RULE 13

COMPLAINT AND GRIEVANCE PROCEDURES

SECTION 1: PURPOSE

A. To assure employees that their complaints, grievances, and recommendations will be considered fairly, rapidly and without reprisal, coercion, or discrimination.

B. To determine what is right, rather than who is right, i.e., provide for the objective consideration of employee problems.

C. Establish uniform policies and procedures in handling all informal employee complaints and formal employee grievances.

D. Outline the respective rights and obligations of all employees in hearing and resolving complaints and grievances on matters for which an appeal or hearing is not provided by other regulations.

E. Provide a systematic means of obtaining further consideration of problems after every reasonable effort has failed to resolve them through discussion.

F. Provide that all complaints and grievances shall be resolved at the lowest level possible.

G. Probationary at-will employees are not entitled to the provisions of this rule.

SECTION 2: DEFINITION OF COMPLAINT AND GRIEVANCE

A complaint or grievance is a circumstance, other than dismissal, demotion or suspension, thought by the employee to negatively affect his employment rights.

If an employee feels he has a complaint, he should discuss it with his immediate supervisor. If the complaint is not resolved with the immediate supervisor, the employee may go to the next level of supervision and may proceed through the Department Director without formally filing a grievance. Although the chain-of-command is preferred, an employee may utilize the City's open door policy during informal discussions. Informal discussions shall be considered a complaint, not a grievance.

If at any time the employee decides to formalize his complaint in writing, he shall be considered as having a grievance.

SECTION 3: TIME LIMIT FOR PRESENTING A COMPLAINT OR GRIEVANCE

No complaint or grievance shall be considered if a period of thirty (30) calendar days or more has elapsed from the date of the incident.

SECTION 4: PROCEDURE FOR PRESENTATION OF COMPLAINT OR GRIEVANCE

An employee has the right to be represented or accompanied by his Sierra Vista Employees' Council departmental representative at any step of the complaint or grievance procedure.

A. If an employee feels he/she has a complaint, he/she should discuss it with his/her immediate supervisor. If the complaint is not resolved with the immediate supervisor, the employee may go to the next level of supervision and may proceed through the Department Director without formally filing a grievance. Although the chain-of-command is preferred, an employee may utilize the City's open door policy during informal discussions.

B. If the employee does not believe the problem has been satisfactorily resolved as an informal complaint, he may file a written grievance with his Department Director, through his immediate supervisor, and a copy of this grievance shall be sent to the Human Resources Manager. The written grievance must cite the rule and section of the Personnel Rules and Regulations or the written rules and procedures of any City department alleged to be violated, the date of the violation which is the basis for the grievance, the nature of the grievance and the relief requested.

C. The Department Director must, within seven (7) calendar days of filing of the grievance, render a written, dated answer to the employee and shall indicate the basis for the answer. Copies of the answer shall be sent to the Human Resources Manager and the immediate supervisor.

D. If, after receiving the formal answer from the Department Director, the employee does not feel the grievance is satisfactorily resolved, the employee may, within seven (7) calendar days of the date of the formal answer, appeal in writing to the Hearing Officer. See Rule 14, "Appeal to Hearing Officer."