on the employee's part to pursue the grievance, cannot be re-instituted.
- 7.4 Final decisions on grievances will not be precedent-setting or binding on future grievances unless they are officially stated as Town policy. When appropriate, the decisions will be retroactive to the date of the employee's original grievance.
- 7.5 Information concerning an employee grievance is to be held in confidence. Supervisors, department heads, and other members of management who investigate a grievance are to discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information or advice.
- 7.6 Time spent by employees in grievance discussions with management during their normal working hours will be considered hours worked for pay purposes.
- 7.7 Employees are not to be penalized for proper use of the grievance procedure. However, it is not considered proper use if an employee raises grievances in bad faith or solely for the purposes of delay or harassment, or repeatedly raises meritless grievances. Implementation of the grievance procedure by an employee does not limit the right of the Town to proceed with any disciplinary action that is not in retaliation for the use of the grievance procedure.
- 7.8 The Town may, at its discretion, refuse to proceed with any complaint it determines is improper under this policy.
- 7.9 This policy does not alter the employment-at-will relationship in any way.