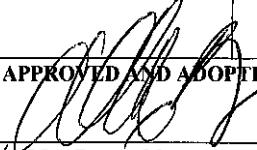

	PERSONNEL POLICIES AND PROCEDURES		SUBJECT: EMPLOYEE APPEALS (Fire Protection and Law Enforcement Personnel only)
	NUMBER: DIS 3-02	REVISIONS:	EFFECTIVE DATE: May 21, 2012
	SUPERCEDES:	APPROVED AND ADOPTED BY MAYOR AND COUNCIL:  As Max Bacon, Mayor, Date	
		 Eric Taylor, City Administrator, Date	

PURPOSE: To provide a formal review by (1) the **Public Safety Council Committee**; and if not resolved, 2) the **Civil Service Board** of adverse actions and other appealable issues in an attempt to reach fair and equitable decisions regarding the appeals of covered fire protection and law enforcement personnel.

STATEMENT OF POLICY

It is the policy of the City of Smyrna to provide due process to employees who have a property interest in their jobs and/or who claim that one of their constitutionally protected rights has been violated. Covered fire protection and law enforcement employees have the right to file an appeal to the Public Safety Committee and the Civil Service Board under the procedures defined below. Prior to appeal to the Civil Service Board, employees shall follow all normal appeal processes up to and through the City Administrator's decision.

A Civil Service appeal is a *written statement* made by a fire protection or law enforcement appellant to the Public Safety Committee, as appropriate, and as necessary, the Civil Service Board as a result of:

1. An adverse action (i.e., suspension without pay, disciplinary demotion, or disciplinary termination);
(Note: When suspension without pay, disciplinary demotion, or disciplinary termination is involved, see Pages 3-4 of the policy entitled "Disciplinary Action" to ensure that proper response was received by the City Administrator when the adverse action was pending. A failure to respond to the City Administrator will result in a waiver of all further appeal rights.)
2. Unlawful discrimination against an employee;
3. Unlawful or unjust coercion or reprisal;
4. Other unlawful or unjust practices that have an adverse impact on an employee.

All reasons except an adverse action must be grieved before they can be appealed to the Public Safety Committee and the Civil Service Board. See section entitled "Employee Grievances."

This policy applies to all regular-status fire protection and law enforcement employees who are covered under the Civil Service provisions of the City Charter. Working test employees, temporary, and contractual workers are not eligible for appeal rights.

Appeal Process

Step 1- The appellant may, within five (5) business days from the date of the City Administrator's decision, appeal the decision in writing to the Chairperson of the Public Safety Committee.

The appeal shall contain:

- A *written statement* describing exactly what is being appealed (Note: any employee who cannot provide a written statement of the appeal due to disability or functional illiteracy may ask for assistance from the Human Resources Director who will arrange to have

assistance provided); *and*

- The *specific relief* desired.

The Chairperson will determine if the issue is appealable, with merit, and properly filed. If appealable, the Chairperson will notify the appellant, the other Committee members, the City Administrator, and the Human Resources Director of the *date, time, and place* of the appeals hearing. (If not appealable, the same parties will be notified as to the reason why.)

While intended to be less formal than a court hearing, the appeals hearing is intended to be orderly. The Council Committee will compile evidence, prepare findings of facts, and arrive at conclusions.

Both the City and the appellant may represent themselves at the appeals hearing or either may choose to be represented by legal counsel.

The Council Committee shall issue its decision within seven (7) calendar days following the appeals hearing to the appellant and provide copies of the decision to the City Administrator, the respective department head, and the Human Resources Director.

Step 2 - The appellant may, within five (5) city business days after receiving the Council Committee's decision, appeal the decision in writing to the Civil Service Board.

The head of the Civil Service Board will notify the appellant, the other Civil Service Board members, the City Administrator, the respective department head, and the Human Resources Director of the *date, time, and place* of the Civil Service Board appeals hearing.

Both the City and the appellant may represent themselves at the appeals hearing or either may choose to be represented by legal counsel.

Step 3 - The Civil Service Board will meet to hear the appeal at the designated time and place. The hearing will be recorded by the Civil Service Board Secretary using a recording device.

The Civil Service Board will prepare findings of fact, arrive at a decision, and forward its decision *in writing* to the appellant, the Mayor and Council, the City Administrator, the respective department head, and the Human Resources Director *within 15 calendar days* of the Civil Service Board hearing.

In the event that an adverse action is modified or reversed by the Civil Service Board, the appellant may be allowed back pay and benefits as consistent with the modification or reversal. The decision of the Civil Service Board shall be the final decision of the City of Smyrna.