

**CITY OF BEAUMONT
POLICIES AND PROCEDURES**

Policy Number: 3.11

Subject: Grievances

Effective Date: August 10, 2016

Approved by: Kyle Hayes | 05/01/2021
City Manager | Date

Chris Catalina | 05/01/2021
Personnel Director | Date

I. PURPOSE

- A. The purpose of this policy is to provide a fair, expedient and orderly system for resolving employee grievances.
- B. This policy shall be applicable to all employees, except those who are subject to a labor or collective bargaining agreement.

II. DEFINITIONS

- A. Grievance - A dispute, claim, or complaint alleging inequitable treatment of an employee involving actions other than discipline resulting in less than a suspension, termination, or layoff. (For termination or layoff, see Appeal of Termination Policy 3.12).
- B. Working day - The actual work day of the employee and/or respondent.
- C. Witness - A person who, being present, personally sees or perceives a thing or gives testimony under oath as to the facts.

III. RULES/PROCEDURES

- A. This policy shall not prevent the parties from coming together to resolve their issues at any time. An employee may designate an individual of his/her choice to assist him/her in the grievance process.
- B. The procedures established by this policy are mandatory and must be strictly followed. Failure to abide by the procedures shall be just cause for the grievance to be dismissed.
- C. A grievance not brought to the attention of the appropriate supervisor or manager within the time limits established herein shall not be considered timely and shall be void. However, in all steps of this procedure, administrative discretion on extending time limits may be allowed when justification of the extension is given to the department director in writing.

- D. Grievance policy and forms shall be maintained in each department and made readily available to the employee. Policy and forms may also be obtained from the Personnel Department.
- E. An employee may not amend the grievance once it has been signed and submitted for action.
- F. A grievance shall be considered resolved at any step in which the parties concerned are satisfied.

IV. PROCESS

The grievance process is a step-by-step procedure in which a resolution is attempted at each step. An employee shall follow the process for the grievance procedure in resolving all grievances.

A. Step One - **Immediate Supervisor**

An employee who has a grievance (except with his or her immediate supervisor - See Step Two) shall first talk with his/her immediate supervisor (at minimal foreman level) within two (2) working days of the date that the employee knew or should have known of the grievable action. Whenever possible, a face-to-face meeting should be arranged. The supervisor shall attempt to solve the problem two (2) working days after notification of the grievance.

1. If the problem is solved, then the process is completed.
2. If the problem is not solved, then the supervisor shall advise the employee of the next step in the grievance process. If the employee wants to proceed, he/she must place the grievance in writing. (Grievance Form - Attachment A)

B. Step Two - **Division Manager**

A grievance not resolved in Step One shall be submitted in writing by the employee to the division manager three (3) working days after the employee's meeting with his or her supervisor.

1. The division manager shall be allowed three (3) working days after receipt of the grievance to respond to the grievance. The response from the division manager to the employee shall be in writing.
2. Where no division manager is designated, the department director shall be the appropriate person to receive the grievance (Go To Step Three).

C. **Step Three - Department Director**

A grievance not resolved in Step Two shall be submitted in writing by the employee to the department director three (3) working days after the employee's meeting with his or her division manager.

1. The department director shall respond in writing to the employee within five (5) working days after receipt of the grievance. The response shall consist of the following:
 - a. An explanation of any corrective action, remedy, adjustment to be made and/or the reasons for the department director's decision.
 - b. Advise the employee of his/her right to continue the grievance process, if applicable.

D. **Step Four - City Manager**

1. The employee shall submit a written request to the City Manager via the Personnel Department within three (3) working days after receipt of the written decision from the department director.
2. The Personnel Department shall investigate the grievance. The Personnel Director shall transmit the written grievance along with the findings of the investigation and decision of the department director to the City Manager for review.
3. The City Manager or his designee shall within ten (10) working days after receipt of the grievance provide a written response to the employee.
4. The decision of the City Manager shall be final.

EMPLOYEE GRIEVANCE FORM

EMPLOYEE NAME:

DATE OF APPEAL:

EMPLOYEE ADDRESS:

TELEPHONE:

JOB TITLE:

Dept./Div.:

EMPLOYEE'S STATEMENT OF GRIEVANCE:

LIST ANY WITNESS:

1. _____
2. _____
3. _____

DESIRED ACTION REQUESTED:

EMPLOYEE'S
SIGNATURE: _____

DATE: _____

THIS GRIEVANCE CANNOT BE AMENDED ONCE IT HAS BEEN SIGNED AND SUBMITTED FOR ACTION.

DIVISION MANAGER'S STATEMENT:

SIGNATURE: _____

DATE: _____

DEPARTMENT DIRECTOR'S STATEMENT:

SIGNATURE: _____

DATE: _____