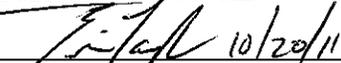
	PERSONNEL POLICIES AND PROCEDURES		SUBJECT: GRIEVANCES
	NUMBER: DIS 2.0	REVISIONS:	EFFECTIVE DATE: 10/71/2011
	SUPERCEDES:	APPROVED AND ADOPTED BY MAYOR AND COUNCIL:  	
	A. Max Bacon, Mayor, Date		Eric Taylor, City Administrator, Date

PURPOSE: To provide an orderly process for hearing the grievable claims of both regular and working-test employees in an attempt to reach a fair and equitable decision in a timely manner.

STATEMENT OF POLICY

It is the policy of the City of Smyrna to resolve grievances informally. Supervisors and Department Directors are expected to discuss and resolve issues as they occur. Regular and working-test employees will be provided with an opportunity to present their grievance or complaint and appeal decisions through a formal Grievance procedure. All Grievances will be resolved fairly and promptly.

A grievance may be defined as an employee's expressed feeling or dissatisfaction concerning conditions of employment or treatment by managers, supervisors, or other employees. Examples of actions which may be subject to grievances/complaints include, but are not limited to:

1. Application of City policies, practices, rules, regulations and procedures which conflict with State or Federal law;
2. Treatment considered unfair by an employee such as coercion, reprisal, harassment or intimidation;
3. Alleged discrimination because of race, color, sex, age religion, handicap, national origin, military reserve or veteran status, marital status or any other no-merit factor; and
4. Improper or unfair administration of employee benefits or conditions of employment.

The following areas are not grievable:

- a) Issues which are pending or which have been concluded by other administrative or judicial procedures;
- b) Work assignments or demotions which do not result in a salary reduction;
- c) Budget allocations and expectations and organizational structure, including the persons or number of persons assigned to particular jobs or units;
- d) The content or rating of a performance evaluation;
- e) The selection of an individual by the Department Director or the Human Resources Director to fill a position through appointment, promotion, or transfer, except when the employee can show adverse effect because of unlawful discrimination;
- f) Disciplinary actions other than reprimands (i.e. suspensions without pay, disciplinary demotions, or disciplinary terminations) which may be appealed instead.
- g) Any matter which is not within the jurisdiction or control of the City;
- h) Internal security practices established by the City Administrator and/or Mayor and Council;
- i) Decisions, practices, resolutions or policies made or passed by the Mayor and Council which are not job or work related and which do not contradict these policies.

Managers and supervisors are responsible for ensuring that the grievance is fully processed. No employee

shall be penalized for using the City grievance procedures.

In the event a grievance arises, the employee must submit it to his/her supervisor within five (5) working days or as soon as it became known to exist.

Any grievance submitted shall be dated and signed by the employee. Any decision shall be written to the employee and shall be dated and signed by the City representative at that step.

A grievance, in writing, will include:

1. A complete statement of the grievance and the facts on which it is based;
2. The section or sections of City policy claimed to have been violated; and
3. The remedy or correction requested.

Step 1 The employee shall present a grievance or complaint in writing to his/her immediate supervisor. Discussions shall be informal for the purpose of settling the issue in the simplest and most direct manner. The immediate supervisor shall reach a decision and communicate in writing to the employee within three (3) working days from the date that grievance was presented.

Step 2 If the employee is not satisfied with the decision in Step 1, the employee may appeal the decision, within five (5) working days of the Step 1 decision, in writing to the Department Director. The Department Director, within five (5) working days of the date of the appeal, shall meet with the employee to determine the facts of the grievance. The Department Director shall notify the employee of the decision within five (5) working days of the date of the meeting, unless the time is mutually extended in writing,

Step 3 If the employee is not satisfied with the decision in Step 2, the employee may appeal the decision within five (5) working days of the Step 2 decision in writing to the Human Resources Director. The Human Resources Director shall meet with the employee within ten (10) working days after receipt of the grievance unless time is mutually extended in writing. The Human Resources Director shall investigate the grievance and forward his/her recommendations to the City Administrator.

Step 4 The City Administrator, within ten (10) working days of receipt of the recommendation, may consult with any of the parties involved and render a decision to the employee. The time limit may be extended by mutual agreement of the parties involved.

The decision of the City Administrator shall be final and binding on the parties, without further right to appeal.

A grievance not advanced to the higher step within the time limit provided shall be deemed permanently withdrawn, and as having been settled on the basis of the decision most recently given. Failure on the part of the City's representative to answer within the time limit set forth in any step will entitle the employee to proceed to the next step.

The employee will be represented by his/her self and any witness the employee may wish have to testify on their behalf.