



ADMINISTRATIVE DIRECTIVE

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I. PURPOSE

The purpose of this directive is to:

- A. Provide employees with a process for the review of certain employee complaints;
- B. Assure the fair and equitable treatment of all employees, supervisors and managers;
- C. Promote harmonious relations among employees, supervisors and managers;
- D. Encourage the settlement of disagreements informally at the employee-supervisor level;
- E. Provide an orderly procedure to handle grievances through the various supervisory levels when necessary;
- F. Resolve grievances as quickly as possible; and
- G. Discourage the filing of unfounded grievances.

II. DEFINITIONS

- A. Employee - Includes all city employees in the classified service (civil service). Elected officials, persons appointed to an elected official's personal staff (e.g., Council Administrative Assistant, Legislative Assistant to the Mayor), individuals appointed to positions in the city government by either the City Manager or a majority of the governing body, probationary employees and non permanent employees are not eligible to file a grievance under this directive.
- B. Grievance - A formal complaint regarding the administration of minor disciplinary actions, the application of city or departmental rules and regulations, and other matters concerning working conditions.
- C. Grievance Committee - A committee composed of city employees appointed in accordance with provisions contained in this policy to review a specific grievance and recommend solutions.
- D. Grievant - The employee who files a grievance.
- E. Representative - Any individual duly authorized by an employee to act on the employee's behalf.

III. APPLICABILITY

This directive applies to all employees. Those employees who are covered by labor agreements such as the Tucson Police Officers Association (TPOA) agreement, the International Association of Fire Fighters (IAFF) agreement, the Association of Federal, State, County, and Municipal employees (AFSCME) agreement or the Tucson Association of City Employees (TACE) agreement may choose either this policy or the procedures covered by their labor agreement, but not both. Actions or incidents which have been reviewed pursuant to any other investigative or review procedure, such as Administrative Directive 2.02-4, Reporting Wrongful Conduct, cannot be reviewed through a grievance.



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IV. DISCRIMINATION BASED COMPLAINTS

If there is a situation in an employee's workplace, which is believed to be of a discriminatory nature, the employee should contact the Office of Equal Opportunity Programs and Independent Police Review at 791-4593 to seek assistance in addressing the situation. Issues which may be of discriminatory nature include, but are not limited to, treatment/behavior that is based on race, color, national origin, sex, sexual harassment, age, sexual orientation, gender identify, disability, marital status, familial status, religion and ancestry and which impacts the work environment/situation. Employees should refer to Administrative Directive 2.05-2, Reasonable Accommodation of Applicants and Employees with Disabilities and Administrative Directive 2.05-8, Discrimination/Harassment Policy and Mediation/Complaint Procedures.

V. GRIEVANCE PROCEDURE

A. **Management Rights**

The reserved management rights of the city are not subject to review through a grievance pursuant to this policy. The reserved management rights of the city include, but are not limited to, the right:

1. To determine the purpose of each of its departments, to exercise control and discretion over the organization and efficiency of operations of the city; to set standards for services to be provided to the public;
2. To direct the employees of the city; to hire, examine, classify, promote, transfer, assign work, and evaluate job performance;
3. To increase, reduce, change, modify or alter the compositions and size of the work force, including the right to relieve employees from duties because of lack of work, funds, or a material change in the duties or organization of a department;
4. To determine the location, methods, means and personnel by which operations are to be conducted, including the right to determine whether goods or services are to be made or purchased;
5. To establish, modify, combine or abolish job classifications; and,
6. To change or eliminate existing work procedures, equipment, or facilities.



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B. Grievable Issues

1. Grievable issues must:
 - a. Concern matters or specific incidents that have occurred, and
 - b. Result from an act or omission by management regarding working conditions or other aspects of employee-employer relations over which the department director has control, and
 - c. Arise out of a specific situation or act, which has resulted in perceived inequity or damage to the employee.

2. Examples of grievable issues are:
 - a. Oral/Written Reprimand, and suspensions of ten (10) working days (80 hours) or less.
 - b. Working conditions.
 - c. Employee/employer relations over which a department director has control.
 - d. The application, operation, or alleged violation of an administrative directive, Human Resources (personnel) policy, or department policy.

3. Examples of non-grievable issues:
 - a. An incident or issue subject to the management rights referenced in Section V. A. of this directive.
 - b. An incident or issue that would require modification of a policy established by the Mayor and Council, state or federal law.
 - c. An incident or issue that has been reviewed via another grievance procedure (as authorized in an agreement with a labor organization).
 - d. Employee Performance Evaluations.
 - e. Original appointment and promotional appointment probationary failures.
 - f. Board of Inquiry at Fault Findings (resulting discipline may be grieved).
 - g. An incident or issue that is reviewable under Civil Service Rules and Regulations or some other administrative policy.
 - h. Equal Employment Opportunity Complaint Procedures
 - i. Employment status (e.g., status such as intermittent, permanent, temporary, seasonal, elected, probationary).
 - j. Employee Salary Charter Dispute Process
 - k. Suspensions without pay in excess of ten (10) working days (80 hours) in any 12-month period, demotion, reduction in pay (e.g. step reduction), or discharge of a permanent employee. (See Civil Service Rules and Regulations.)



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4. Actions or incidents which have been reviewed pursuant to any other investigative or review procedure, such as the Administrative Directive 2.02-4, Reporting Wrongful Conduct, cannot be reviewed through a grievance.

C. General Rules

1. Grievances may only be initiated by the employee concerned and may not be pursued without the affected employee's consent.
2. Grievances must be initiated within twenty (20) working days from the date of the act or from the point that the employee became aware of the occurrence. If the 20th day falls on a weekend or holiday, the following day of business becomes the "20th working day." Grievance must be submitted on the form prescribed by the Director of Human Resources for this purpose (Attachment A, Grievance Procedure Form).
3. The employee must comply with the time limits set forth in this procedure. If the employee fails to comply with the time limits, it will constitute an abandonment of the grievance unless both parties have mutually agreed to extend the time limits set forth in this policy.
4. Any grievance shall be considered resolved at the completion of any step if all parties are satisfied or if the employee concerned chooses not to present the matter to the next step of the procedure within the prescribed period of time.
5. Once a grievance has been investigated and denied, repeated filing of grievances on the same issue will not be permitted.
6. While the grievant may designate a representative at any step of the grievance procedure, labor unions do not have representation rights for non-union employees. A Grievance Committee is not required to recognize more than one (1) representative for any grievance.
7. If the grievance involves a group of employees or if a number of employees file separate grievances on the same matter, the grievances may be handled as a single grievance.
8. Following completion of the grievance process, department managers and supervisors shall ensure the grievant does not experience any retaliation for having pursued the grievance. Any City Manager direction associated with the grievance resolution is to be implemented as quickly as possible.



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D. Steps in the Grievance Process

An employee submitting a grievance pursuant to this policy must follow the steps below. If at any step the grievant fails to take action within the allotted time, the grievance will be concluded. If at any step a respondent fails to take action within the allotted time, the grievance shall proceed to the next step.

1. Step One

- a. Within twenty (20) working days from the date an employee became aware of an incident, event, working condition, or disciplinary action, that is a grievable issue pursuant to this policy, the employee initiates the grievance by verbally informing the immediate supervisor of the complaint. The supervisor shall document on the grievance form the date the complaint is initiated.
- b. Within five (5) working days the supervisor shall provide a verbal response to the employee and shall document the date provided on the grievance form.

2. Step Two

- a. If the grievant disagrees with the supervisor's response, the grievant, shall within five (5) working days, utilizing the grievance form, indicate the grievant's proposed solution to the grievance and shall present it to the immediate supervisor.
- b. Within five (5) working days from receipt, the immediate supervisor shall respond in writing and return the form to the grievant.
- c. Within five (5) working days of the receipt of the supervisor's written response, if the grievant disagrees with the immediate supervisor's written response, the grievant must present the form to the Division Administrator. The grievant must also submit a written response to the supervisor's comments, indicating the areas of disagreement with the supervisor's comments and proposed solution.
- d. The Division Administrator shall respond in writing to the employee within five (5) working days.

3. Step Three

- a. If the grievant disagrees with the Division Administrator's written response and proposed solution, within five (5) working days of the receipt of the Division Administrator's response, the grievant shall present the grievance form to the Department Director along with a written response to the Division Administrator's comments and proposed solution, indicating the areas of disagreement with the Division Administrator's comments and proposed solution.

Although either party may request a meeting, it is the Department Director's option to respond only in writing.



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b. Within five (5) working days from receipt of the grievance or of a meeting (if held), the Department Director will submit a written response to the grievant.

4. Step Four

- a. Within five (5) working days of receiving the Department Director's response, if the Department Director's decision is not satisfactory to the grievant, the grievant must indicate on the appropriate section of the Grievance Procedure Form that review is requested by the City Manager within five (5) working days. The grievant must clearly indicate the areas of disagreement with the Department Director's comments and proposed solution. Additionally, the grievant must forward to the City Manager all documents associated with the Grievance Committee.
- b. The City Manger will provide a final decision to the grievant within ten (10) working days of receiving the grievance; or alternatively, the City Manager will call for a Grievance Committee.

E. Grievance Committee Review Process

1. If a Grievance Committee is utilized, a committee composes of four (4) city employees shall be appointed to review the grievance and recommend a solution to the grievance. The employee initiating the grievance and the Department Director involved in the grievance shall each appoint one employee to the committee. The City Manager will appoint an Assistant/Deputy Department Director (or higher level individual) to the committee and a fourth, non-supervisory employee, will be randomly selected by the Director of Human Resources. A separate Grievance Committee will be selected for each employee. If a group of employees present the same grievance, one committee will be selected for the group of employees.
2. The role of the Grievance Committee shall be to review the facts related to a specific grievance, the facts or issues contested by the grievant, and the basis for the management action that led to the filing of the grievance. Furthermore, if the grievance is based on a disciplinary action, the role of the committee is to only review the disciplinary actions taken by the supervisor/manager to ensure that there was a factual basis for the action and that all city procedures were followed.
3. The Director of Human Resources shall immediately schedule the first meeting of the Grievance Committee and shall appoint a Human Resources staff member to facilitate the committee review process. Unless an extension has been granted by the Director of Human Resources, within ten (10) working days from the date of its first meeting, the Grievance Committee must complete its review of the grievance and forward a written report of its review and recommended solution to the City Manager. The Director of Human Resources



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will ensure that the committee has access to all information necessary to conduct its review. While the committee will have the authority to interview city employees, supervisors and managers, the Director of Human Resources shall ensure that the committee limits its review to the specific grievance.

4. The committee may request to review personnel files and related personnel records of the employee(s) involved in the grievance, if appropriate to the specific incident. All requests to review an employee personnel file must be submitted to the Director of Human Resources with justification. The Director of Human Resources shall determine whether or not to allow the request.
5. A representative of the Director of Human Resources will be present during all committee meetings but will not participate in the committee's review of the grievance, any interviews conducted by the committee or the development of the committee's recommendation. The representative of the Director of Human Resources shall, however, on behalf of the Director, ensure that the committee limits its review to the specific grievance. The Director of Human Resources shall also provide all necessary support to the committee to ensure that its review is concluded within the required ten (10) working days and the report is prepared.
6. At the conclusion of the review, the report containing the recommendation of the Grievance Committee shall be prepared and signed. The report shall be forwarded to the Director of Human Resources who shall immediately present the report and recommendation to the City Manager. If the committee is unable to reach a consensus, multiple reports and recommendations may be prepared and submitted.
7. All information obtained by a Grievance Committee must be treated in a confidential manner and cannot be shared with any other employee or individual outside of the grievance process. At the conclusion of a Grievance Committee review, all documents, notes and files shall immediately be returned to the Director of Human Resources.
8. Upon receipt of a Grievance Committee report and recommendation, the City Manager will review the document and provide a final decision within five (5) working days. The City Manager's final decision will be forwarded to the grievant and the Department Director by the Director of Human Resources.



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Appendices

Grievance Procedure Form

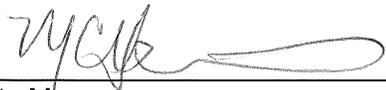
References

AD 2.02-4, Reporting Wrongful Conduct
2.05-2, Reasonable Accommodation of Applicants and Employee with Disabilities
AD 2.05-8, Discrimination/Harassment Policy and Mediation/Complaint Procedures

Review Responsibility and Frequency

The Director of Human Resources will review this directive annually, based on date of publication.

Authorized



City Manager



Date



GRIEVANCE PROCEDURE FORM

See Administrative Directive 2.02-2 For Instructions
(ATTACH ADDITIONAL SHEETS AS NECESSARY)

NAME: _____ DEPARTMENT/DIVISION: _____
CLASSIFICATION _____ EMPLOYEE WORK PHONE #: _____
DATE OF ALLEGED INCIDENT _____ NAME OF SUPERVISOR _____

STEP 1 TO BE SUBMITTED WITHIN TWENTY (20) WORKING DAYS FROM THE DATE OF THE INCIDENT.
EMPLOYEE INITIATES GRIEVANCE BY DISCUSSING PROBLEM WITH SUPERVISOR IN AN ATTEMPT
TO RESOLVE THE ISSUE INFORMALLY. DATE OF INITIATION _____
DATE OF SUPERVISOR'S RESPONSE: _____

WITHIN FIVE (5) WORKING DAYS FROM DATE OF SUPERVISOR'S VERBAL RESPONSE TO
DISCUSSION, EMPLOYEE SUBMITS GRIEVANCE IN WRITING.

STEP 2 A. EMPLOYEE'S STATEMENT OF PROBLEM

STATEMENT OF PROBLEM: _____

EMPLOYEE'S PROPOSED SOLUTION: _____

(Optional) I DESIRE TO BE REPRESENTED BY: _____

EMPLOYEE'S SIGNATURE

DATE SUBMITTED TO SUPERVISOR

B. SUPERVISOR'S WRITTEN REPLY

(TO BE RETURNED TO THE EMPLOYEE WITHIN FIVE (5) WORKING DAYS FROM DATE WRITTEN
GRIEVANCE WAS SUBMITTED).

SUPERVISOR'S SIGNATURE

DATE SUBMITTED TO EMPLOYEE

C. DIVISION ADMINISTRATOR'S WRITTEN REPLY

IF THE GRIEVANT DISAGREES WITH THE IMMEDIATE SUPERVISOR'S WRITTEN RESPONSE, THE
GRIEVANT MUST SUBMIT TO THE DIVISION ADMINISTRATOR, WITHIN FIVE (5) WORKING DAYS, A
WRITTEN RESPONSE (TO BE ATTACHED) TO THE SUPERVISOR'S COMMENTS, INDICATING THE
AREAS OF DISAGREEMENT AND PROPOSED SOLUTION.

DIVISION ADMINISTRATOR'S SIGNATURE

DATE RETURNED TO EMPLOYEE

(USE REVERSE SIDE IF YOU WISH REVIEW BY DEPARTMENT HEAD OR CITY MANAGER)

STEP 3 A. REVIEW BY DEPARTMENT HEAD

IF THE GRIEVANT DISAGREES WITH THE DIVISION ADMINISTRATOR'S WRITTEN RESPONSE AND PROPOSED SOLUTION, THE GRIEVANT MUST WITHIN FIVE (5) WORKING DAYS PRESENT THIS FORM TO THE DEPARTMENT DIRECTOR WITH A WRITTEN RESPONSE (TO BE ATTACHED) TO THE DIVISION ADMINISTRATOR'S COMMENTS INDICATING AREAS OF DISAGREEMENT AND PROPOSED SOLUTION.

I HEREBY REQUEST THAT THIS ISSUE BE REVIEWED BY MY DEPARTMENT HEAD.

CHECK ONE I HEREBY REQUEST A MEETING WITH MY DEPARTMENT HEAD.
 I DO NOT REQUEST A MEETING WITH MY DEPARTMENT HEAD.

B. DEPARTMENT HEAD'S REPLY

TO BE RETURNED TO THE EMPLOYEE WITHIN FIVE (5) WORKING DAYS FROM DATE GRIEVANCE WAS SUBMITTED

DEPARTMENT HEAD'S SIGNATURE

DATE RETURNED TO EMPLOYEE

STEP 4 A. REVIEW BY CITY MANAGER

IF THE DEPARTMENT DIRECTOR'S DECISION IS NOT SATISFACTORY, THE GRIEVANT MUST WITHIN FIVE (5) WORKING DAYS INDICATE ON THIS FORM THAT REVIEW IS REQUESTED BY THE CITY MANAGER. THE GRIEVANT MUST CLEARLY INDICATE THE AREAS OF DISAGREEMENT WITH THE DEPARTMENT DIRECTOR'S COMMENTS AND PROPOSED SOLUTION. **THE GRIEVANT MUST FORWARD TO THE CITY MANAGER ALL DOCUMENTS ASSOCIATED WITH THE GRIEVANCE.**

I HEREBY REQUEST THAT THIS ISSUE BE REVIEWED BY THE CITY MANAGER

EMPLOYEE'S SIGNATURE

DATE PRESENTED TO CITY MANAGER

B. CITY MANAGER ACTION:

THE CITY MANAGER WILL PROVIDE A FINAL DECISION WITHIN TEN (10) WORKING DAYS OF RECEIVING THE GRIEVANCE; OR CALL FOR A GRIEVANCE COMMITTEE.

CHECK ONE

1. **FINAL DECISION:** _____

CITY MANAGER'S SIGNATURE

DATE

2. REFER ISSUE TO GRIEVANCE COMMITTEE (FORWARD ALL MATERIALS TO THE HUMAN RESOURCES DEPARTMENT):

AFTER REVIEW OF THE RECOMMENDATION MADE BY THE GRIEVANCE COMMITTEE, I HEREBY RESOLVE THAT:

CITY MANAGER'S SIGNATURE

DATE