

Title: Grievance Procedure
Policy Number: 712
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Authorized by: Board of Supervisors

Policy

It is the policy of Pottawattamie County that employees should have an opportunity to present their employment-related complaints and to appeal adverse employment related decisions through a grievance procedure. The County will attempt to resolve promptly all disputes that are appropriate for handling under this policy.

Comments:

- (1) An appropriate grievance is defined as an employee's expressed dissatisfaction concerning any interpretation or application of an employment-related policy by their Department Head, immediate supervisor, or other employees. Examples of matters that may be considered appropriate grievances under this policy include:
 - (a) A belief that County policies, practices, rules, regulations, or procedures have been applied inconsistently to an employee;
 - (b) Treatment considered unfair by an employee;
 - (c) Alleged discrimination, for example, because of race, color, sex, sexual orientation, gender identity, age, religion, national origin, marital status, or disability; and
 - (d) Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, performance review, salary, or seniority.
- (2) Grievances shall be presented in writing on a form provided by the employer. The grievance will be processed until the employee is satisfied, does not file a timely appeal, or exhausts the right of appeal under the policy. A decision becomes binding on all parties whenever an employee does not file a timely appeal or when a decision is made in the final step and the right of appeal no longer exists. Time frames may be extended if agreed to by both parties.

- (3) Employees who believe they have an appropriate grievance should proceed as follows:
 - (a) Step One — Promptly bring the complaint to the attention of the immediate supervisor within seven (7) calendar days from the date the action took place to cause the grievance. If the grievance involves the supervisor, then the employee may proceed directly to Step Two. The supervisor, if authorized should investigate the complaint or attempt to resolve it, and give a decision to the employee within seven (7) calendar days. The supervisor should prepare a written and dated summary of the grievance and proposed resolution for the employee's personnel file. If the employee is not satisfied with the response of the supervisor, the employee may proceed to Step Two.
 - (b) Step Two — Appeal the decision to the Department Head, if dissatisfied with the supervisor's decision, or initiate the procedure with the Department Head if Step One has been bypassed. This appeal must be made within seven (7) calendar days using the grievance form provided for this purpose. The Department Head will, in a timely fashion, confer with the employee, the supervisor, and any other employees considered appropriate; investigate the issues; and communicate a decision in writing to all the parties involved within seven (7) calendar days. If the employee is not satisfied with the response of the Department Head, the employee may proceed to Step Three.
 - (c) Step Three — Appeal the decision to the Board of Supervisors. This appeal must be made within seven (7) working days from the date a decision was rendered in Step One or Two. The Board of Supervisors will schedule an appeal hearing and will take the necessary steps to review and investigate the grievance. The Board of Supervisors will issue a written, final, and binding decision within seven (7) calendar days from the date of the hearing.
- (4) Final decisions on grievances will not be precedent-setting or binding on future grievances unless they are officially stated as County policy. When appropriate, the decisions will be retroactive to the date the action took place to cause the grievance

- (5) Information concerning an employee grievance should be confidential. Supervisors, Department Heads, and others who investigate a complaint may discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information or advice.
- (6) Time spent by employees in grievance discussions with their Supervisor or Department Head during their normal working hours will be considered hours worked for pay purposes.
- (7) Employees will not be penalized for the proper use of the grievance procedure. However, it is not considered proper use if an employee raises complaints in bad faith or solely for the purposes of delay or harassment or repeatedly raises merit less disputes. Implementation of the grievance procedure by an employee does not limit the right of the County to proceed with any disciplinary action that is not in retaliation for the use of the grievance procedure. In addition, employees, supervisors and Department Heads are prohibited from retaliating against an employee who properly uses the grievance procedure.
- (8) The County may, at its discretion, refuse to proceed with any dispute it determines is improper under this policy. Further, this policy does not alter the employment-at-will relationship in any way.