

## SECTION 7 DISCIPLINE

*This section outlines provisions for employees and the Town to follow when situations or conflicts arise within the workplace that affect the continuity of operations, the safety, or the integrity of the Town government.*

### 7.1 DISCIPLINARY ACTIONS

The Town considers work rules as necessary to ensure that employees are treated fairly, work effectively, and work in a safe manner. These rules apply to all employees, both Pay Plan and Wage.

Violation of these rules may call for disciplinary action. The action may include an oral reprimand, written reprimand, suspension, reduction in pay and demotion, withholding of performance pay increase, disciplinary probation, or termination of employment. Termination of employment with the Town shall be upon the recommendation of the Department Head after review with the Human Resources Manager and approval of the Town Manager.

In the case of dismissal of a non-probationary Police Officer, it is required that the following information be provided to the Officer:

- a statement citing the reason for dismissal;
- the effective date of the dismissal;
- a statement of the status of fringe and retirement benefits after dismissal; and
- a statement as to the content of the officer's employment record relating to the dismissal.

The types of misconduct identified in this section are only examples of conduct that may lead to disciplinary action. These examples do not constitute a complete list of all types of conduct that may result in disciplinary action up to and including termination of employment.

In the interest of a safe, pleasant, and effective work environment, violation of any of the following rules may result in immediate discharge without warning:

- Malicious or willful destruction or damage to Town property or supplies or the property of another employee, a citizen, or any other person;
- Committing a dishonest act which would preclude the employee from coverage under the Town's fidelity bond;
- Use of a Town credit card for other than business expenses and/or misstatement of expenses on expense accounts;

- Theft or inappropriate removal from Town premises of property which belongs to or is in the possession of the Town, another employee or organization, a citizen, or any other person;
- Obtaining employment based on false or misleading information, or falsifying information in, or making material omissions from any employment documents or records, including falsification of time records;
- Refusing to cooperate with or providing false information to a supervisor or a manager during an investigation;
- Bringing or possessing firearms or illegal weapons in Town facilities or in Town vehicles without the proper authorization;
- Absence from work without notification and/or authorization;
- Possession or use of alcoholic beverages or illegal drugs during duty hours (including lunch/dinner breaks) or reporting for duty under the influence of alcohol or drugs; this includes testing positive for illegal drugs or having a blood alcohol content of 0.04 or more on any required drug/alcohol test administered during an employee's scheduled work day;
- Insubordination, including improper conduct toward a supervisor or refusal to perform tasks assigned by a supervisor in an appropriate manner;
- Provoking or participating in a fight during working time;
- Release of confidential information about the Town, its employees, or its citizens;
- Falsification of Town records;
- Failure to return to work after an approved leave or leave of absence.

Violations of the following rules shall, depending on the seriousness of the offense and all pertinent facts and circumstances, result in disciplinary action, including an oral or written warning, suspension, or termination of employment:

- Unsatisfactory job performance;
- Non-compliance or disregard of any established safety rule;
- Frequent or excessive tardiness or absence from work;
- Leaving Town premises or one's job during working hours without notifying your supervisor and obtaining his/her permission;

- Horseplay or any other action that endangers others or Town property, or disrupts work;
- Use of tobacco products, e-cigarettes or smoking in restricted areas or where “No Smoking” signs are posted;
- Failure to disclose criminal charges and/or convictions as outlined in Section 6.20.
- Harassment and discrimination based on age, color, disability, genetic information (information about an individual and their family members’ genetic tests and information about the manifestation of a disease or disorder), marital status, national origin, political affiliation, race, religion, sex (including gender expression, gender identity, sexual orientation, and pregnancy) or veteran status;
- Failure to abide by set standards for lunch and break periods, and working unauthorized overtime;
- Failure to successfully comply with a directed referral to the Employee Assistance Program (“EAP”) or to complete a mandated EAP treatment plan;
- Use of abusive or vulgar language;
- Carelessness or negligence in performing duties;
- Violation of the Town’s ethics standards;
- Violation of a Town or departmental policy, procedure or directive;
- Violation of any local, state or federal law that would affect or impair an employee’s ability to perform his or her job;
- Other employment which interferes with normal work responsibilities;
- Unauthorized use of Town credit cards or Town equipment, including abuse of Town vehicle privileges;
- Unauthorized possession or removal of Town or employee property, records or other materials;
- Sleeping while on duty;
- Abuse of sick leave;
- Inappropriate grooming/dress;

- Dishonesty;
- Lack of candor (intentional failure to disclose relevant facts);
- Engaging in improper conduct on or off the job that would affect or impair an employee's ability to perform his or her job;
- Misuse of one's position with the Town for personal gain.

The use of telephones, computers and related devices and peripheral equipment belonging to the Town is prohibited for personal use to the extent that such use interferes with the employee's productivity or work performance, and all use is prohibited for any political purposes as that term is defined by Virginia Code §15.2-1512.2.

## **7.2 PRETERMINATION NOTICE AND HEARING FOR NON-PROBATIONARY EMPLOYEES**

1. Prior to dismissing an employee for disciplinary reasons, the appropriate Department Head must provide written notice to the employee of the reasons for and the date of the termination. That notice shall also provide the employee an opportunity to have a hearing prior to the discharge, at which time the employee may present his/her side of the issue. The written notice should be given to the employee at least five days before the termination date unless special circumstances prevent doing so. A copy of such notice should be forwarded to the *applicable* Deputy Town Manager for background purposes if a pretermination hearing is requested and scheduled by the employee. (The pretermination hearing shall be scheduled and conducted prior to the effective date of the termination.) The Deputy Town Manager shall have at least three business days after the hearing to make his or her decision concerning the hearing; the decision shall be in writing and made available to the employee.
2. The Deputy Town Manager shall be responsible for conducting pretermination hearings and for recommending corrective action, if warranted.
3. Employees entitled to pretermination hearings shall include employees who have completed their probationary periods, the Department Heads, the Deputy Town Managers and the Assistant to the Town Manager. Excluded from this provision are the Town Manager, Town Attorney, Town Clerk, employees on initial and disciplinary probation, and wage employees (with the exception of those former non-Pay Plan part-time employees hired before July 1, 1998).
4. An employee who is covered by the Town's grievance procedure (Section 7.4) may exercise his/her right under that procedure, whether or not he/she takes advantage of a pretermination hearing.

### 7.3 SUSPENSIONS

Suspensions are temporary separations from Town service for disciplinary purposes when the case is not sufficiently serious to merit dismissal or the evidence is not yet complete. A Department Head may suspend an employee without pay for a period not to exceed thirty days within any one calendar year. Upon Department Head recommendation, the Town Manager may approve a suspension greater than thirty days. An employee on suspension shall not accrue annual or sick leave during the suspension period. An employee who is exempt from the overtime requirements of the Fair Labor Standards Act shall be subject to suspension in increments of one workweek only. An exempt employee shall not be suspended for a period of less than one workweek.

### 7.4 GRIEVANCE PROCEDURE

All proposed grievances shall be reviewed by the Human Resources Manager prior to imposition.

1. Policy Statement: The Town of Blacksburg desires to resolve employee complaints and grievances in a fair and equitable manner.

Employees whose grievances result from work situations deserve and have the right to submit grievances for orderly resolution with complete freedom from discrimination, coercion, recrimination, restraint, or reprisal. The resolution of grievances promotes more effective employer-employee relationships and is in the best mutual interests of all affected parties.

2. Coverage: The provisions of this procedure shall apply to all Town employees, except employees on initial and disciplinary probation, wage employees (with the exception of those former non-Pay Plan part-time employees hired before July 1, 1998), the Town Manager, the Town Attorney, the Town Clerk, the Deputy Town Managers, and Department Heads. Also excluded from this procedure are sworn police officers whose grievances are subject to the provisions of Section 7.5 of these Rules (Title 9.1, Chapter 5, Section 500 - 507 of the Code of Virginia) and who have elected to proceed pursuant to Section 7.5 in resolution of their grievance.
3. Definition of Grievance: A grievance shall be defined as a complaint or dispute of an employee relating to his/her employment, including but not limited to: (a) disciplinary actions including dismissals (for example, those resulting from formal discipline or unsatisfactory job performance), disciplinary demotions, suspensions and written reprimands/formal counseling; (b) the application of Human Resources policies, procedures, rules, and regulations including those referred to in item (c) of the following paragraph; (c) discrimination on the basis of age, color, disability, genetic information (information about an individual and their family members' genetic tests and information about the manifestation of a disease or disorder), marital status, national origin, political affiliation, race, religion, sex (including

gender expression, gender identity, sexual orientation, and pregnancy) or veteran status; and (d) acts of retaliation as the result of the use of or participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, or has sought any change in law before the Congress of the United States or the General Assembly or has reported an incidence of fraud, abuse or gross mismanagement.

The Town Manager shall retain the exclusive right to manage the affairs and operations of government. Accordingly, the following complaints are non-grievable: (a) the establishment and revision of wages or salaries, position classifications, or general benefits; (b) any work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content; (c) the contents of ordinances, statutes, or established Human Resources policies, procedures, rules, and regulations; (d) failure to promote except where the employee can show established promotional policies or procedures were not followed or applied fairly; (e) the methods, means, and Human Resources by which work activities are to be carried on; (f) except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance, termination, lay-off, demotion, or suspension from duties because of lack of work, reduction in work force, or job abolition; (g) the hiring, promotion, transfer, assignment, and retention of employees within the Town government; (h) the relief of employees from duties in emergencies; and (i) negotiations of wages, salaries, or fringe benefits. In any grievance brought under the exception to subparagraph 7.4(4)(f), the action of the Town shall be upheld upon a showing by the Town that: (i) there was a valid business reason for the action, and (ii) the employee was notified of such reason in writing prior to the effective date of the action.

4. Procedures of Settlement: All grievable disputes, as defined in the preceding paragraphs, will be administered in the specified manner and processed within the stated time limits. It is intended that speedy attention to employee grievances be promoted, consistent with the ability of the parties to prepare for a fair consideration of the issues of concern. Any grievance shall be considered settled at the completion of any step if all parties are satisfied. The amicable resolution of grievable disputes is encouraged.

With the exception of the final management step, the only persons who may normally be present in the management step meetings are the grievant, the appropriate local government official at the level at which the grievance is being heard, and appropriate witnesses for each side. Witnesses shall be present only while actually providing testimony. The grievant at every step of the procedure shall have the right to present witnesses and evidence to support his/her complaint. At the final management step, the grievant, at his/her option, may have present a representative of his/her choice. If the grievant is represented by legal counsel, the

Town Manager likewise has the option of being represented by counsel. The grievant is solely responsible for the cost of legal counsel should he/she desire to be represented by counsel at any stage of the process. The grievant is solely responsible for the cost of legal counsel should he/she desire to be represented by counsel at any stage of the process.

**PRELIMINARY STEP:**

An employee who has a grievance shall discuss the problem with his/her immediate supervisor. The employee must present his/her initial grievance verbally to his/her immediate supervisor within twenty calendar days after the event giving rise to the grievance. The immediate supervisor shall investigate and respond to the employee within three working days after the employee's initial discussion of the matter with him/her.

Any employee who wishes to file a grievance concerning a termination may elect to waive the preliminary step process and file a grievance with his/her Department Head within twenty calendar days after the events giving rise to the grievance. Such waiver shall be in writing.

**STEP 1:**

If the response from the Preliminary Step is not acceptable to the grievant, the grievant may file, within five working days from receipt of the immediate supervisor's response, a written grievance with his/her immediate supervisor with a copy of the grievance forwarded to the respective Department Head. The written grievance must be filed on a completed Grievance Form and must specify the relief requested. The written grievance must contain a full and complete explanation of the employee's complaint.

After he/she has received the determination of grievability from the Town Manager, the Department Head shall meet face to face with the grievant within two working days.

**Determination of Grievability:**

Whenever a Department Head receives a grievance in writing as outlined in Section 7.4.4 Step 2 of these rules, he/she shall forward a copy of the grievance to the Town Manager along with a request that the Town Manager decide whether the matter is grievable. In addition, the grievant may request from the Town Manager a determination of grievability. In any case, a question of grievability may include the question of access to the grievance procedure. The Town Manager shall decide, within ten calendar days of the request, whether the matter is grievable. A copy of the decision shall be sent to the grievant and the Department Head.

The decision of the Town Manager concerning the issue of grievability may be appealed to the Twenty-Seventh Judicial Circuit Court for a hearing on whether the grievance qualifies for a panel hearing. The decision of the Court is final and is not appealable.

Proceedings for review of the decision of the Town Manager on the issue of grievability shall be instituted by filing a notice of appeal with the Town Manager within ten calendar days after the date of the decision and by giving a copy of the filing to all parties. Within ten calendar days thereafter, the Town Manager shall transmit to the Clerk of the Circuit Court a copy of his/her decision, a copy of the notice of appeal, and the exhibits, with copies to the grievant. A list of the evidence furnished to the Court shall also be furnished to the grievant. The failure of the Town Manager to transmit the record shall not prejudice the rights of the grievant. The Court, on motion of the grievant, may issue an order requiring the Town Manager to transmit the record on or before a certain date. Within thirty days of receipt by the Clerk of these records, the Court, sitting without a jury, shall hear the appeal on the record transmitted by the Town Manager and any additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The Court, in its discretion, may receive such other evidence as the ends of justice may require. The Court may affirm the decision of the Town Manager or may reverse or modify the decision. The decision of the Court shall be rendered no later than the 15<sup>th</sup> calendar day from the date of conclusion of the hearing.

After the employee has received the determination of grievability from the Town Manager, the Department Head shall meet face to face with the grievant within two working days.

A written reply by the Department Head shall be made to the grievant within three working days following the meeting.

An employee who has filed a grievance concerning a termination and received a final determination that the termination is grievable may waive the requirement for meeting with the Department Head and schedule a meeting with the Town Manager. This face-to-face meeting shall be scheduled to occur within five days from the employee's receipt of the determination of grievability. Such waiver shall be in writing.

**STEP 2:**

If the Department Head's reply from Step 1 is not acceptable to the grievant, he/she may request in writing, within three working days from receipt of the reply, a meeting with the Town Manager for further consideration of the grievance. This face-to-face meeting shall be scheduled to occur within five working days from receipt of this request.



The Town Manager shall hear both sides of the dispute, shall investigate the cause for the dispute, and shall provide a written reply to the grievant within ten working days of the meeting.

**STEP 3:**

If the reply from Step 2 is not acceptable to the grievant, he/she may submit his/her grievance for a hearing before an administrative hearing officer. The request for a hearing shall be made on the Grievance Hearing Request Form. Request for a hearing must be received by the Town Manager within five working days after the receipt of the second step reply.

- A. Use of Administrative Hearing Officer – The final step in the grievance procedure shall be a hearing before an administrative hearing officer, who shall be appointed as provided for by Virginia Code § 15.2-1507(A)(10)(a)(3).
5. The following rules shall govern hearings:
- A. The administrative hearing officer has the responsibility to interpret the application of appropriate Town policies and procedures in the grievance case. It does not have the prerogative to formulate or to change Town policies or procedures.
  - B. The administrative hearing officer shall have the discretion to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. At the request of either party, the hearing shall be private.
  - C. The Town Manager shall provide the administrative hearing officer with copies of the grievance record prior to the hearing and provide the grievant with a list of documents furnished to the administrative hearing officer. The grievant and his or her attorney, at least ten calendar days prior to the scheduled hearing, shall be allowed, in a manner consistent with general law of this state, access to and copies of all relevant files the Town intends to use in the grievance proceeding. All records provided to the administrative hearing officer shall be returned to the Town Manager after he or she has rendered his or her decision.
  - D. The administrative hearing officer shall have the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as full and equal opportunity is afforded to all parties for presentation of their evidence.
  - E. All evidence shall be presented in the presence of the administrative hearing officer and the parties, except by consent of the parties.

- F. The grievant shall furnish to the Town copies of all documents, exhibits, and a list of witnesses that he/she intends to use at the hearing seven (7) calendar days in advance of the hearing. Three (3) calendar days after receiving these items from the grievant, the Town shall do the same. Both sides are responsible for ensuring that any witnesses are present on the date(s) of the hearing.
- G. The decision of the administrative hearing officer, acting within the scope of his or her authority, shall be final, subject to existing policies, procedures, and law.
- H. Hearings are not intended to be conducted like proceedings in courts. Rules of evidence do not necessarily apply.
- I. The administrative hearing officer shall render his or her decision by filing it in writing with the Town Manager, with a copy to the grievant and his/her supervisor, not later than fifteen working days after the completion of the hearing.
- J. A record of the hearing shall be made by tape or digital recording.
- K. At the beginning of the hearing, the administrative hearing officer may ask for statements clarifying the issues involved.
- L. Exhibits, when offered by the grievant or the Town, may be received in evidence by the administrative hearing officer, and, when so received, shall be marked and made part of the record.
- M. First the grievant and then the Town shall present their claims and proofs and witnesses who shall submit to questions or other examination. The administrative hearing officer, at his or her discretion, may vary this procedure but shall afford full and equal opportunity to all parties and witnesses for presentation of any material or relevant proofs.
- N. The parties shall produce any additional evidence the administrative hearing officer may deem necessary for an understanding and determination of the dispute. The administrative hearing officer shall be the judge of relevancy and materiality of the evidence offered.
- O. The administrative hearing officer shall inquire specifically of all parties whether they have any further proofs to offer or witnesses to be heard. Upon receiving negative replies, the administrative hearing officer shall declare the hearing closed.

- P. The decision of the administrative hearing officer shall be final and binding in all its determinations and shall be consistent with provisions of law and written policies.
  - Q. The hearings may be reopened by the administrative hearing officer or under application of a party for good cause shown at anytime before the decision is made.
  - R. In the hearing, the grievant shall have the burden of proving, by a preponderance of the evidence, that the grievant is entitled to the requested relief.
6. Conduct of Hearing – The administrative hearing officer shall set the time for the hearing, which shall be held as soon as practicable but no more than 10 working days after the administrative hearing officer has been selected, and shall notify the grievant in writing of the date and time of the hearing. The grievant may have present at the hearing a representative or legal counsel at his/her expense.
7. The decision of the administrative hearing officer shall be final, binding and consistent with provisions of law and written policy. The question of whether the relief granted by the administrative hearing officer is consistent with law and written policy shall be determined by the *applicable* Deputy Town Manager, whom the Town Manager designates for that purpose, unless the Deputy Town Manager has a direct involvement with the event or events giving rise to the grievance. In that case, such decision shall be made by the Commonwealth Attorney for Montgomery County.

Either the grievant or the Town Manager may petition the Twenty-Seventh Judicial Circuit Court for an order requiring implementation of the administrative hearing officer's decision.

8. Non-compliance with Procedural Requirements: If, after the initial filing of a written grievance, either the grievant or the Town fails to comply, without just cause, with all substantial procedural requirements of the grievance procedure, a decision in favor of the other party on any grievable issue shall result. Such a decision shall not occur, however, if the party not in compliance corrects the noncompliance within five workdays of receipt of a written notification from the other party of the procedural violation. Such written notification by the grievant shall be made to the Town Manager. The latter may require a clear written explanation of the basis for the just cause extension or exceptions.
10. For instances not covered by these rules in subsection 7.4, general law of the state shall apply, as appropriate.
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## 7.5 POLICE OFFICERS' PROCEDURAL GUARANTEES

Sworn police officers of the Town of Blacksburg are provided certain procedural rights in matters that could lead to dismissal, demotion, suspension, or transfer for punitive reasons. These rights are mandated by the Law Enforcement Officers' Procedural Guarantees Act, Code of Virginia, Title 9.1, Chapter 5, Section 500-507.

The rights guaranteed to police officers under this Act are as follows:

1. Conduct of Investigation – Whenever an investigation by the Town focuses on matters that could lead to dismissal, demotion, suspension, or transfer for punitive reasons of a law enforcement officer, the following procedures are required:
  - A. Any questioning of the officer shall take place at a reasonable time and place as designated by the investigating officer, preferably when the officer under investigation is on duty and at the office of the Blacksburg Police Department, unless circumstances dictate otherwise.
  - B. Prior to the officer's being questioned, he/she shall be informed of (1) the name and rank of the investigating officer and any individual to be present during the questioning, and (2) the nature of the investigation.
2. Personal Assets of Officers – No law enforcement officer shall be required or requested to disclose any item of his/her property, income, assets, source of income, debts, or personal or domestic expenditures, including those of any member of his/her family or household, unless this information is necessary in investigating a possible conflict of interest with respect to the performance of his/her official duties, unless this disclosure is required by law, or unless this information is related to an investigation.
3. Notice of Charges – Before any dismissal, demotion, suspension without pay, or transfer for punitive reasons may be imposed, the following rights must be granted:
  - A. The law enforcement officer shall be notified in writing of all charges, the basis herefor, and the action that may be taken;
  - B. The law enforcement officer shall be given five working days to respond orally and in writing to the charges.
  - C. In making his/her response, the law enforcement officer may be assisted by counsel at his/her own expense.

- D. The law enforcement officer shall be given written notification of his/her right to initiate a grievance under the Town's grievance procedure set out in paragraph 7.4 above. A copy of the grievance procedure shall be provided to the law enforcement officer upon his/her request.
  - E. A law enforcement officer may proceed under either the grievance procedure or the law enforcement officers' procedural guarantees, but not both. The law enforcement officer must notify the Town in writing as soon as possible as to which procedure he or she plans to utilize.
4. Hearing – Whenever a law enforcement officer is dismissed, demoted, suspended, or transferred for punitive reasons, he/she may, within five working days following that action, request a hearing before a panel, as described below. If the request is timely, a hearing shall be held within fourteen working days from receipt of the request unless a later date is agreed to by the law enforcement officer. At the hearing, the law enforcement officer and the Town shall be afforded the opportunity to present evidence and to examine and cross-examine witnesses. The panel shall have the power to, and on the request of either the law enforcement officer or the Town, shall issue subpoenas requiring the testimony of witnesses who have refused or failed to appear at the hearing. The law enforcement officer and the Town also shall be given the opportunity to be represented by counsel at the hearing. The panel conducting the hearing shall rule on the admissibility of the evidence. A record shall be made of the hearing.
- A. The hearing shall be conducted by a panel consisting of one member from within the agency selected by the grievant; one member, appointed by the Town Manager, from within the agency and of at least equal rank but no more than two ranks above the grievant; and a third member from within the agency selected by the first two members. In the event that the two members cannot agree upon their selection, the Chief Judge of the Twenty-Seventh Judicial Circuit Court shall choose the third member.
  - B. In lieu of complying with the provisions of paragraph 3, the Town may give the law enforcement officer a written statement of the charges, the basis therefor, and the action that may be taken and provide a hearing as provided for in paragraph 4. If this option is exercised, the hearing shall be held before the law enforcement officer is dismissed, demoted, suspended, or transferred for punitive reasons.
  - C. The recommendations of the panel and the reasons therefor shall be in writing and shall be transmitted promptly to the law enforcement officer or his/her attorney and to the chief executive officer of the law enforcement agency. These recommendations shall be advisory only but shall be accorded significant weight.

- D. Immediate Suspension – Nothing in this section shall prevent the immediate suspension without pay of any law enforcement officer whose continued presence on the job is deemed to be a substantial and immediate threat to the welfare of the Town or the public, nor shall anything in this section prevent the suspension of a law enforcement officer for refusing to obey a direct order issued in conformance with the Town’s written and disseminated rules and regulations. In such a case, the law enforcement officer, upon request, shall be afforded the rights provided under this section within five working days from the date of the suspension.
- E. Oral Reprimand Not Prohibited – Nothing in this section shall be construed to prohibit the informal counseling of a law enforcement officer by a supervisor in reference to a minor infraction of policy or procedure which does not result in disciplinary action being taken against the law enforcement officer.
- F. Nothing herein shall preclude a law enforcement officer’s use of the Town’s grievance procedure in appropriate cases if he/she elects at the outset to proceed under Section 7.4 of these Rules.

**GRIEVANCE FORM**

Grievant \_\_\_\_\_ Dept./Division \_\_\_\_\_  
Telephone Number \_\_\_\_\_ Date Submitted \_\_\_\_\_  
Date Grievance Occurred \_\_\_\_\_

Nature of Grievance: \_\_\_\_\_

Specific Relief Expected: \_\_\_\_\_

**PRELIMINARY STEP**

\_\_\_\_\_ Date discussed with Supervisor \_\_\_\_\_ Date Supervisor Responded to Employee \_\_\_\_\_

**FIRST STEP REMEDY:** \_\_\_\_\_

Acceptable \_\_\_\_\_ Not Acceptable \_\_\_\_\_ Supervisor \_\_\_\_\_ Date/Time \_\_\_\_\_  
Grievant \_\_\_\_\_ Date/Time \_\_\_\_\_

**SECOND STEP REMEDY:** \_\_\_\_\_

Acceptable \_\_\_\_\_ Not Acceptable \_\_\_\_\_ Management \_\_\_\_\_ Date/Time \_\_\_\_\_  
Grievant \_\_\_\_\_ Date/Time \_\_\_\_\_

**Third Step Remedy:** \_\_\_\_\_

Acceptable \_\_\_\_\_ Not Acceptable \_\_\_\_\_ Management \_\_\_\_\_ Date/Time \_\_\_\_\_  
Grievant \_\_\_\_\_ Date/Time \_\_\_\_\_





**HEARING**

Grievant \_\_\_\_\_ Date of Submission \_\_\_\_\_

Nature of Grievance

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Reason for Requesting Hearing

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Decision of Hearing

Date of Hearing \_\_\_\_\_ Place of Hearing \_\_\_\_\_

\_\_\_\_\_  
Administrative Hearing Officer

Issue

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Decision and Award

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Signed: \_\_\_\_\_  
Administrative Hearing officer



**DETERMINATION OF GRIEVABILITY**

Grievant \_\_\_\_\_

Nature of Grievance \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Grievable \_\_\_\_\_ Not Grievable \_\_\_\_\_

Reason (only if not grievable)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Town Manager Date

**APPEAL**

I wish to appeal the decision on grievability. Transmit to the Twenty-Seventh Judicial Circuit Court your decision on grievability as required by law.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Grievant



## 7.6 ALTERNATIVE DISPUTE RESOLUTION FOR WAGE EMPLOYEES

This process will provide an opportunity for all wage employees to seek resolution of certain complaints and disputes relating to their employment (outlined in these Rules, Section 7.4.3). It will involve three basic steps.

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|------------------|---|
| 20 calendar days | Complaint must be filed with employee's immediate supervisor within 20 calendar days from the date of the precipitating event.        |
| 5 working days   | <b><u>Step One:</u></b> Discussion with the immediate supervisor.   |
| 3 working days   | Response to the complaining employee.   |
| 5 working days   | <b><u>Step Two:</u></b> If the supervisor is not able to resolve the complaint, a meeting will be scheduled with the Department Head. |
| 3 working days   | Response to the employee.   |

Prior to the next step, the complaint should be reduced to writing and submitted to the Human Resources Manager within five working days from receipt of the Step Two response. The Human Resources Manager will review the complaint for eligibility (based on Sec. 7.4.3 of these Rules). The Human Resources Manager will then request the *applicable* Deputy Town Manager hear the dispute.

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| 10 working days | <b><u>Step Three – Deputy Town Manager:</u></b> Decision will be advisory and non-binding as a recommendation to the Department Head and Town Manager. |
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**Non-compliance with Procedural Requirements:** If after the initial filing of a written complaint either the complainant or the Town fails to comply without just cause with all substantial procedural requirements of the procedure, a decision in favor of the other party on any issue shall result. Such a decision shall not occur, however, if the party not in compliance corrects the noncompliance within five workdays of receipt of a written notification from the other party of the procedural violation. Such written notification by the complainant shall be made to the Town Manager. The latter may require a clear written explanation of the basis for the just cause extension or exceptions.

Former non-Pay Plan part-time employees hired before July 1, 1998, may choose either the Dispute Resolution Procedure for Wage Employees or the Town's Grievance Procedure (Section 7.4 of these Rules), but not both at the same time.



**ALTERNATIVE DISPUTE FORM**

Grievant \_\_\_\_\_ Dept./Division \_\_\_\_\_  
Telephone Number \_\_\_\_\_ Date Submitted \_\_\_\_\_  
Date Grievance Occurred \_\_\_\_\_

Nature of Grievance  
\_\_\_\_\_  
\_\_\_\_\_

Specific Relief Expected  
\_\_\_\_\_  
\_\_\_\_\_

**PRELIMINARY STEP**

\_\_\_\_\_  
Date discussed with Supervisor \_\_\_\_\_ Date Supervisor Responded to Employee \_\_\_\_\_

**FIRST STEP REMEDY**

\_\_\_\_\_  
\_\_\_\_\_

Acceptable \_\_\_\_\_ Not Acceptable \_\_\_\_\_  
\_\_\_\_\_  
Supervisor \_\_\_\_\_ Date/Time \_\_\_\_\_  
Grievant \_\_\_\_\_ Date/Time \_\_\_\_\_

**SECOND STEP REMEDY**

\_\_\_\_\_  
\_\_\_\_\_

Acceptable \_\_\_\_\_ Not Acceptable \_\_\_\_\_  
\_\_\_\_\_  
Management \_\_\_\_\_ Date/Time \_\_\_\_\_  
Grievant \_\_\_\_\_ Date/Time \_\_\_\_\_

**THIRD STEP REMEDY**

\_\_\_\_\_  
\_\_\_\_\_

Acceptable \_\_\_\_\_ Not Acceptable \_\_\_\_\_  
\_\_\_\_\_  
Management \_\_\_\_\_ Date/Time \_\_\_\_\_  
Grievant \_\_\_\_\_ Date/Time \_\_\_\_\_