

CITY OF BRANSON, MISSOURI
ADMINISTRATIVE RULES

RULE NUMBER 6 REFERENCING ARTICLE 14 OF THE HUMAN RESOURCES MANUAL
AMENDED 1-1- 2011, 7-10-2012

A RULE PERTAINING TO **GRIEVANCES AND GRIEVANCE REVIEW COMMITTEE**

Section 1. Purpose

- A. To assure employees that their concerns or grievances will be considered fairly, rapidly and without reprisal, coercion or discrimination.
- B. To determine what is right, rather than who is right, and to provide for the objective consideration of employee problems.
- C. To establish uniform policies and procedures in handling employee concerns and employee grievances.
- D. To determine the respective rights and obligations of all involved employees and to resolve concerns or grievances on matters for which an appeal or hearing is not provided by other rules.
- E. To provide a systematic means of obtaining further consideration of problems after every reasonable effort has failed to resolve them.
- F. To provide that all concerns or grievances shall be settled as near as possible to the point of origin.
- G. The provisions of this rule shall apply to all classified employees.

Section 2. Definition of a Grievance Procedure

A grievance procedure is a formal procedure available to a regular classified employee who has completed the probationary period to challenge an alleged improper application of the policies and procedures established by the Human Resources Articles or Administrative Rules and which the employee believes is adversely affecting the employee's working conditions. Dismissals, demotions and suspensions without pay are subject to appeal as noted in other sections of the Human Resources Articles and Administrative Rules.

Section 3. Time Limit for Presentation of Grievances

No grievance shall be considered unless it is presented in writing, or if more than fifteen (15) calendar days have elapsed from the date of the circumstance which gave rise to the grievance, or from the date when the employee should reasonably have known of the circumstance.

Section 4. Procedure

- A. If an employee believes that grounds for a grievance exist, the situation must first be discussed with his immediate supervisor. If the problem is not resolved with the immediate supervisor, by discussion, then the employee must put the grievance in writing, if the employee wishes to pursue the grievance further. The Human Resources Director will provide procedural assistance when requested.
- B. The employee must file the written grievance with his immediate supervisor. The supervisor shall return a copy of the written grievance to the employee within five (5) business days with the supervisor's written response to the employee's grievance. A copy shall be filed with the Human Resources Director.
- C. If the employee is not satisfied with the immediate supervisor's response, the employee may submit the grievance within five (5) business days to the next person in the chain of command. This process shall continue, if necessary, up to and including the employee's Director. If the employee is not satisfied with the Director's response, then the employee must notify the Human Resources Director in writing of the same. The Human Resources Director shall then notify the City Administrator.
- D. If the immediate supervisor, or any person in the chain of command up to and including the Director, fails to respond in writing within the five (5) business days, the employee may proceed to the next step without further delay.
- E. Any or all of the time limits mentioned in this Section may be extended by mutual written agreement of the parties involved.

Section 5. City Administrator's Action

- A. The City Administrator shall do one of the following:
 - (1) Within five (5) business days the City Administrator shall render a written decision to the employee. There is no further administrative appeal beyond the Administrator's written decision on the grievance; or

- (2) The City Administrator shall, within three (3) business days, convene a Grievance Review Committee. The Committee shall review the grievance and within five (5) business days render a written recommendation to the City Administrator on the grievance. The Committee shall be provided all written document generated to that point and shall be allowed to interview any and all individuals as may be required.
- B. The City Administrator shall respond within five (5) business days from the receipt of the Grievance Review Committee's recommendations and give a written decision to the employee. The Grievance Review Committee's recommendation shall be advisory only, and there is no further administrative appeal beyond the Administrator's written decision on the grievance.
- C. A copy of the Administrator's final decision shall be filed with the Human Resources Director.
- D. The City Administrator may extend the time limits in this section by giving written notice to the employee.

Section 6. Grievance Review Committee

- A. If the City Administrator refers the grievance to a Grievance Review Committee, the committee shall be composed of three (3) regular full-time City employees, none of whom will be from the department of the employee filing the grievance. The Human Resources Director and the City Attorney may not be members of the committee. Committee members will be chosen as follows:
 - (1) One member of the Employee Human Resources Committee selected by the employee who filed the grievance.
 - (2) One employee selected by the Director of the employee who filed the grievance.
 - (3) One employee appointed by the City Administrator.
 - (4) The three committee members shall select one member to serve as Chairman.
- B. No employee involved in the grievance shall be a member of the Grievance Review Committee.
- C. The Grievance Review Committee may only be convened by the City Administrator.

Section 7. City Time for Processing Grievances

- A. Employees shall be allowed to confer with the Human Resources Director regarding the grievance procedure on City time, but only after requesting and receiving permission from their immediate supervisor. Reasonable requests shall be granted but in no case shall the request interfere with the employee's assigned work.
- B. Use of City time to discuss grievances with persons other than employees involved in the grievance is strictly prohibited. It is the responsibility of all City employees involved in the grievance process to maintain confidentiality.

Section 8. City Time for Serving on Grievance Review Committee

The Chairman of the Grievance Review Committee, as selected by the members, will coordinate and schedule the review process. Employees selected to serve on Grievance Review Committees shall be allowed to do so as necessary and as scheduled by the Chairman of the Grievance Review Committee. Employees shall be granted compensatory time, if eligible, when they are required to attend Grievance Review Committee meetings during other than their normal shift.