

VI. EMPLOYEE CONDUCT

B. GRIEVANCE PROCEDURE

It is the City's policy to deal directly and honestly with all employees. The City believes the interests of both the City of Lawrence and its employees are best served by maintaining communication between the individual employee and employer. Employees are encouraged to ask questions and discuss concerns with their immediate supervisor.

Misunderstandings or conflicts can arise in any organization. To ensure effective working relations, it is important that such matters be resolved before serious problems develop. Most incidents resolve themselves; however, should a situation persist that an employee believes is detrimental to him/her or to the City, the City has established the following steps for full-time regular and part-time regular employees who have completed their first 180 days of employment with the City to bring complaint(s) to the City's attention. The procedure will not prevent, limit, or delay the City from taking disciplinary action against any individual, up to and including termination, in circumstances where the City deems disciplinary action appropriate. The Grievance form is Attachment P.

Step One: The aggrieved employee shall, within fourteen (14) calendar days of the date of the event or within fourteen (14) calendar days of the date a person could reasonably be expected to have knowledge of the event, first orally present the complaint to the immediate supervisor. The supervisor shall orally provide an answer to the aggrieved employee within five (5) calendar days. A sincere attempt shall be made by each supervisor to resolve any grievance. Supervisor shall forward, in writing, the result of step one to Department Director and subsequently to the Human Resources division.

Step Two: If, after conferring with the immediate supervisor, the aggrieved employee feels that the oral presentation failed to settle the grievance, the complaint may be submitted in writing on a form provided by the Human Resources division to the concerned Department Director. This shall be done within seven (7) calendar days from the date of the response from the supervisor. Upon receipt, the Department Director or representative shall sign, date, and document the time received. The concerned Department Director shall meet with the employee and provide the aggrieved employee with a written reply within seven (7) calendar days from the date of receipt of the written complaint. Upon receipt, the aggrieved employee shall sign, date, and document the time received.

Step Three: If, after reviewing the Department Director's decision, the aggrieved employee is not satisfied with the written reply to the grievance, an appeal may be made to the Grievance Review Board. This may be done by filing a written appeal with the Human Resources Manager within seven (7) calendar days from the date of the concerned Department Director's written reply. The Grievance Review Board shall consist of the following five persons:

1. A Department Director, other than the concerned Department Director, from the rotating list maintained by the Human Resources division.
2. One supervisory employee, neither from the concerned department nor from the selected Department Director's department, to be chosen randomly from the City payroll records.
3. One non-supervisory employee, neither from the concerned department nor from the selected Department Director's department, to be chosen randomly from the City payroll records.
4. One non-supervisory employee from the division involved. This person shall be selected in the following manner: The Human Resources Manager or designee shall randomly select five (5) names from the division payroll records. In the event there are an insufficient number of employees in the division to carry out this process, names shall be randomly selected from the department payroll records. The grieving employee shall first cross out one name; then the Department Director shall cross off one name. The process will continue until one name remains. The person whose name remains shall be the fourth member of the Grievance Review Board.
5. One member of the Employee Relations Council (ERC) to be chosen randomly from the membership of the ERC. This person cannot be from the same department as the aggrieved employee or the Department Director.

The aggrieved employee and the Department Director may be present during the random selections of members. The Human Resources Manager or designee shall conduct the proceedings, implement the procedures for hearing the grievance, maintain order during the proceedings, and serve as Secretary.

Unless mutually agreed upon by the Department Director and employee, the Grievance Review Board shall convene within fourteen (14) calendar days from the Human Resource Manager's receipt of the appeal to consider said appeal and shall give not less than one (1) working days' notice in writing to all involved parties of the time and place

of the meeting. The Human Resources Manager or designee shall schedule the appeal to start as early in the day as possible considering the work schedules of the individuals involved with the grievance.

The procedure for conducting the appeal before the Grievance Review Board will be as follows:

- Brief Statement of Subject Grievance
- Presentation of issue, grievance, witnesses, background material by the aggrieved employee.
- Questions by the Department Director regarding the aggrieved employee's presentation.
- Presentation of issue, witnesses, background material, disciplinary action, if applicable, by the Department Director.
- Questions by the aggrieved employee regarding the department's presentation.
- All questions, other than from the aggrieved employee, Department Director, and Human Resources Manager/designee, shall be submitted to the Grievance Review Board for consideration.
- Closing statements.

The Grievance Review Board shall submit in writing its findings to the employee and the concerned Department Director within seven (7) calendar days after the hearing.

Step Four: If, after reviewing the Grievance Review Board's decision, the aggrieved employee and/or the concerned Department Director is not satisfied with the Board's written reply to the grievance, the employee and/or the concerned Department Director may appeal the decision to the City Manager by filing the written appeal with the Human Resources Manager within seven (7) calendar days from the date the

Grievance Review Board presented its findings. No grievance shall be considered by the City Manager until the Grievance Review Board has made its findings. The City Manager shall confer with the aggrieved employee and the concerned Department Director within seven (7) calendar days after filing and shall give not less than one (1) working day notice of the time and place of the meeting. A decision on the appeal shall be rendered within seven (7) calendar days after the close of the hearing and such finding shall be final and subject to no further appeal.

Step Five: For all grievances appealed to the City Manager, the City Manager shall submit copies of all grievance forms, supporting data, and findings to the City Commission. The City Commission may review the grievance to determine whether the issue involved is one of policy, i.e.; the propriety of the rule involved, and may if finding so, alter the policy of the City. The Commission may order any alteration in policy to be retroactive to the case grieved. In no case, shall the City Commission hold a hearing involving the parties at grievance.

PEER AND STAFF MEMBER PRESENT: Employees making use of the Grievance Procedure shall be permitted to have a City employee of his/her choosing present during the grievance proceedings. The Department Director may also have a staff member present. The role of the peer and the staff member is to provide assistance to the employee or Department Director. They are not active participants in the procedure unless called as a witness. Since the grievance proceedings are administrative in nature and not judicial, the presence of an attorney to represent or counsel a grieving party or the City is prohibited.

WITNESSES: Witnesses may be called by either party for the purpose of verifying the facts of a grievance. Witnesses shall have already been contacted and given their consent to be called to the Grievance Review.

TIMELINES: Time schedules are to be strictly followed; however they are subject to change due to unforeseen circumstances.

All paperwork pertaining to specific grievances, including notes from members of the Grievance Review Board shall be given to the Human Resources Manager or designee to be placed in grievance files maintained separately from the employee's personnel file. The City will not tolerate any form of retaliation against employees availing themselves of or taking part in this procedure.