

	<h1 style="color: blue;">City of Helena</h1> <h2 style="color: blue;">Personnel Policy</h2>	Policy number	9-2
		Original Adoption	02-09-1987
		Revision #	9
		Last revision date	October 2015
<b>Section Title</b>	<b>Discipline and Grievance</b>		
<b>Subject</b>	<b>Grievance Procedures</b>		

This section covers regular full-time and regular part-time employees. Employees are allowed to use the grievance procedure without penalty, harassment or retaliation for doing so. Each grievance will be fully processed until the employee receives a satisfactory decision/explanation or until the employee's right of appeal is exhausted.

Employees covered by a Collective Bargaining Agreement must utilize the grievance procedure contained in their agreement. If the subject of the grievance is not covered in their agreement they may then utilize this procedure.

Employees should attempt to resolve all disputes at the lowest possible level. Employees are encouraged to discuss disputes with their supervisors informally and in a timely fashion. The Human Resources Director or designee may attend meetings between the supervisor and employee if necessary. In the event a dispute cannot be resolved informally, the employee may file a grievance, in writing and containing the information listed below. Upon receipt of the written grievance, the supervisor and/or their designee will investigate the dispute and respond to the grievance within the required time frames.

**Definition**

A grievance is defined as any employee complaint, view or opinion pertaining to employment conditions. Complaints concerning discrimination are not covered in this section. See Policy 1-3.

A grievance shall not be valid for consideration unless the initial grievance is submitted, as outlined below, within 30 calendar days after the individual discovers, or through the use of reasonable diligence should have discovered, that a grievance has occurred. Failure to file a grievance within the prescribed period shall constitute a waiver of the individual's right to pursue the matter. Grievances involving "adverse actions" shall be filed directly with the City Manager and within the time frame listed in Policy 9-1.

**Procedure**

An employee may grieve any matter through Level Three as described below. All grievances will be in writing and contain the following: the name of the aggrieved employee; date the grievance occurred; the nature of the grievance (facts); policy violated; and the requested remedy.

Level One: Immediate supervisor

Any grievance shall be taken up with the employee's immediate supervisor within fifteen (15) working days of the grievable action by submitting a written grievance notifying the immediate supervisor of the nature of the grievance, the policy allegedly violated and the requested remedy. The immediate supervisor will then have ten (10) working days from the receipt of the grievance to schedule a meeting to discuss and attempt resolution of the grievance and/or provide a written response to the grievance. If the answer is not acceptable proceed to Level Two.

Level Two: Department Head or Human Resources Director

Must be presented within ten (10) working days of response in Level One. Department Head or Human Resources Director to respond within ten (10) working days. If the answer is not acceptable proceed to Level Three.

Level Three: City Manager

Must be presented within ten (10) working days of response in Level Two. City Manager to respond within fifteen (15) working days. The City Manager's answer is final unless the grievance involves an "adverse action" (See Policy 9-1)

Level Four: If the grievance involves an adverse action as described in Policy 9-1 the employee may proceed to the Civil Service Commission. To proceed to this step, the employee must request in writing to the City Manager within 72 hours of the Level Three decision his/her request to appeal to the Civil Service Commission.

Any change in the noted time lines must be mutually agreed to in writing.

Employees may designate any person to appear with him/her at any level of the grievance procedure. The City Manager may require the supervisor, Department Head or Human Resources Director to appear with the employee at the time of a hearing.

Information concerning employee grievances is confidential information and is to be discussed only with individuals involved in the investigation or on a need-to-know basis. Management decisions on grievances will not set precedent and are at the discretion of the City Manager and/or their designee so long as it does not violate any laws, regulations or policies set forth in this manual. Management decisions are not binding on future grievances unless they are officially stated as a policy.

Discharged or employees being discharged shall receive a copy of these Grievance Procedure Policies or a copy of their Collective Bargaining Agreement Grievance Procedures advising the employee of their right to use the procedures and to have the discharge reviewed in the appropriate venue.

**Employee Grievance Committee**

The Civil Service Board shall serve as the Employee Grievance Committee. Employees are required to present complaints to the Board in writing. The written complaint shall include the relief sought and facts of the case. Employees may produce witnesses to support their position.

The Employee Grievance Board shall meet as soon as practical after receiving the employee's written complaint. Decisions by the Board are final.

The Board has the power to subpoena and require the attendance of witnesses and records pertinent to the investigation.