

CHAPTER 10 – GRIEVANCE AND APPEAL PROCEDURE

10.1 Grievance and Appeal Procedure.

10.1.1 Any employee aggrieved by a decision or condition falling under City policy, or State or Federal Law may file a grievance. A grievance must set forth the allegation that there has been a violation of City policy or State or Federal law and must specifically identify the policy or statute violated.

10.1.2 Procedure.

Step I:

Any employee alleging a grievance is encouraged to resolve the problem if possible, through an informal discussion with the immediate supervisor. If this is not satisfactory, the employee may file a grievance as set forth in Step II.

Step II:

An employee alleging a grievance shall present a written statement which includes, time and dates of occurrence(s); specification of the alleged wrongful act(s) and resultant harm(s); and a remedy adjustment, or other corrective action sought to the Department Head. Employee alleging a grievance may seek representation. If the grievance is with the Department Head, the employee should proceed to Step III.

The Department Head shall respond to the grievance in writing within five (5) working days following the receipt of the grievance.

If the response does not resolve the problem, the grievance shall proceed with Step III.

Step III.

(a) If the grievant rejects the recommendations of the Department Head, or if the Department Head fails to issue a written report in the time specified; the grievant shall have ten (10) working days to request a decision by the City Manager. The City Manager shall investigate the complaint and submit written recommendations within fifteen (15) working days after receipt of the grievance. This decision is final.

(b) If the grievance is with the City Manager the employee shall follow step I above attempting to informally resolve the grievance with the City Manager; and step II above by filing a written grievance with the City Manager. If the grievant rejects the recommendations of the City

Manager or the City Manager fails to issue a written report in the time specified; the grievant shall have ten (10) working days to request a decision by the Mayor, or the Mayor's designee. The Mayor, or the Mayor's designee, shall investigate the complaint and submit written recommendations within fifteen (15) working days after receipt of the grievance. The decision is final.

Amended by Resolution No. 11-0309-1.

Grievances must be filed in a timely manner. All grievances must be filed within twenty (20) days of the alleged violation of any City policy, or State or Federal law.

10.2 Appeal for Cases of Reprimand and Suspension.

10.2.1 This procedure shall govern in cases of disciplinary action involving reprimands or suspensions in which an employee desires to appeal the decision.

10.2.2 The employee must submit a written appeal to the Department Head within five (5) working days of being notified of the decision. The Department Head should hold a hearing to consider the appeal and submit a decision within three (3) working days. The employee shall have the right to be represented by legal counsel, examine witnesses, and present witnesses at the employee's own expense.

10.2.3 If the employee is not satisfied with the Department Head's decision, an appeal may be made in writing to the City Manager within five (5) working days. The City Manager or assigned Designee shall hold a hearing to consider the appeal. The employee shall have the right to be represented by legal counsel, examine witnesses and to present witnesses. The employee shall be notified of the City Manager or assigned Designee's decision within three (3) working days of the hearing. The City Manager or assigned Designee's decision shall be final.

Amended by Resolution 20-0527.

10.3 Appeals in the Case of Discharge or Transfer.

10.3.1 Employees who are discharged or transferred for any reason may appeal the decision directly to the City Manager within five (5) working days. The basis for the appeal shall be in writing and shall be submitted to the supervisor who effected the discharge or transfer. The City Manager or assigned Designee may consider hearing first-hand evidence concerning the reason for discharge or transfer and may set aside the same.

- 10.3.2 If the discharge or transfer is set aside by the City Manager or assigned Designee, the employee will receive a reinstatement of position and compensation as though the discharge or transfer have never been imposed. Unless and until set aside, the discharge or transfer shall be effective as of the action.
- 10.3.3 The decision of the City Manager or assigned Designee shall be in writing and shall be issued within five (5) working days following the receipt of the employee's appeal, except where the City Manager or assigned Designee finds that exceptional circumstances warrant a longer period.
- 10.3.4 The decision of the City Manager or assigned Designee concerning discharge or transfer may be appealed to the Appeal's Board as set forth in Title 10-3-1106, Utah Code Annotated, 1953 as amended.

Amended by Resolution 20-0527.