



**CALVERT COUNTY GOVERNMENT  
GUIDELINE/POLICY/PROCEDURE**

<b>TITLE:</b>	<b>1.5-Grievance Process</b>		
<b>ISSUED BY:</b>	Department of Public Safety/Career EMS		
<b>RESPONSIBLE STAFF:</b>	Division Chief Barry Contee		
<b>ISSUE DATE:</b>	12/11/2019	<b>REVISION DATE:</b>	
<b>PURPOSE:</b>	To establish the policy and procedures for filing a complaint or grievance against a supervisor or Department Head		
<b>APPLICABLE TO:</b>	All Field Clinicians		
<b>ATTACHMENTS:</b>	Chapter 86 Part 10		

<input type="checkbox"/> <b>GUIDELINE</b>	<input checked="" type="checkbox"/> <b>POLICY</b>	<input type="checkbox"/> <b>PROCEDURE</b>
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**This document needs to be reviewed/updated:**

<input type="checkbox"/> <b>Annually</b> <input type="checkbox"/> <b>(Fiscal Year)</b> <input type="checkbox"/> <b>(Calendar Year)</b>	<input type="checkbox"/> <b>Other Interval:</b>	
	<input checked="" type="checkbox"/> <b>As needed</b>	<b>Flag for review on:</b>

**I. Purpose**

To establish the policy and procedures for filing a complaint or grievance against a supervisor or Department head.

**II. Definitions**

**Grievance-** Per the Personnel Chapter 86, a grievance means a complaint by an employee alleging that their wages, benefits, or conditions of employment have been adversely affected by an act or acts of a supervisor or Department head.

**III. Policy**

For all grievances, employees are referred to Personnel Chapter 86 Part 10. This is available on the County “S” Drive or will be made available upon employee request.

#### **IV. Procedure**

All employees will refer to Personnel Chapter 86 Part 10 for the process of submitting a grievance.

**Part 10**

**Grievance Procedure**

**[Amended 3-12-2013 by Ord. No. 07-13]**

**ARTICLE I**

**Overview**

**§ 86-10-101. Definition.**

- A. For the purpose of this Part, the word "grievance" means a complaint by an employee alleging that their wages, benefits or conditions of employment have been adversely affected by an act or acts of a Supervisor or Department Head contrary to the terms of this Chapter. A grievance may not be filed by anyone other than the allegedly affected employee.
  
- B. The grievance process and all related materials are confidential and are the property of the Board of County Commissioners, except that an employee who has filed a grievance may have access to his or her file concerning that grievance.

**§ 86-10-102. Policy.**

The means of redress afforded by this Part 10 shall be available only to full-time merit and full-time grant employees, and part-time and part-time grant employees regularly scheduled to work 50% or more of the normal pay period who have completed six months of service. It may not be utilized by any employees in their initial probationary period or any temporary, hourly, seasonal, appointed or contract employees, or part-time or part-time grant employees regularly scheduled to work less than 50% of the normal pay period. The Director of Personnel shall be responsible for overseeing the processing of all employee grievances to ensure they are filed and processed in accordance with this Chapter. Supervisors and Department Heads shall keep the Director of Personnel informed of all grievances in progress.

All grievance proceedings shall be closed to the public.

**§ 86-10-103. Nongrievable issues.**

The following are not grievable issues and are not subject to the grievance procedure:

- A. Performance ratings, unless the overall rating is unsatisfactory or needs improvement. If the rating of unsatisfactory or needs improvement results in denial of a merit increase, such denial may be included in the grievance protesting an overall rating of unsatisfactory or needs improvement;
- B. Position classifications;
- C. Any adverse action taken against an employee during that employee's initial probationary period;
- D. Nonselection for a position or promotion;
- E. Action terminating a temporary promotion and returning the employee to position previously held;
- F. Job descriptions, including objectives and critical elements of performance standards;
- G. A separation due to reduction in force from a group of employees on a retention register and due to lack of funds or abolishment of position;
- H. The content of a policy of the Board of County Commissioners, although the application of a policy may be grievable.
- I. A decision made or action taken by the Board of County Commissioners or County Administrator; however, disciplinary actions by the County Administrator other than verbal counseling may be grievable.
- J. Action taken by the Director of Personnel in the course of administering the grievance procedure;

- K. Personal conduct of another employee, unless it involves alleged sexual harassment or workplace violence in which case, a complaint may be filed in accordance with the Board of County Commissioners' stated policies and procedures where alleged sexual harassment or workplace violence is alleged;
- L. Verbal counseling;
- M. Lack of a pay increase due to a Board of County Commissioners' decision not to fund or provide same.

## ARTICLE II

### Procedures

#### **§ 86-10-201. Eligibility for seeking redress.**

Any full-time merit or full-time grant employee, and part-time and part-time grant employee regularly scheduled to work 50% or more of the normal pay period who has successfully completed their initial probationary period and thereafter believes that their wages, benefits, working conditions or employment have been improperly affected by an act or acts of a Supervisor or Department Head contrary to the terms of this Chapter have the right to seek redress of their grievance in the following manner.

#### **§ 86-10-202. Invoking the grievance procedure for a written warning or for other events (excluding involuntary demotion, suspension, or termination).**

- A. Within ten working days following receipt of written notice or the occurrence of the event or events grievable pursuant to this Section, the employee must file a written grievance on a Grievance Report Form with their immediate Supervisor setting forth in succinct terms all grounds for the grievance, and a copy of the grievance must be filed that same day by the employee with the Director of Personnel. Failure to file a timely grievance shall constitute a waiver of the employee's right to grieve the adverse action complained of.

- (1) Step 1. Within five working days of the date on which a timely grievance is filed, the aggrieved employee and their immediate Supervisor shall meet to discuss the grievance. Within five working days following the date of that meeting, the Supervisor shall advise the aggrieved employee in writing of the Supervisor's position on the grievance.
- (2) Step 2. If the grievance is not resolved or explained to the satisfaction of the aggrieved employee at Step 1, then within five working days following receipt of the Supervisor's written response, the aggrieved employee may request a meeting with their Department Head to discuss the matter. The employee and their Department Head shall meet within five working days after the employee's request is received by the Department Head, and the Department Head shall advise the aggrieved employee of the Department Head's position in writing within five working days following their meeting.
- (3) Step 3. If the grievance is still unresolved to the employee's satisfaction, following receipt of the Department Head's written position, then the employee, within five working days of receipt of the Department Head's written position, may request the Director of Personnel to meet with them and the Department Head for further discussion of the matter. That meeting shall be held within ten working days following receipt by the Director of Personnel of the aggrieved employee's request. The Department Head shall advise the aggrieved employee of their position in writing within five working days following their meeting. The decision of the Department Head shall be final and binding on the parties.

**§ 86-10-203. Invoking the grievance procedure for involuntary demotion, suspension, or termination.**

- A. To invoke the grievance proceedings for an involuntary demotion, suspension or termination, the aggrieved employee must file a written grievance on a Grievance Report Form setting forth in succinct terms all grounds for the grievance and submit the original form to the Director of Personnel within ten days of the grievable event or events. The Personnel Director shall appoint a Grievance Board. The Grievance Board shall consist of four employees not from the aggrieved employee's department. Two shall be supervisory, and two shall be nonsupervisory selected at random by the Director of Personnel or her/his designee. No more than one Department Head, if any, may serve. All shall be full-time merit employees unless a Department Head is selected, who may also be a contract employee. The Grievance Board shall meet to hear the unresolved grievance within 20 working days following its appointment. The hearing shall be conducted in accordance with procedures established by the Director of Personnel. The grievant and any witnesses they may wish to testify on their behalf shall have the right to appear before the Grievance Board and present evidence in support of the grievant's position. The aggrieved employee's Department Head or designee shall have the same right to appear before the Board and present their position, including

witnesses in support thereof. Failure to file a timely grievance shall constitute a waiver of the aggrieved employee's right to grieve the adverse action complained of.

- B. The Director of Personnel shall assist the Grievance Board and the parties to the grievance hearing in making sure that all of the evidence relevant and material to the issue is presented to the Grievance Board for its consideration. The Director of Personnel, however, shall not be a member of or have a vote on the Grievance Board. Within 30 calendar days following the conclusion of the hearing, the Grievance Board shall prepare and submit to the Board of County Commissioners a written report containing its findings, conclusions and recommendations. Copies of the Grievance Board's report shall be given to the Grievant, the aggrieved employee's Department Head and the Director of Personnel at the time of transmission to the Board of County Commissioners.
- C. The Board of County Commissioners shall review the findings, conclusions and recommendations of the Grievance Board and advise the parties to the dispute of their determination at the next scheduled meeting of the Board of County Commissioners, or no later than 30 calendar days following receipt of the Grievance Board report and recommendation.
- D. The Board of County Commissioners shall have full discretion to adopt or reject the recommendation of the Grievance Board in whole or in part or to remand the matter to the Grievance Board for further consideration and resubmission. The determination by the Board of County Commissioners, or the Board of County Commissioners' final decision following remand or resubmission, shall be final and binding on the parties.

**§ 86-10-204. Recusal of Director of Personnel.**

Where a timely grievance is filed by an employee of the Office of Personnel, the Director of Personnel shall recuse him or herself from participation in the grievance procedure except as the interested Department Head, and the Director's role in the orderly operation of the grievance procedure shall be assumed and performed by the County Administrator.

**§ 86-10-205. Grievance Report Form.**

All grievances shall be submitted in writing on the standard Grievance Report Form available in the Office of Personnel and shall include the following information:

- A. Employee name;
- B. Employee class title;
- C. A succinct statement of the reason for the grievance and the section(s) of this Chapter allegedly violated;
- D. The date on which the grievance arose;
- E. The relief sought;
- F. Names of witnesses the grievant plans to ask to testify, if applicable (§ 86-10-203A. only ); and
- G. Name of attorney, if grievant intends to be represented (§ 86-10-203A. only).

**§ 86-10-206. Filing timely grievances.**

- A. Grievances must be timely filed in accordance with the grievance procedure provisions of this Chapter in order to invoke the grievance procedure. Once a timely grievance has been filed, it should be processed without delay by all parties, unless there is mutual agreement between the party seeking to extend a time limit and the Director of Personnel on the need for an extension of time to comply with any step of the grievance procedure.
- B. In the event a grievant fails to adhere to any of the time limits set forth in this article, the grievance shall be considered satisfied and resolved on the basis of the last statement of position received by the grievant.
- C. Where a Supervisor or Department Head fails to adhere to any of the time limits set forth herein, the grievance shall automatically proceed to the next step in the grievance procedure.

- D. For the purposes of the time limits specified in Part 10, a working day shall mean any day Monday through Friday, excluding County holidays and administrative leave days granted by the Board of County Commissioners.

**§ 86-10-207. Employee rights.**

An aggrieved employee shall have the right to have a fellow employee present during any step of the grievance procedure or to be represented by an attorney at a Grievance Board hearing regarding an involuntary demotion, suspension or termination. The presentation of any grievance without fear of reprisal shall be considered the right of each employee.