

CITY OF TUMWATER
POLICY MANUAL – PART 1: PERSONNEL POLICIES

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4.01 Personal Appearance, Conduct & Attitude

All employees will represent the city to the public in a courteous, efficient and helpful manner. Employees are expected to be positive in attitude even when dealing with citizens under strained or emotional conditions. Employee dress will be appropriate to the job location and type of work, especially with respect to safety considerations, as determined by the Department Manager.

4.02 Standard Work Day and Normal Operating Hours

4.02.01 A standard work day and normal operating hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday, except those days designated as official holidays. Due to the nature of work, some departments may have differing schedules from normal operating hours. In that instance, schedules will be determined by appropriate bargaining agreements or determined by the Department Manager and approved by the Mayor.

4.02.02 Flextime: Flextime is a work schedule that permits flexible starting times and quitting times for employees other than the standard work day. A standard number of core hours which must be worked is a typical part of a flextime schedule. Under some flextime schedules. The following is a typical flextime model:

Flexible Time ⇒	6 AM - 10 AM
Core Time ⇒	10 AM - 3 PM
Flexible Time ⇒	3 PM - 7 PM

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4.03 Alternative Work Schedules

4.03.01 **ELIGIBILITY:** All regular full-time employees of the City are eligible to request the available alternative work schedules as described in this policy. Final decisions on participation will be made by Department Managers and the city administrator and will be based upon an objective review of the individual circumstances, the demands of the position, the needs of the department and the needs of the City.

An employee with a documented performance problem or an employee in a probationary or trial performance status may be denied their request for an alternative work schedule, depending on the nature of the performance problem or the preference of the supervisor in a probationary or trial performance situation.

4.03.02 **Definitions.** For the purposes of the alternative work schedule policy in Section 4.03, the following terms are defined:

- 1) Compressed Work Week/Modified Compressed Work Week: Employees work a standard number of hours within fewer days during the same week, or each work day is an extra 30-60 minutes long, with one day off every two or three weeks. For employees eligible for overtime pay under the Fair Labor Standards Act (FLSA), the following compressed work week options will be considered under this policy:
- 2) 4/40 - Four 10-hour days each week.
- 3) 9/80 - The 80 hours in a two week period are scheduled over 9 working days. The normal work day is extended by one-hour five days one week and three days the next week, with one regular eight-hour day. This produces one extra day off every two weeks. To comply with the FLSA and prevent an overtime obligation, the seven day work week must be formally designated and the schedule must be approved by the Administrative Services Department for compliance with the FLSA.

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- 4) 14/120 - The normal work day is extended by approximately 30 minutes each day, so that 120 hours in three work weeks are worked over 14 work days. This produces an extra day off every three weeks.
 - a) A 14/120 schedule is available only for employees exempt from overtime under the FLSA. Exempt employees are also eligible for the 4/10 and 9/80 schedules.

4.03.03 APPLICATION FOR ALTERNATIVE WORK SCHEDULES

- 1) The interested employee(s) will complete a standard application, which will include the proposed alternative work schedule, the employee circumstances leading up to the request, potential impacts identified and recommended solutions. Additional information may be attached to the standard application. The application must be submitted to the Department Manager.
- 2) If circumstances require a group of employees to adopt an alternative work schedule in order to make the schedule feasible, a current employee who is opposed to the alternative work schedule change will be allowed to continue the current schedule, unless the Department Manager determines that the modified schedule is necessary to meet department needs.
 - a) After a group of employees has agreed to an alternative schedule, the continuation of the schedule shall be based on the preference of the majority of the employees involved, except that the Department Manager can end any alternative work schedule pursuant to Section 4.03.05 below.

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- 3) The Department Manager receiving the employee application, will review the request by assessing the form submitted, reviewing job descriptions, and speaking with supervisors and co-workers. If the Department Manager does not approve of the proposed schedule, he/she will return the form to the employee with documentation of the reasons for denial. If the Department Manager approves the schedule, he/she will advance the form with documentation of the approval to the city administrator.
- 4) The city administrator will consider the written application and the Department Manager's recommendation and may contact other individuals deemed able to provide additional information or assistance in decision making. The city administrator will confer with the Administrative Services Department to ensure that the proposed schedule is in compliance with the Fair Labor Standards Act (FLSA). Upon completion of a review of the request, the city administrator will provide a written approval or denial to the employee and the Department Manager. If approved, the department affected will work with the Administrative Services Department to appropriately implement the approved schedule and a copy of the application and the approval document will be forwarded to the Finance Department for coordination with the payroll process.
- 5) If an application is not approved, the employee may submit a new application only if circumstances (of the employee, the department or position) significantly change.

4.03.04 STANDARDS OF REVIEW: An alternative work schedule will be implemented for any eligible individual who can demonstrate to the satisfaction of the Department Manager and city administrator that the impacts of the schedule will not, in their judgment, unacceptably impact the City and its operations.

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- 1) Minimum Standards: No alternative schedule will be approved which, in the judgement of the Department Manager or city administrator, has the effect of compromising facility security or employee safety; of reducing, banking or eliminating rest breaks; of reducing lunch breaks to less than thirty minutes; of creating an overtime liability for the City; of regularly scheduling work on Saturday or Sunday for the sole purpose of accommodating the preferred schedule; and/or of preventing the City from meeting its legal and fiscal obligations for the manner in which City operations are conducted.

- 2) Assessment of Impacts: In assessing the impacts of a proposed alternative work schedule, the Department Manager and city administrator will balance negative impacts with positive impacts and make a final determination on the basis of overall benefit to the City. The following categories of impacts will be assessed by the Department Manager and the city administrator in evaluating an alternative work schedule proposal: overall customer service; interference with regular business operations of the City; telephone call coverage and responsiveness; overall employee productivity; employee accountability for time and results of work; reduction of commute trips; and improved service hours for the public; equipment sharing efficiencies; improved employee morale; improved time management flexibility; and reduced overtime costs.

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4.03.05 MODIFICATION OF AN APPROVED ALTERNATIVE WORK SCHEDULE

- 1) A Department Manager or the city administrator may at any time, with thirty days notice to affected employees, terminate any approved alternative schedule, if it is determined that the conditions under which approval had been granted have changed or, if, in the judgment of the Department Manager or city administrator, the schedule proves to cause unforeseen impacts that are not in the best interest of the city. If an alternative work schedule is discontinued, the employee may submit a new application should circumstances (of the employee, the department, or position) significantly change.
 - a) Changes in workload, funding, legal mandates, changes in legal interpretations or other needs of the City and/or individual departments could cause the City to revise or cancel the alternative work schedule options offered.
- 2) If an employee working under an approved alternative work schedule wishes to modify the alternative work schedule, a new application per Section 4.03.03 is required if: 1) The proposed modification is from one approved work schedule to another or 2) if the Department Manager determines that the proposed modification creates significant impacts that were not addressed by the original application (Example: changing the work schedule in a manner that creates a loss of coverage or that makes another employee's schedule unworkable).
 - a) A minor modification of an approved alternative work schedule, that does not involve the changes described above, can be implemented upon approval of the Department Manager.

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- 3) Employees may be asked to fill in on their regularly scheduled day off for employees who are absent. Supervisors and employees will provide as much advance notice as possible and will be flexible in working out an alternative schedule for the employee asked to work on their regular day off.

4.03.06 ACCRUING AND USING SICK LEAVE, VACATION LEAVE AND HOLIDAY PAY WHILE ON AN ALTERNATIVE WORK SCHEDULE:

- 1) Sick leave and vacation leave will continue to accrue at the regular rate. When an employee takes a full day of sick or vacation leave, the time charged will be equivalent to the full number of hours the employee was scheduled to work. This compensates for actual time absent for regularly scheduled work hours. For example, an employee accruing eight (8) hours per month in sick leave is absent for a full day that he/she is scheduled to work ten (10) hours. The time charged for sick leave would be ten (10) hours.
- 2) When a paid holiday falls on an employee's regularly scheduled work day, the employee will be paid eight (8) hours of holiday pay. If the regularly scheduled work day is greater than eight (8) hours, the employee may be required to use either accrued vacation time or, if approved by the supervisor, to make up the time during the work week.
- 3) When a paid holiday falls on an employee's regular day off, the employee will be credited with eight (8) hours of holiday pay which may be used at a later date. Any accrued paid holiday hours must be utilized in the calendar year in which they have been earned. Accrued holiday hours not used by December 31st of each year will be lost to the employee.

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4.04 Standard Work Week

4.04.01 Full-time city employees work 40 hours per week. Unless otherwise approved in writing by the City the 7 day work week for each employee will be 12:00 a.m. Sunday through 11:59 p.m. Saturday.

4.04.02 Due to the nature of work performed in each department, some employees' work schedules may vary from normal weekly work schedules. These schedules must be approved by the Department Manager.

4.05 Attendance

Employees must be in attendance at their work station in accordance with the rules regarding hours of work, holidays and leaves as set forth in these policies. Employees are expected to be at their work station and prepared to begin work at the starting time. Abuse of attendance or hours of work rules may result in disciplinary action.

4.06 Break Periods

4.06.01 Rest Breaks

Employees are entitled to one 15-minute work break per four hours of work time. While rest breaks are authorized in accordance with applicable State law, break schedules are flexible so as not to interrupt the operations of the city. The Department Manager has the authority to revise break schedules as necessary.

4.06.02 Meal Breaks

Employees are entitled to a maximum one-hour break for meals for each 8-hour work day. Arrangements of meal breaks will be approved by the Department Manager in consideration of work schedules of the department.

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4.07 Disciplinary Action and Rules of Conduct

City employees should be informed of rules of conduct and specific causes for disciplinary action, including applicable departmental policies or rules. These rules of conduct are formalized for each employee's information to minimize the likelihood of any employee becoming subject to disciplinary action through misunderstanding or otherwise. It is the responsibility of the department manager and immediate supervisor to ensure employees are informed of these rules of conduct.

4.07.01 Rules of Conduct

- 1) The occurrence of any of the following is sufficient justification for immediate discharge but is not considered all inclusive:
 - a) Theft, misappropriation or removal of city property or the property of employees, clients or customers.
 - b) Knowing, intentional or repeated falsification of an application for employment or any report, time sheet or city record.
 - c) Soliciting and/or accepting payments, gifts or any item of value (unless permitted by personnel policy 8.04 (C)) for services performed during the regular workday, whether the services are performed on behalf of the city and whether city vehicles or equipment are used.
 - d) Willful alteration, destruction or waste of city property, facilities, records or equipment, wherever located, or the destruction of another employee's property.
 - e) Bringing alcohol (except as specifically authorized by the City), narcotics or other controlled substances on city property or in city vehicles; reporting to work or being under the influence of alcohol, narcotics or other controlled substances while on working time, or while on city property or in city vehicles.

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- f) Giving or taking a bribe of any nature as inducement for obtaining or retaining a job or position.
- g) Serious or repeated disorderly conduct, horseplay or insubordination. Insubordination includes, but is not limited to: neglect of duty, or refusal or failure to obey orders or instructions in the line of duty; public disrespect displayed toward a supervisor or the city while performing work for the city; and abusive language to any supervisor.
- h) Threatening, intimidating, coercing or interfering with supervisors or other employees.
- i) Deliberate attempts to injure another employee or fighting on city property or during working hours.
- j) Sleeping during working hours.
- k) Unauthorized possession of fire arms, explosives or any dangerous weapons while performing city work or while on city property.
- l) Participating in an unauthorized work stoppage or slowdown.
- m) Recklessness resulting in a serious accident while on duty, whether on city property or while driving a city vehicle.
- n) Repeated unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct as defined in State and Federal Laws and in accordance with Resolution No. 225. Sexual harassment includes but is not limited to demands for sexual favors in exchange for employment, retention of job, promotion or other employment benefits.

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- o) Willful or intentional behavior or remarks based on race, creed, color, national origin, age, sex, marital status, sexual orientation, or the presence of a physical, sensory, or mental disability resulting in discrimination against any employee, customer or member of the general public.
- p) Willful infraction of any departmental or city rule, regulation or policy.
- 2) The occurrence of any of the following is sufficient justification for the imposition of lesser discipline such as verbal or written warning, suspension without pay or disciplinary probation as set forth in the following section, although depending on the seriousness of the offense, the city may immediately discharge the offender. These reasons for discipline are not intended to be all-inclusive.
 - a) Ignoring safety rules or common safety practices.
 - b) Engaging in disorderly conduct, horseplay, immoral conduct or insubordination; using uncivil, insulting, vile or obscene language.
 - c) Failure to report occupational injuries or accidents promptly to the employee's supervisor, including motor vehicle accidents in a city vehicle.
 - d) Engaging in activities other than assigned work during working hours and/or while operating city equipment, without advance approval by the employee's supervisor.
 - e) Acting in an insulting, rude, insolent or uncivil manner toward any customer or other person while working for the city, or while operating city equipment or on city premises.

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- f) Failure to exercise the care and attention to one's work as required by the circumstances.
- g) Smoking in restricted or prohibited areas on city property.
- h) Accepting employment with another employer while on leave without pay from the city without written authorization from the city.
- i) Acting in any manner inconsistent with common sense rules of conduct necessary to the welfare of the city or its employees.
- j) Unexcused or excessive absences or tardiness.
- k) Leaving work before the end of the shift or not being ready to begin work at the start of the shift, or working overtime without permission of management.
- l) Loafing or spending unnecessary time away from the job.
- m) Unauthorized possession or use of any city property, equipment or materials.
- n) Carrying an unauthorized passenger in a city vehicle.
- o) Contributing to unsanitary conditions or poor housekeeping.
- p) Use of city property or time for personal financial gain.
- q) Any form of discrimination or sexual harassment, as outlined in 4.07.01 (1), (n) and (o).

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- r) Having wages or salary subject to a writ of garnishment for three or more separate indebtedness in a continuous 12-month period.

4.08 Forms of and Procedures for Disciplinary Action

4.08.01 The degree of disciplinary action administered depends on the severity of the infraction and will be carried out in accordance with this policy or in accordance with applicable Civil Service Rules and Regulations or labor contracts. It is the responsibility of the supervisor to evaluate the circumstances and facts thoroughly and objectively. The supervisor will then recommend the most suitable form of disciplinary action to the Department Manager.

1) Verbal Warning

Verbal warning should be given to the employees in private, if possible. This type of discipline should be applied for infractions of a relatively minor degree. Supervisors should inform the employee that he or she is administering a verbal warning, that the employee is being given an opportunity to correct the condition, and that if the condition is not corrected, the employee may be subject to more severe disciplinary measures.

2) Written Warning

- a) This notice may be issued by the supervisor or Department Manager in the event the employee continues to disregard a verbal warning, or if the infraction is severe enough to warrant a written record in the employee's personnel file.

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- b) The supervisor or Department Manager will put in writing the nature of the infraction in detail and sign the notice. The Department Manager will discuss the written warning with the employee and the immediate supervisor to be certain that the reasons for the warning are understood.
 - c) A copy of the written warning will be given to the employee at the time of the discussion of the warning. The original copy will be placed in the employee's personnel file.
 - d) A written warning may be removed at the request of the Department Manager from the employee's personnel file after a period of one year (12 calendar months) provided that no further disciplinary action is taken during the 12-month period. If subsequent disciplinary action is necessary, the written warning becomes a permanent record in the employee's file.
- 3) Written Reprimand
- a) A written reprimand may be issued by the supervisor or Department Manager in the event the employee continues to disregard previous disciplinary measures of verbal or written warnings, or the severity of the infraction is such to warrant a written reprimand be made a permanent record in the employee's file.

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- b) The supervisor or Department Manager will put in writing the nature of the infraction in detail and sign the notice. The Department Manager will discuss the reprimand with the employee and the immediate supervisor to be certain that the reasons for the reprimand are understood. A copy of the written reprimand will be given to the employee at the time of the discussion of the infraction. The original copy will be placed in the employee's personnel file.
- c) A written reprimand becomes a permanent record of the employee's file and may not be removed at the discretion of the Department Manager.

4) Probation

An employee may be required to serve an additional probationary period for disciplinary reasons for up to six months, which may be extended once for up to an additional six months. If placed on probation for disciplinary reasons, all provisions of probationary status apply, unless otherwise specified. At the end of the probation, the employee may be returned to regular status, demoted or terminated.

5) Demotion

- a) Demotion may be used in rare instances where an employee is clearly unable to satisfactorily perform the responsibilities of their position but is capable of performing in a position of less responsibility and otherwise exhibits the qualities of a good public employee. Demotions may be recommended by the Department Manager or City Administrator, with final approval by the Mayor.
- b) A predisciplinary meeting is required prior to a demotion for disciplinary reasons.

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6) Suspension

- a) This form of discipline must be recommended by a Department Manager or the City Administrator and can only be used for a severe infraction of rules or standards, or for continued violation after the employee has received one or more written warnings and has made little or no effort to improve performance. It should be applied only after a thorough evaluation by the Department Manager or City Administrator, with final approval by the Mayor.
- b) The Department Manager will put in writing all facts leading to the recommended suspension, and the duration recommended. A predisciplinary meeting will be held with the employee to make certain that the employee is fully aware of the reasons for the considered action and has an opportunity to respond and supply additional information.
- c) A predisciplinary meeting is required prior to a suspension for disciplinary reasons.
- d) Exempt personnel are not subject to unpaid disciplinary suspensions except in increments of full work weeks unless the infraction leading to the suspension is for a violation of a safety rule of major significance.

4.09 Termination

All city employees serve at the pleasure of the Mayor. Subject to any applicable state or federal laws, or specific provisions in employment contracts, the Mayor, or his designee, may discharge any employee at any time with or without cause. Removal from employment should normally follow verbal and/or written warnings previously given and made a part of the employee's personnel file. A predisciplinary meeting is required for all terminations.

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4.09 Termination

- 4.09.01 A regular employee terminated from employment will normally be given at least two weeks notice with a letter of dismissal. However, in the event the infraction or situation is so serious that it requires “on the spot” removal, the employee will leave his work station immediately, if so directed by the appointing authority or his designee, and later be given a termination letter explaining reasons for the action.
- 4.09.02 Copies of all disciplinary actions and termination letters are to be placed in the appropriate personnel record.
- 4.09.03 A final written performance appraisal will be completed on any terminated employee.

4.10 Predisciplinary Meeting

The Department Manager will provide for and arrange a predisciplinary meeting prior to demotion, suspension or termination of a regular employee.

- 4.10.01 An employee will be provided, in writing, with a notice of the infraction and an explanation of the reasons for disciplinary action. The employee will be given an opportunity to respond verbally or in writing, as to why the proposed disciplinary action should not be taken.
- 4.10.02 The employee may have legal counsel or union representation present at a predisciplinary meeting.
- 4.10.03 The City’s explanation of the reasons for disciplinary action at the predisciplinary meeting will be sufficient to apprise the employee of the basis for the proposed action. This rule, however, will not be construed to limit the employer at subsequent hearings from presenting a more detailed and complete case, including presentation of witnesses and documents not available at the predisciplinary meeting.

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4.10.04 Should it be determined that disciplinary action is necessary following the predisciplinary meeting, written notice of discipline will be given to the employee. Such notices are to include the alleged infraction and a general statement of the reasons for the action, and become a part of the employee's personnel file.

4.11 Personnel Grievance Procedure

The city will strive to assure clear communication, high morale and good will among employees, and will attempt to resolve employee concerns through discussion or other informal measures. Employees are encouraged to discuss any problems or suggestions with their immediate supervisor or Department Manager. However, if an employee feels that all informal avenues have been exhausted and their complaint or concern has not been resolved, that employee may follow the grievance procedure. No punitive action will be carried out against any employee for utilizing the grievance procedures contained in these policies.

4.11.01 Applicability of Grievance Procedure

This grievance procedure applies to all regular non-probationary status city employees with the exception that it does not apply to employees covered by a valid collective bargaining agreement which contains a grievance procedure. In some cases, uniformed personnel may elect to use either the Civil Service Rules & Regulations or the Administrative grievance procedure, but not both for the same grievance.

4.11.02 Subjects of Grievance Procedure

The following subjects may be grieved: disciplinary action (as previously described) and any questions of interpretation as to wages, hours, classification, and working conditions in effect.

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4.11 Personnel Grievance Procedure

4.11.03 Procedure

All grievances are to be processed in accordance with the following procedure, the time limits of which are mandatory and which will be strictly enforced (See Definitions, “Days”):

Step One. The aggrieved employee will submit the grievance in writing to the immediate supervisor within 10 days of its occurrence. The immediate supervisor will respond to the grievance within 10 days. If the response is to request more time for investigation of fact, the employee may concur with such time extension or may proceed to the next step without prejudice. A copy of this response is to be sent to the Mayor, City Administrator, Department Manager and Administrative Services Department.

Step Two. If after receiving the response of the immediate supervisor the employee remains aggrieved, the decision may be appealed within 10 days, in writing, to the Department Manager stating the facts of the grievance, and remedy requested by the employee. The Department Manager’s response to the grievance will be within 15 days. A copy of this response is to be sent to the Mayor, City Administrator and Administrative Services Department. If the Department Manager is the immediate supervisor, step two may be eliminated.

Step Three. If after receiving the response of the Department Manager the employee remains aggrieved, the decision may be appealed within 10 days, in writing, to the Mayor. It is necessary for the written grievance to state the nature of the grievance, along with reference to the policy (if any) violated, and all pertinent correspondence, records and information accumulated to date. Within 15 days of receipt of the grievance, the Mayor or Mayor’s designee will hear the appeal and render a decision in writing within 20 days. The decision of the Mayor or Mayor’s designee will be final. A copy of the decision is to be sent to the Administrative Services Department.