

CHAPTER 21 GRIEVANCES

1.0 PURPOSE - To provide merit employees a procedure to resolve disputes arising from grievable employment actions when informal attempts to resolve the disputes have been unsuccessful.

2.0 GRIEVABLE EMPLOYMENT ACTIONS – As outlined in Utah Code County Personnel Management Act and Davis County (DC) Ordinance, the following employment actions are eligible for the grievance procedure: Disputes regarding a suspension without pay, transfer as a disciplinary action, demotion for cause or dismissal, as defined in DC Definitions Policy #100 and disputes regarding the findings of a discrimination, harassment or retaliation investigation. Corrective actions, probationary actions, performance evaluations, work assignments, and work schedules are not eligible for the grievance procedure.

3.0 GRIEVANCE PROCESS RULES

- A. Only the grievance as originally presented to the immediate supervisor shall be considered at each subsequent appeal level. To ensure this occurs, a copy of the original grievance shall be filed with the Human Resources (HR) Director.
- B. An employee may be represented by a party of the employee's choosing at the employee's expense at any step in the procedure.
- C. Failure to proceed to a higher step within the time period specified will terminate the grievance. Failure by management to render a decision within the allotted time at any step constitutes denial, and the employee may then proceed to the next step. If additional time is needed for legitimate business reasons or personal emergencies, the impacted party may request additional time through the HR Director.
- D. All employees, witnesses, and their representatives involved with or using these grievance procedures shall be free from retaliation.
- E. Reasonable exceptions or alternatives to the Grievance Procedure may be made by the HR Director when doing so will help to ensure a fair process for all parties.

4.0 GRIEVANCE PROCEDURE

A. Written Grievance. The written grievance must state the complaint, the relevant dates, the party/parties involved, the employee's contact information and the remedy requested. Remedies include: modification of a disciplinary action letter or level of disciplinary action; reversing the disciplinary action decision; or in the case of a dispute over the findings of a discrimination, harassment, or retaliation investigation, a request for an administrative review by the HR Director.

B. Grievance Process.

Step 1

1. Within five (5) working days after the receipt of a grievable employment action, the employee or employee's representative shall present the written grievance to the immediate supervisor and a copy of the written grievance to the HR Director.
 - a. If the grievable employment action was issued by a more senior level supervisor the grievance shall commence with that individual.
 - b. Grievances over disputes regarding acts of discrimination, harassment, or retaliation will begin with Step 2.
2. The supervisor will review the employee's grievance and will meet with the employee if needed before making a decision.
3. The supervisor will provide a written decision to the employee, with a copy sent to the HR Director, within five (5) working days of receipt of the grievance.
4. If a response is not received within five (5) working days or if the grievance remains unresolved, the employee may proceed to Step 2.

Step 2

1. Within five (5) working days after the receipt of the decision in Step 1 or after the decision due date has passed; the employee or employee representative may present the written grievance to the appropriate Administrative Officer.
 - a. If the Administrative Officer is the direct supervisor of the grievant, the appropriate County Commissioner will fulfill the Administrative Officer's Step 2 obligations.
 - b. In cases of discrimination, harassment, or retaliation, the employee will start at Step 2 and the HR Director or assignee will fulfill the Administrative Officer's Step 2 obligations.
2. The Administrative Officer shall review the grievance and supporting documentation from both parties and will meet with both parties individually if needed before making a decision.
3. The Administrative Officer will provide a written decision to the employee, with a copy sent to the HR Director, within seven (7) working days of receipt of the grievance.
4. If a response is not received within seven (7) working days or the grievance remains unresolved, the employee may proceed to Step 3.

Step 3

1. Within five (5) working days after the receipt of the decision in Step 2 or after the decision due date has passed, the employee may present the grievance in writing to the Career Service Council by following the procedure outlined in Chapter 22 – Appeals to the Career Service Council.
2. The Career Service Council shall proceed as outlined in Chapter 22 – Appeals to the Career Service Council.