

Policy 7

GRIEVANCES AND FEEDBACK

§ 7-1. Employee inquiries, requests, suggestions and grievances.

[Adopted 8-14-1990 (P-40)]

A. General.

- (1) In the interest of harmonious and cooperative working relationships, employees and their immediate supervisors are encouraged to informally discuss and resolve all employee inquiries, requests, and suggestions. It must be recognized that authority exists for resolving problems at various levels of an organization and that all problems are not subject to immediate resolution. However, the emphasis on interpersonal relationship problem-solving is to be focused on informal solutions developed at the lowest organizational level possible.
- (2) When problems arise regarding employment, an employee shall discuss the problem first with his or her immediate supervisor. It is the responsibility of each supervisor to conduct such discussions objectively, and to initiate action to resolve problems. If, after such informal action, the problem is not resolved to the employee's satisfaction and he or she wishes to take formal action, he or she may present a grievance in accordance with the procedure outlined below.

B. Definition of grievance. "Grievance" means any employee complaint arising out of the application of the County's rules and policies, which remains unresolved after informal efforts at satisfaction have been attempted. A grievance may not deal with the substantive policies embodied in the Kent County Code, Kent County Policy Manual, or the rules or decisions arising from the normal managerial relationship between an employee and supervisor.

C. Grievance procedure.

- (1) Step 1. The employee shall, within three working days of the date of the occurrence of events leading to the grievance or within five working days of the date an employee could reasonably be expected to have knowledge of the circumstances leading to the grievance, present the grievance in writing to his or her immediate supervisor, setting forth the details of the grievance and relief sought. The supervisor shall, within five working days, meet and discuss the grievance with the employee and reply to the employee within three working days of said meeting.

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- (2) Step 2. In the event the decision of the immediate supervisor is not satisfactory to the employee, he or she may, within three working days, request in writing a review of his or her grievance by the department head. The department head shall, within five working days, meet and discuss the grievance with the employee and with the immediate supervisor of the employee. The department head will reach a decision and reply in writing to the employee within three working days of said meeting.
- (3) Step 3. In the event that an acceptable solution is not reached at Step 2, the grievant may request a meeting with the Personnel Director (or his or her designee), except in such cases of grievance of employee performance appraisal, where the decision of the department head is final. This request, in writing and accompanied by copies of all relevant written materials from the previous steps in the grievance procedure, must be made within three working days of the rendering of the decision at Step 2 by the department head or the expiration of the time limit for the rendering of such decision.
 - (a) The Personnel Director shall notify the employee and other interested parties of the scheduled meeting date within five working days of receipt of the grievance and of all relevant written materials from the previous steps in the grievance procedures.
 - (b) Within five working days following the meeting, the Personnel Director (or his/her designee) shall issue a written decision to both parties.
 - (c) If the grievant does not accept the findings of the Personnel Director (or his/her designee), the grievant may appeal, within five working days of receipt of the decision, to the Personnel Administration Board, by submitting 10 copies of a written statement requesting a review and the reasons therefore along with copies of all relevant written materials from the previous steps in the grievance procedure to the Personnel Director. The Personnel Administration Board has 15 working days to review all written materials and respond to both parties. The Personnel Administration Board has the authority to agree with the decision of the Personnel Director and may authorize the decision as final and binding. In the event that the Personnel Administration Board schedules a hearing, the hearing shall be scheduled within 10 working days of its prior meeting. The Personnel Administration Board will render a final and binding decision in writing to both parties within 10 working days of the hearing.

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D. Discussion.

- (1) It is within the spirit of this procedure that all parties will make every effort to expedite the processing of grievances. It is expected that all parties will observe the time limits specified above; however, when a grievance can be processed in less time than provided in the various steps, this should be done. It is recognized that meetings cannot always be arranged within the time limits, in which event the time limits may be extended by mutual agreement in writing, and such extension is not to exceed 10 days in any event. Failure of those in authority to make a timely response or request a delay will permit an employee to process the grievance to the next step of the procedure. Failure of an employee to observe the time limits will nullify the grievance.
- (2) If a step in the grievance process would not facilitate resolution of a complaint, it may be waived upon written agreement of all interested parties. Such agreement shall include a brief explanation of the reasons for the waiver.

E. Violation of grievance procedure.

- (1) Any employee who takes his or her employment problems outside of this administrative process without first attempting to resolve said problems in accordance with the procedures outlined above shall be subject to disciplinary action up to and including termination.
- (2) No action will be taken that will threaten, intimidate, or retaliate against an employee for initiating or processing a grievance.