

Utah County Human Resource Management Policy 4-1000: Grievance and Appeal Process

Purpose

It is the purpose and intent of this policy to provide a means for the reasonable settlement of certain disputes between an employee and the County. All employees and supervisors should, however, make every possible effort to settle differences without utilizing the procedures contained in this section.

I. Policy

- A. Any Career Service tenure employee who has completed a probationary period may file a grievance as defined in and pursuant to this policy and procedures. An eligible grievance may be heard by the Utah County Career Service Council or designated administrative law judge as provided in Utah Code, Section 17-33-4 and 4.5. The council shall hear appeals not resolved at lower levels in the cases of career service employees suspended, demoted, or dismissed.
 1. No prejudicial, discriminatory, or retaliatory action may be taken, at any time, by the County against any person for his/her participation in or statements made in the investigation or settlement of a grievance.
 2. A grievance shall be abandoned if not filed and processed by the employee in accordance with the time limitations as set forth herein.
 3. While not all inclusive, examples of what may not be grieved to the Career Service Council include; performance appraisals, documented counseling, written reprimands, performance improvement plans, position reclassification, termination during a probationary period and being returned to a position at the same grade and step as was formerly held, or issues leading to that action as a result of a failed trial period.

II. Procedures

A. Suspension or Transfer Affecting Regular Pay Grievance Procedure

- Step 1. A grievance of a suspension or transfer resulting in a reduction in regular pay (not overtime pay), shall be submitted in writing by the employee to the aggrieved employee's department head with a copy to the Director of Human Resource Management, within ten (10) working days of the effective date of suspension or transfer.
- Step 2. The aggrieved employee's department head, after providing the employee an opportunity to meet with the department head and explain why the suspension or transfer should not be implemented, shall answer the grievance in writing within ten (10) working days after the meeting with the aggrieved employee.

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Step 3. If the department head's decision is not accepted by the aggrieved employee, he/she shall, within five (5) working days after receipt of the department head's reply, file a request in writing to the Director of Human Resource Management for a grievance review before the Career Service Council. The Director of Human Resource Management will then forward the grievance to the Career Service Council, the employee's department head, and the County Attorney.

B. Involuntary Termination or Demotion Grievance Procedure

Step 1. Pre-Hearing: The aggrieved employee who has been recommended for termination or demotion resulting in a reduction of regular pay (not overtime pay) shall within five (5) working days, not including the day of receipt of notice recommending demotion or termination, request in writing a hearing before his/her department head, with a copy of the written request sent to the Director of Human Resource Management. Failure on the part of the employee to request a hearing in writing before his/her department head or to appear at the scheduled pre-hearing will serve as a waiver of the employee's grievance. The employee will be given at least three (3) working days' notice of the hearing date, time and location.

Step 2. Hearing: The hearing officer shall be the department head or his/her respective designee. If desired by the employee, one (1) representative of the employee's choice may attend this hearing, and the employee shall provide to the Director of Human Resource Management the name of his/her representative at least one (1) working day prior to the hearing. Attendees of the hearing shall include the employee and his/her representative), the hearing officer, a management representative, and a representative of the Office of Human Resource Management and a representative of the County Attorney's office. The hearing will not follow formal rules of evidence and will be conducted in an informal manner. The hearing will be conducted by the hearing officer. The management representative shall summarize the employee's disciplinary notice. The employee or his/ her representative may then respond to all specified charges.

Step 3. The hearing officer will promptly render a decision in writing and forward to the employee and the Director of Human Resource Management a copy of the decision. The decision shall include a statement as to the reasons the demotion or termination was or was not imposed. If an employee has waived a hearing, the department head shall issue a written notice to the employee and Director of Human Resource Management imposing or not imposing the demotion or termination.

Step 4. Appeal: A Career Service tenure employee who is demoted, except as result of failing a trial period, or terminated shall within five (5) working days of receipt of the hearing officer's action appeal the decision to the Career Service Council by filing a written request for Career Service Council review with the Director of Human Resource Management. The Director of Human Resource Management will forward the request for Career Service Council review to the Career Service Council, the department head, and the County Attorney.

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- C. Grievance Procedure for the Application of Express Terms of these Rules and Regulations which Deprive a Career Service Tenure Employee of Accrued and/or Existing Pay and/or Benefits

Step 1. A Career Service tenure employee who believes that he/she has a grievance relating to the application of the express terms of these rules and regulations which deprive him/her of accrued and/or existing regular pay (not overtime pay) and/or benefits shall submit the grievance in writing to the employee's department head, with a copy sent to the Director of Human Resource Management, within ten (10) working days of the alleged violation. The grievance shall state the violation and cite the rules and regulations section.

Step 2. Upon receipt of the grievance, the department head will provide the employee an opportunity to meet with him/her and will then promptly respond to the grievance in writing. The department head's grievance response must be consistent with County Human Resource systems, programs, procedures, and practices as established by these Rules and Regulations and/or by the Office of Human Resource Management.

Step 3. If the grievance is not settled at Step 2, the employee shall within five (5) working days of receipt of the decision make a written request to the Director of Human Resource Management for Career Service Council review. The Director of Human Resource Management will forward the request for Career Service Council review to the Career Service Council, the department head, and the County Attorney.

- D. Employee Complaint Procedure for Issues Not Grievable, Not Appropriately under the Jurisdiction of an Outside Entity, and Not Covered by a Different Appeal Procedure in these Rules and Regulations.

Step 1. For matters not grievable under these Policies, or for which no other appeal procedure is provided for in these Policies or for matters not under the exclusive jurisdiction of an outside agency, a Career Service tenure employee may submit a written complaint to his/her department head for consideration.

Step 2. The department head, or his/her designee, shall promptly respond to the employee's complaint in writing and may determine to uphold, amend, or overturn the matter which was the basis of the employee's written complaint. A copy of this response shall be forwarded to the Director of Human Resource Management. The decision of the department head or his/her designee will be final and is not reviewable by the Career Service Council.

Step 3. All complaint responses must be consistent with County policy, procedures, and practices. Additionally, if the complaint is related to employment matters, all complaint responses must be consistent with County Human Resource systems, programs,

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procedures, and practices as established by County and/or by the Office of Human Resource Management.

III. References