

GRIEVANCE POLICY

I. PURPOSE

To create options for employees to use in resolving certain workplace conflicts and disputes.

II. POLICY

It is the policy of the City of Harlingen to attempt to prevent the need for employee grievances, and to deal promptly with those which do occur.

III. GROUNDS FOR GRIEVANCE

A disagreement and/or complaint by an employee, or a group of employees acting as individuals, regarding the terms of employment, or about the conditions under which an employee performs his or her job shall constitute a grievance, and must be handled in the manner set forth herein.

The grievance procedure provided in the following sections is not available to an employee who has been involuntarily dismissed from employment with the City of Harlingen or to an employee who has not completed his or her initial introductory period.

IV. GRIEVANT PROTECTION

The City of Harlingen's policy prohibits anyone from taking adverse action against an employee for the sole reason that the employee filed a grievance in good faith. However, any employee who abuses the grievance process and/or files a grievance(s) in bad faith may be subject to disci-

plinary action, and his/her grievance will be rejected as "non-appealable".

V. INFORMAL GRIEVANCE

The first step in the grievance procedure is for the employee to attempt to resolve the grievance by an informal conference with his or her immediate supervisor within five (5) working days after the events upon which the grievance is based. If an informal conference with the supervisor does not result in a resolution of the problem(s) that is satisfactory to the employee, he or she may file a formal grievance.

If the grievance is against the employee's immediate supervisor, a formal complaint must be filed with the next level of supervision or up to the Department Director level.

If the grievance is against the Department Director, a formal complaint must be filed with the Human Resources Department.

VI. FORMAL GRIEVANCE

Formal grievances shall be in writing, signed by the employee, and presented to the Department Director within five (5) working days after the informal conference is held. All grievances must be written and submitted to the employee's Department Director on the City's grievance form. The grievance form must be fully completed by the employee before it will be considered. Any documentation which helps to explain the grievance must be attached to the grievance form, including: copies of relevant policies,

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rules or regulations; who was involved in the action and when it occurred; the adverse disciplinary action taken; the alleged unequal and/or unlawful treatment complained of; the remedy sought; and any other information or documentation relevant to the grievance. A grievance will not be considered if the employee portion of the grievance form is incomplete or the form has not been signed and dated by the employee.

After being presented with a formal grievance, the Department Director shall:

- 1) Investigate the matter and attempt to make a decision on the grievance within 10 working days; and
- 2) Communicate the decision on the grievance to the employee in writing within two (2) working days after a decision has been made.

If the grievance is still not resolved to the employee's satisfaction, the employee may request that the Human Resources Director or designee review the decision.

The written grievance and a copy of the Director's decision will be forwarded to the Human Resources Director for review. The Human Resources Director shall:

- 1) Investigate the matter and attempt to make a decision on the grievance within ten (10) working days; and
- 2) Communicate the decision on the grievance to the employee in writing within two (2) working days after a decision has been made.

If the grievance is still not resolved to the employee's satisfaction, the employee may request that the Manager review the decision.

The written grievance and a copy of the Department Director's and Human Resources Director's decision will be forwarded to the Manager for review. The Manager shall:

- 1) Investigate the matter and attempt to make a decision on the grievance within ten (10) working days; and
- 2) Communicate the decision on the grievance to the employee in writing within two (2) working days after a decision has been made.

The decision made by the Manager shall be considered final and binding.

Group Grievances shall mean when two or more employees file grievances that are similar in nature and may be addressed collectively, the Department Director or the Human Resources Department may group the individual grievances into a single grievance. The affected group of employees must select not more than two representatives to act on behalf of the entire employee group for purposes of the grievance. The acceptance by the employee representative(s) of a decision or resolution of the matter will be binding on all of the employees in the group.

The decision made by the Manager shall be considered final and binding.

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VII.

INVESTIGATION PROCEDURE

The manner of investigating the grievance shall be left to the discretion of management, but will normally involve, at minimum, an interview with all parties identified as being involved and a review of all documents relative to the grievance.

VIII.

APPENDICES

- A. Grievance Form

**City of Harlingen
Employee Grievance Form**

_____ **Supervisor**
_____ **Dept. Director**
_____ **H.R. Director**
_____ **City Manager**

Employee Information

Name of Employee claiming incident: _____

Employee's Job Title: _____

Incident Information

Date/Time of Incident: _____

Location of Incident: _____

Description of Incident: _____

Witnesses to Incident: _____

In your opinion, was this problem / incident in violation of a City policy?
Yes ___ No ___ If yes, specify which policy and how the incident violated City policy

What ideas do you have for resolving/remedying the situation? _____

Is there any other information you feel is relevant to this situation? _____

Signature of person preparing report: _____ Date: _____

***At each level of review, the responding party must attach a dated and written decision regarding the grievance.**