



CITY OF WATAUGA – PERSONNEL, ADMINISTRATION AND FINANCIAL POLICIES AND PROCEDURES MANUAL

POLICY TITLE	Employee Grievance Procedure
INITIAL EFFECTIVE DATE	March 28, 2016
LAST REVISION DATE	Replaces <i>Section 11.1, 11.2, 11.3, 11.4, 11.6 and 13.5 of the Personnel, Administration and Financial Policies and Procedures Manual approved on February 24, 2014. Amended June 25, 2018.</i>
POLICY NUMBER	12.01

OBJECTIVE The purpose of this policy is to establish effective guidelines for addressing employees’ concerns about the application of policies, decisions, or working conditions. To promote effective working relationships, it is important that such matters be addressed before serious problems develop. The City believes that open communication is essential when employees have problems or concerns regarding their jobs.

SCOPE This policy applies to all regular full-time and part-time employees, who have completed their probationary period. Police Officers and Fire Fighters are subject to the applicable provisions of Texas Local Government Code Chapter 143, the Rules of the City of Watauga Firefighters and Police Officers Civil Service Commission, and the general and special orders of the Police and Fire Departments, which may incorporate some or all of the provisions of this policy.

POLICY

A. Intent of Policy

Most incidents can be resolved through effective communication between the employee and the immediate supervisor. It is the desire of the City to:

1. Provide fair, equitable, and timely grievance review procedures for all employees;
2. Facilitate free discussion of employment and employee/supervisor problems between employees and supervisors to foster better understanding of administrative policies, procedures, and practices;
3. Promote reaching the right decision (rather than determining who is right) in a climate of mutual understanding and objective, factually-based thinking;
4. Ensure that those who file grievances are not retaliated against; and
5. Ensure this policy is followed.

B. Applicability

1. An employee may only file a grievance on the following grounds:

- a. Alleged improper application of City of Watauga rule, regulation, procedure, policy, resolution or ordinance.
 - b. Alleged improper disciplinary action involving termination, suspension and demotion.
 - c. Unequal and/or unlawful treatment, including retaliation not covered by other City policies.
2. Employees may not file a grievance related to actions or decisions in the following areas:
- a. Generalized feelings of unfairness. A grievance must be specifically related to a written policy, regulation, or procedure.
 - b. Performance improvement or discipline actions (such as oral warning or written reprimand).
 - c. When allowed by another City of Watauga policy, an employee may not appeal the action in compliance with that policy.
 - d. Complaints of civil rights violations such as issues concerning race, color, religion, sex, national origin, age, disability, sexual orientation, genetic information, or whistleblower. These complaints are handled in compliance with the Policy 10.08 Harassment-Free Workplace.
 - e. Complaints questioning the substance of a policy, rule, or regulation. Policy formulation is reserved as a right of management.
 - f. Actions taken as a result of substance abuse as part of the Substance Abuse Policy.
 - g. Position classification, salary range and determination of base salary.
 - h. A Department Director's or Supervisor's right to hire, promote, retain, train, direct, transfer, or assign work to employees.
 - i. A grievance on behalf of another employee(s).
 - j. Employees directly reporting to the City Manager and/or City Council.
 - k. Any disciplinary action taken during probationary period.

C. Areas of Responsibilities

1. Employee's Responsibility

- a. To promote harmony in each department and foster goodwill among employees, the employee should take questions or concerns to their immediate supervisor promptly so they can be resolved through a discussion between the employee and the supervisor.
- b. The employee is expected to make every effort to achieve an informational resolution of the grievance. Employees should use the Chain of Command in this process.
- c. The employee should provide the supervisor with a clear description of the incident being grieved, date of the incident, the policy violated, and why the incident is unjust or unfair, and the resolution being sought.

2. Supervisor's Responsibility

- a. The supervisor is to investigate the complaint presented by the employee.
- b. The supervisor must meet with the employee to give a verbal response as soon as possible, but no later than five (5) business days.
- c. If the employee is unsatisfied with the response, the supervisor must refer the employee to Human Resources.

If the employee is not satisfied with the verbal response, or the employee declines to discuss the matter of concern with the immediate supervisor, the employee may file a formal grievance and submit it to the next level of supervision in the employee's chain of command.

D. Formal Grievance Procedure

1. The affected employee will complete a written statement using the **Formal Grievance Form** found in Appendix A. The grievance must cite the specific policy or policies that have been violated, including the direct and adverse effect the violation had on the employee. In addition, the specific corrective action the employee is requesting, and the explanation supporting this request, must be included by the employee in the written statement. The completed statement must be submitted to the next level of supervision in the employee's chain of command within five (5) business days of the event giving rise to the grievance or the employee becoming aware of the event. Upon receipt of the completed written grievance statement, the supervisor/manager receiving the grievance must consult with the Human Resources Director or designee to determine if the issue is grievable. The supervisor/manager must provide their comments or decision in writing and return it to the employee within five (5) business days of receipt of the grievance.
2. If it is determined to be a grievable issue, and if the written response received in Step 1 does not satisfy the employee, the employee may proceed to the next level by submitting the written grievance statement and the supervisor/manager's response to their Department Director within five (5) business days from the date the decision was received in Step 1. The Department Director will consult with the Director of Human Resources and may conduct whatever investigation they deem necessary, including interviewing other employees. The Department Director must provide their comments or decision in writing and return it to the employee within ten (10) business days from the date the appeal is received.
3. If the Department Director's written response does not satisfy the employee, the employee may proceed to the next level by submitting the written grievance statement and department responses to the Human Resources Director within five (5) business days from the date the decision was received in Step 2. The Human Resources Director will review the grievance with the City Manager. The City Manager or designee may talk with any person who may assist in resolving the grievance. The City Manager will review the recommendation of the Human Resources Director and render a final written decision within thirty (30) calendar days of receipt of the employee's grievance.

E. General Rules

1. Every effort will be made to resolve the problem at the lowest possible supervisory level.
2. The Human Resources Director is responsible for monitoring the grievance procedure, ensuring grievances are handled according to procedure and facilitate problem solving.
3. Grievances may be discussed during scheduled business work hours without loss of pay to the employee.

4. Grievance discussions are not intended to be formal hearings. Discussions will be conducted privately and will not be recorded without the knowledge of all involved parties.
5. Every effort will be made to solve problems quickly within the time limits; however, the Human Resources Director may extend time limits specified in the policy with good reason. Both parties will be notified of any extensions.
6. If the grievance is not filed or is not appealed by the employee at any step within the specified time limit, the matter will be considered as having been accepted or settled on the basis of the last disposition.
7. An employee may present their own grievances or may authorize someone else to represent them. If the employee wishes to have another employee represent them, the supervisor should be informed. In this policy the term "employee" is understood to mean the employee or designated representative. If an employee chooses to represent another employee during the grievance procedure, all time spent in the grievance process must be on their own time (i.e. vacation, compensatory, etc.) and is subject to the supervisor's approval.
8. Complaints that are deemed to be of an ethical or criminal nature will be forwarded to the City Attorney as require by the City of Watauga Code of Ordinances, Section 2-174.
9. Based upon the details and findings of the investigation, the result of each grievance will be classified into one of the four (4) categories
 - a. UNFOUNDED: The allegation is false or not factual.
 - b. EXONERATED: The incident complained of occurred but was lawful and proper.
 - c. NOT SUSTAINED: There was insufficient evidence to prove or disprove the allegation.
 - d. SUSTAINED: The allegation is supported by sufficient evidence.



City of Watauga Formal Grievance Form

Instructions: All employee grievances must be submitted on this form. Supplemental documents may be attached. Refer to the City of Watauga *Policy 12.01 Employee Grievance Procedure*.

General Information

Employee:	Department:
Position:	Immediate Supervisor Name/Position:

Statement of Grievance

State problem, dates, and persons involved policy violated:

Remedy or Corrective Action sought:

Employee Signature

Date