**SECTION: LEAVE LAWS**

**POLICY:** Grievance/Complaint Process **EFFECTIVE DATE:** insert date adopted

**STATEMENT OF PURPOSE:**

The purpose of this policy is to outline the procedures for employees to appeal disciplinary actions and file grievances related to workplace issues. This policy also covers the process for addressing complaints under the Americans with Disabilities Act (ADA).

**DEFINITIONS:**

1. Appeal: A process that allows employees to dispute disciplinary actions at or above the level of a written reprimand.
2. Grievance: A process that allows employees to file complaints regarding inconsistent or unlawful treatment, inconsistent interpretation or application of City or department policies, procedures, practices, and retaliation.
3. City Manager: The official responsible for making the final determination on appeals and grievances when escalated.
4. ADA Grievance: A complaint alleging discrimination based on disability in the provision of services, activities, programs, or benefits.

E. Business Day: A business day refers to the typical hours in a day when normal business

operations take place. A business day typically refers to Monday through Friday, 8 a.m. to 5 p.m., excluding weekends and public holidays.

**APPLICABILITY:**

This policy applies to all City employees not covered under Section 143, including those filing appeals related to disciplinary actions and grievances concerning inconsistent or unlawful treatment, as well as grievances related to ADA compliance.

**PROCEDURES:**

1. Appeals:
   1. Employees may appeal disciplinary actions at or above the written reprimand level.
   2. Appeals must be submitted through Human Resources to the Director of Human Resources, in writing, within five (5) business days of the action.
2. Grievances:
   1. Employees may file grievances regarding inconsistent or unlawful treatment, retaliation, or inconsistent interpretation of City policies.
   2. Grievance must be documented with the immediate supervisor within five (5) business days of the action.
   3. Supervisors must respond within five (5) business days of receipt.
   4. If unresolved, employees may submit the grievance in writing to the department director within five (5) - business days of receiving the supervisor’s response.
   5. Department directors must respond in writing within five (5) business days.
   6. If still unresolved, the grievance may be escalated to the City Manager through Human Resources within five (5) business days.
3. Final Determination:
   1. The City Manager may appoint a committee to investigate the grievance or make a final determination independently.
   2. The decision of the City Manager is final.
   3. Employees are prohibited from discussing grievances directly with the City Manager outside of this process.
4. Appeals Process
   1. Appeals for Written Reprimand and Above (Non-Civil Service):
      1. Disciplinary actions at or above the written reprimand level (suspension, demotion, discharge) must be appealed to the Department Director and Human Resources.
      2. Appeals must be submitted within five (5) business days of the action.
      3. The Department Director may appoint a committee to investigate the appeal. Employees are prohibited from discussing their appeals directly with the Department Director or other officials unless instructed to do so.

2. Employees who do not agree with the Department Director’s decision may

appeal to the City Manager through Human Resources within five (5) business days of receipt of the Director’s decision.

a. The City Manager may appoint a committee to investigate the appeal.

b. The City Manager will respond to the employee within ten (10) days.

c. The City Manager’s decision is final.

1. Appeals and Grievance Committee
   1. If a committee is appointed, only witnesses or legal representatives may participate.
   2. Appeals and grievances must be filed on time and in accordance with these procedures.
2. ADA Grievance Procedure
   1. Filing an ADA Grievance:
      1. ADA Grievances must detail the nature of the discrimination, including the complainant’s name, contact information, date, location, and description.
      2. Alternative filing methods (e.g., personal interviews or recorded statements) are available upon request.
      3. ADA Grievances must be submitted within 60 calendar days of the alleged violation to the Human Resources Department.
   2. Resolution Process:
      1. Within 15 calendar days, Human Resources will meet with the complainant to discuss the ADA Grievance and possible resolutions.
      2. A written response will be provided within 15 calendar days after the meeting.
      3. If unsatisfied, the complainant may appeal to the City Manager within 15 calendar days of receiving the response.
      4. The City Manager or designee will meet with the complainant within 15 calendar days and respond with a final resolution within 15 calendar days of the meeting.
         1. Record Retention:
            1. All written ADA Grievances, appeals, and responses will be retained for a minimum of three (3) years.