

Complaint Procedure

I. Purpose

To provide a process for non-represented employees to present complaints or problems and to receive careful consideration and a prompt resolution.

II. Policy

The City supports equitable and prompt dispute resolution at the lowest possible level. Employees and their supervisors should make every effort to resolve problems informally in a manner mutually agreeable to both parties. When such informal means fail to resolve the problem satisfactorily, this complaint procedure provides for a formal review by higher levels of management. No punitive action will be carried out against any employee for utilizing the grievance procedures contained in these policies

III. Issues Which may be Grieved

Examples of matters which may be considered appropriate grievances under this policy include:

- (a) A belief that City policies, practices, rules, regulations, or procedures have been applied in a manner detrimental to an employee;
- (b) Treatment considered unfair by an employee, such as coercion, reprisal, or intimidation;
- (c) Alleged discrimination because of race, color, sex, age, religion, national origin, marital status, sexual orientation or disability [Note: Workplace harassment complaints should be resolved as outlined under the Workplace Harassment policy (no. 120)]; and
- (d) Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, performance review, salary or seniority.

IV. Applicability of Grievance Procedure

This grievance procedure applies to all regular non-orientation status city employees who are not otherwise covered by a valid collective bargaining agreement, which contains a grievance procedure.

V. Procedure

Step 1: Employees are expected to try to resolve any problem or complaint with their supervisor first before utilizing this complaint procedure.

Step 2: When normal communication between an employee and the supervisor is not successful, or when an employee disagrees with the application of a City policy or procedure, the employee should next attempt to resolve the problem with his/her department director by making a written complaint. The written complaint must contain, at a minimum:

- (1) A description of the problem;
- (2) A specific policy or procedure which the employee believes has been violated or misapplied;
- (3) The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances;
- (4) The remedy sought by the employee to resolve the complaint.

The written complaint must be filed with the Department Director within ten (10) working days of the occurrence leading to the complaint, or ten (10) working days after the employee becomes aware of the circumstances. The Department Director will respond to the employee in writing within ten (10) days after meeting with him/her. A copy of this response is to be sent to the Mayor and to the Human Resources Director.

Step 3: If the employee is not satisfied with the response from the department head, the employee may submit the problem, in writing, to the Mayor. The complaint should be prepared as outlined above.

The Mayor may meet with the parties, either individually or together, and will respond in writing to the aggrieved employee within ten (10) days of the meeting. The Mayor's response and decision shall be final and binding. A copy of this response is to be sent to the Department Director and to the Human Resources Director.

VI. Extension of Time Limits

All time limits outlined in this policy may be extended with the mutual written consent of both parties. In the event mutual consent cannot be achieved, the complaint will either be denied or the remedy granted, dependent on which party cannot meet the required deadline.

VII. Multiple Remedies

Certain employees potentially have more than one source of dispute resolution rights, i.e., the City's Civil Service rules and this complaint process. Employees represented who are covered under civil service rules shall follow grievance procedures set out in their civil service rules, where applicable. In all other cases, the procedures described in this policy shall be used. Under no circumstances shall an employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to him/her.

Approved:


Tina Roberts-Martinez, Mayor

1-18-2001
Date