

RULE 14B
EMPLOYEE GRIEVANCE PROCEDURES
(For General Employees Only)

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RULE 14B - EMPLOYEE GRIEVANCE PROCEDURES - GENERAL EMPLOYEES

14B.1 Purpose:

To provide permanent full-time employees with an effective procedure whereby grievable matters may be resolved in a fair, equitable and timely manner.

14B.2 - Responsibility:

It is the responsibility of the City of Sarasota to unilaterally determine the purpose of each of its constituent agencies, set standards of services to be offered to the public and exercise control and discretion over its organization and operations. In so doing, the City of Sarasota has the right and responsibility to direct its employees, take disciplinary action for proper reason and relieve its employees from duty because of lack of work or for other legitimate reasons in accordance with the Personnel Rules and Regulations.

14B.3 Definition of a Grievance:

A grievance is a problem or disagreement of a permanent, full-time employee in regard to the interpretation or application of the Personnel Rules and Regulations.

A grievance must relate to a specific issue that has occurred which is alleged to be in violation of the Personnel Rules and Regulations. The grievance must be submitted on the designated Employee Grievance Form and must state the specific date of occurrence and the Personnel Rules and Regulations, which have allegedly been violated.

A grievance must be clearly stated, or it will be rejected for insufficient information and returned to the grievant as set forward in this Rule.

14B.4 Items Excluded from the Grievance Process:

The following areas are excluded from consideration under this procedure: sexual harassment (see Rule 2.18), discrimination (see Rule 2.19), demotion, suspension, dismissal, layoff (general employees, see Rule 7.19 and Police, see Rule 7.20), performance evaluation (see Rule 13) and the establishment and approval of levels of compensation.

Other items such as job-related concerns that are covered under the Problem Solving Procedure are excluded from consideration under this Rule (see Rule 20). The Problem Solving Procedure has been established in order to provide employees and management with an effective procedure whereby job-related problems may be freely discussed between the employee and management in a fair, equitable and timely manner.

14B.5 Procedure - First Step (Supervisory):

A grievance shall be submitted in writing (see Pages 14B-7 through 14B-9, Employee Grievance Form) to the employee's immediate supervisor for discussion and consideration within seven (7) working days.

The grievance must be clearly stated specifying the date of occurrence and the Personnel Rule(s) or Regulation(s) involved or it shall be rejected by the employee's supervisor with the approval of the Department of Human Resources.

If a grievance is rejected the employee shall be given an additional three (3) working days to resubmit the grievance.

Supervisors are encouraged to consult with their Department Heads to give them relevant information or assistance in considering the employee's grievance.

Within seven (7) working days after receipt of the written grievance, the supervisor shall give the employee a written answer to the grievance. The supervisor's answer shall clearly state his or her decision or proposed resolution with reasons for the decision. However, the supervisor should consult with his or her Department Head prior to finalizing a response to the grievance.

14B.6 Procedure - Second Step (Department Head):

If the employee is not satisfied with his or her supervisor's decision, within three (3) working days after receipt of the supervisor's decision, he or she may request, in writing to his or her Department Head, an appointment with the Department Head for discussion and consideration of his or her grievance. Within seven (7) working days of receipt of the request, the Department Head shall schedule an appointment and meet with the employee.

The employee will be responsible for providing the Department Head with all material which he or she believes is relevant for a proper consideration of his or her grievance.

Department Heads are encouraged to consult with their supervisors in order to acquire relevant information or assistance in considering the employee's grievance.

Within ten (10) working days after hearing the employee's presentation, the Department Head shall give the employee a written answer to the grievance. The Department Head's answer shall clearly state his or her decision or proposed resolution with reasons for the decision.

14B.7 Procedure - Third Step (Grievance Review Panel):

If the employee is not satisfied with his or her Department Head's decision, within three (3) working days after receipt of the Department Head's decision, he or she may request, in writing to the office of Employee Service of the Department of Human Resources, a hearing with a Grievance Review Panel for their discussion and consideration of his or her grievance.

At the time the employee initiates the request for a Grievance Review Panel, the employee shall select his or her panel representative and present a written summary of the grievance to the office of Employee Services of the Department of Human Resources.

The office of Employee Services of the Department of Human Resources will review the hearing request to insure that its subject matter and content is in accordance with Rule 14B.3. If it is not, the employee shall be given notice of deficiency and shall be given an additional three (3) working days thereafter to amend the request for a hearing.

The Grievance Review Panel will consist of one (1) City employee representative selected by the Grievant and one (1) City employee representative selected by the employee's Department Head and a chairperson who is a City employee chosen by the first two representatives. No employee will be required to serve on the panel without his or her consent and approval of his or her Department Head.

The office of Employee Services of the Department of Human Resources shall coordinate the selection of the Department Head's representative within three (3) working days after receiving the name of the representative selected by the Grievant. Within three (3) working days after the first two representatives have been notified of their selection, they shall select a chairperson for the Grievance Review Panel. In the event the two representatives cannot agree on the selection of the chairperson, the Director of Human Resources or his or her designee, shall appoint the chairperson. The chairperson shall convene the Grievance Review Panel and hear the employee's grievance within seven (7) working days after his or her appointment.

Within ten (10) working days after the conclusion of the grievance hearing, the Grievance Review Panel shall submit to the City Manager or City Auditor and Clerk, for their respective employees, a report setting forth the facts of the grievance and the Panel's recommendations.

14B.8 Procedure - Fourth Step (City Manager or City Auditor and Clerk):

Prior to making his or her final decision, the City Manager or City Auditor and Clerk, for their respective employees, may elect to have the Grievant or City Department make a presentation to him or her in regard to the grievance and he or she shall have the discretion to require additional facts or information.

The decision of the City Manager or City Auditor and Clerk, for their respective employees, shall be final and binding upon all of the parties and he or she shall advise the Grievant in writing of his or her decision as soon as practicable after receipt of the Grievance Review Panel's report.

The City Manager, City Auditor and Clerk, for their respective employees, or the Director of Human Resources or his or her designee shall have the right to extend any time period set forth in Rule 14B.

14B.9 Timeliness:

Time is of the essence in this procedure. Failure of the Grievant to comply with the time requirements set forth in Rule 14B shall be sufficient cause for the rejection of the grievance by the office of Employee Services of the Department of Human Resources. Failure of a Supervisor or Department Head to comply with the time periods set forth in Rule 14B shall permit the grievance to proceed to the next procedural step in the Grievance Review process. No time periods set forth in Rule 14B, shall be extended without the written approval of the City Manager or City Auditor and Clerk, for their respective employees, except Rule 14B.8 (step #4).

14B.10 Procedural Guidelines for Grievance Review Panel:

A. Roles:

The role of the Grievance Review Panel is to hear an employee's grievance and to submit a report setting forth their findings of facts and recommendations to the City Manager or City Auditor and Clerk, for their respective employees. The Grievance Review Panel is authorized to attempt to resolve the grievance by encouraging the Grievant and the Department Head to compromise and settle the matter. Any settlement shall be reduced to writing and, upon acceptance by the Grievant and the Department Head, the grievance shall be deemed to have been withdrawn by the Grievant and the Grievance Review Panel shall dismiss the grievance.

B. Notification:

The Grievance Review Panel shall provide reasonable notice of each of their hearings and meetings. Such notice shall contain the date, time, place and subject of the hearing or meeting. A copy of the notice of hearing or meeting shall be provided to the Grievant, the Grievant's Supervisor(s) and Department Head, the City Manager, the City Auditor and Clerk, for their respective employees, the Director of Human Resources, office of Employee Services of the Department of Human Resources and the members of the Grievance Review Panel.

C. Grievance Review Panel Hearings and Meetings:

Grievance Review Panel hearings and meetings are subject to the Government in the Sunshine Law. Therefore, the hearings shall be open to the public and shall be held in an appropriate City office or conference room. The Grievance Review Panel shall take reasonable measures to ensure that the facilities where the hearing or meeting is to be held is sufficient to accommodate the number of persons expected to attend the hearing or meeting. In addition, the Grievance Review Panel shall provide the City Auditor and Clerk's Office with a public notice that a public grievance hearing is scheduled at location, date and time. The City Auditor and Clerk will approve the notice for posting on the City Hall bulletin board. The notice should be posted at least two (2) work days prior to the scheduled hearing.

The Grievant and the Department Head shall be afforded the opportunity to make presentations in regard to the written grievance and to submit relevant documents or other relevant evidence. The Grievance Review Panel is responsible for ensuring that the hearing or meeting is conducted in an efficient and impartial manner. Toward that end, the Grievance Review Panel may adopt reasonable rules and policies for the orderly conduct of its hearings and meetings so long as such rules and policies do not unreasonably restrict the opportunity for the Grievant and the Department Head to submit evidence.

Prior to the date of a Grievance Review Panel's hearing or meeting, the Grievant and the Department Head may submit relevant documents for consideration by the Grievance Review Panel. To the extent that such documents are relevant, they will become part of the record of the Grievance Review Panel.

One member of the Grievance Review Panel is required to contact the office of Employee Services of the Department of Human Resources for use of a tape recorder and tapes to record the hearing or meeting. This action should be completed as soon as the grievance is scheduled.

Minutes of all hearings and meetings of the Grievance Review Panel shall be taken by a person from among the Grievance Review Panel. A tape recording of the meeting is preferred and recommended. The minutes shall set forth a summary of all matters presented to the Grievance Review Panel and shall reflect all of the actions taken by the Grievance Review Panel at its

hearings or meetings. All hearings and meetings may be recorded at the discretion of the Grievance Review Panel.

The Grievance Review Panel may, in its discretion, require the Grievant and the Department Head to submit a list of their witnesses along with a brief summary of the relevancy of the witness' testimony. Witnesses may be called at the discretion of the Grievance Review Panel, and, if called, they shall be questioned by the Grievance Review Panel. However, the Grievance Review Panel may, in its discretion, allow the Grievant and the Department Head to question witnesses called by the Grievance Review Panel.

D. Evidence and Counsel:

The technical rules of evidence shall not apply to Grievance Review Panel hearings and meetings. In its discretion, the Grievance Review Panel may admit hearsay evidence. Redundant or irrelevant evidence may be excluded. However, the minutes shall reflect the nature of the evidence excluded. The Grievance Review Panel shall not permit or tolerate disruptive or outrageous behavior and is authorized to take any actions necessary, including termination of a hearing or meeting or dismissal of a grievance when the circumstances warrant. Final deliberations, and preparation of the Grievance Review Panel's final report to the City Manager or City Auditor and Clerk, for their respective employees, shall be conducted at a properly noticed public meeting.

14B.11 Role of the office of Employee Services of the Department of Human Resources:

The office of Employee Services of the Department of Human Resources or designated representative of the Director of Human Resources, will serve as a coordinator between the Grievant, the Department Head, the Department of Human Resources, and the City Manager or City Auditor and Clerk, for their respective employees. The office of Employee Services of the Department of Human Resources, or designee of the Director of Human Resources will be responsible for ensuring that the Grievance Review process is conducted in a fair and a timely manner. The Director of Employee Services, or the designated representative, shall be impartial throughout the grievance process.

14B.12 Decision of City Manager/City Auditor and Clerk for their Respective Employees:

The decision of the City Manager or City Auditor and Clerk, for their respective employees in regard to an employee's grievance shall be final and binding upon all parties.

EMPLOYEE GRIEVANCE
(Reference Personnel Rule 14B)

NAME OF EMPLOY: _____ EMPLOYMENT DATE: _____
(Print) First, Middle Initial, Last Name

DEPARTMENT: _____ CLASSIFICATION: _____

DATE OF INCIDENT: _____ LOCATION: _____

STATEMENT OF GRIEVANCE: {please attach additional comments if needed and state what Personnel Rule or Regulation has allegedly been violated}

RESOLUTION REQUESTED: {please attach additional comments if needed}

EMPLOYEE'S SIGNATURE: _____

DATE OF EMPLOYEE'S SIGNATURE: _____

STEP #1 - SUPERVISOR (See Rule 14B.5)

1.A: THE PROBLEM MUST BE SUBMITTED TO THE EMPLOYEE'S IMMEDIATE SUPERVISOR (within seven (7) calendar days of the time of occurrence of the problem)

DATE WRITTEN GRIEVANCE SUBMITTED TO SUPERVISOR: _____
(accompanied by form)

1.B: RESPONSE BY SUPERVISOR {please attach} (within seven (7) working days after receipt of the grievance in writing, the supervisor will give the employee a written answer to the grievance)

SUPERVISOR'S SIGNATURE CONFIRMING RESPONSE: _____

DATE OF RESPONSE: _____

EMPLOYEE'S ACKNOWLEDGMENT OF RESPONSE: • Resolved • Not Resolved

EMPLOYEE'S SIGNATURE: _____

DATE OF EMPLOYEE'S SIGNATURE: _____

STEP #2 - DEPARTMENT HEAD (See Rule 14B.6)

2.A: IF THE SPECIFIC GRIEVANCE IS NOT RESOLVED BY THE SUPERVISOR, THE EMPLOYEE MAY REQUEST IN WRITING AN APPOINTMENT WITH THE DEPARTMENT HEAD (within three (3) working days after receipt of the supervisor's decision in step #1)

DATE EMPLOYEE REQUESTED MEETING WITH DEPT. HEAD: _____

EMPLOYEE'S SIGNATURE: _____

DATE OF EMPLOYEE'S SIGNATURE: _____

2.B: DEPARTMENT HEAD SCHEDULES APPOINTMENT : _____
(within seven (7) working days).

2.C: DEPARTMENT HEAD'S SIGNATURE CONFIRMING RESPONSE: _____
(Department Head responds in writing within ten working days after meeting)

DATE OF RESPONSE: {please attach comments} _____

EMPLOYEE'S ACKNOWLEDGEMENT OF RESPONSE: • Resolved • Not Resolved

EMPLOYEE'S SIGNATURE: _____

DATE OF EMPLOYEE'S SIGNATURE: _____

STEP #3 - GRIEVANCE REVIEW PANEL (See Rule 14B.7)

3.A: IF THE SPECIFIC GRIEVANCE IS NOT RESOLVED BY THE DEPARTMENT HEAD, THE EMPLOYEE MAY REQUEST, IN WRITING, A GRIEVANCE REVIEW PANEL HEARING (within three (3) working days after receipt of the Department Head's decision) PANEL MEMBERS WILL BE CITY EMPLOYEES.

DATE OF GRIEVANCE REVIEW PANEL REQUEST: _____
(within three (3) working days following receipt of the Department Director's decision)

EMPLOYEE'S SIGNATURE: _____

DATE OF EMPLOYEE'S SIGNATURE: _____

NAME OF EMPLOYEE'S PANEL MEMBER: _____

(same time employee requests panel review)

DATE SELECTED: _____

DATE WRITTEN SUMMARY RECEIVED BY HUMAN RESOURCES DEPT.: _____
{please attach} (same time employee request panel review)

SIGNATURE OF HUMAN RESOURCES EMPLOYEE: _____
(accepting summary)

3.B: NAME OF DEPARTMENT'S PANEL MEMBER: _____
(Print) (Select within three (3) working days)

DATE SELECTED: _____

3.C: NAME OF THIRD PANEL MEMBER (CHAIRPERSON): _____
(Print) (Select within three (3) working days after second member is selected)

DATE SELECTED: _____

3.D: LOCATION OF PANEL MEETING(S): _____

DATE(S) OF MEETING(S): _____

TIME(S) OF MEETING(S): _____

DATE EMPLOYEE/DEPARTMENT HEAD NOTIFIED: _____

NOTIFIED BY: _____

HOW WERE THEY NOTIFIED: _____

3.E: DATE HEARING CONCLUDED {please attach}: _____

CHAIRPERSON'S SIGNATURE: _____

3.F: DATE OF REPORT AND RECOMMENDATION TO CITY MANAGER/CITY AUDITOR AND CLERK, if applicable:
(Attach Report signed by Grievance Review Panel)

(within ten (10) working days of hearing conclusion)