

GRIEVANCE PROCEDURE

Employees of the City of East Point shall have the right to present complaints and resolve problems at the lowest possible administrative level, as fairly and expeditiously as possible, with a minimum of conflict and formal proceedings, so that good morale may be maintained, effective job performance may be enhanced, and the community may be better served. The City authorizes the City Manager to develop administrative regulations to implement this policy.

Definitions

1. "Grievance" means any complaint by an employee who is affected in his or her employment relationship by an alleged violation, misinterpretation, or misapplication of statutes, policies, rules, regulations or written agreements of the City of East Point with which the City is required to comply. "Grievance" also means a complaint that can be resolved at the lowest possible administrative level through the process described in this policy.

Exclusions

Complaints related to the following situations shall not be subject to the provisions of this policy:

1. Allegations of discrimination based on race, color, sex, religion, national origin, marital status, sexual orientation, age, or disability under policy ADA or Equal Employment Opportunity Commission. Those allegations should be handled under the appropriate procedures.
2. Allegations of sexual misconduct, harassment. Those allegations should be handled under the appropriate procedures.

Time Limits

Any grievance shall be presented in writing to an employee's immediate supervisor no later than ten (10) business days from the date of the alleged act prompting the grievance or from the date of the most recent incident upon which the complaint is based. After the grievance has been presented to the level one administrator, the time limits below shall apply.

	TIME LIMITS	
	Number of Business Days to File	Number of Business Days to Hear Case and Respond
Grievance/Appeal Steps		
1 st step / Immediate Supervisor	10	10
2 nd step/ Department Head	10	10
3 rd step/ City Manager or his/her designee	10	10
4 th step/ Appeal to a Civil Service Board or Appeals board	30	–

If the last day of any period described in this policy falls on a day the City is closed (e.g., holiday, designated inclement weather days, furloughs), the period shall continue until the next day the City is open for business.

The time from the employee’s first written presentation of a grievance to the final decision made by the City Manager before appeal to the Civil Service Board shall not be more than ninety (90) days.

If the Grievance is regarding an Immediate Supervisor or Department Head, then the Grievance should be presented and begin at the next Step of the Grievance Procedure and the person who is the subject of the grievance should not be involved in the decision making of the outcome of the grievance. Therefore, if the Grievance is regarding the immediate Supervisor, then the grievance procedure, shall begin at the 2nd Step and should be heard by the Department Head. If the Grievance is regarding the Department Head, then the grievance procedure shall begin at the 3rd step and the City Manager or his/her designee shall hear the grievance.

Requirements

1. Grievances must be presented in writing and must:
 - a. Clearly state the facts of the Grievance;
 - b. Specifically set forth the statute, policy, rule, regulation, or written agreement that is alleged to have been violated, misinterpreted, or misapplied;
 - c. Clearly state the relief desired; and
 - d. Provide the contact information of the complainant including the mailing address to which all notices and other documents may be mailed.

2. Grievances and appeals not filed in writing within the required time limits shall not be considered.
3. Any administrator or supervisor who fails to hear and respond to a complaint or an appeal within the required time frame will be in violation of this policy.
4. Any grievance not processed within the time frame required by this policy should be appealed to the next level of the grievance procedure. Appeals not filed within the required time frame shall not be considered.
5. At least forty-eight (48) hours prior to a hearing of a grievance at any level, written notice shall be provided to the complainant specifying the date, time, and place of the hearing.
6. During the hearing at any level, the complainant shall be entitled to an opportunity to be heard, to present relevant evidence, and to examine witnesses.
7. The complainant is entitled to the presence of a representative of his or her choice to assist in presenting the matter at any level of the grievance procedure. At the level three hearing, the City may elect to have an attorney present to serve as the law officer who shall rule on issues of law but shall not participate in the presentation of the case for the administrator or the complainant.
8. At any level of hearing, the administrator shall record the proceedings by mechanical means and preserve all evidence. The recording and evidence shall be made available at all times to the parties involved.
9. A complainant may not present additional evidence at each level of the complaint process unless it is submitted in writing by the complainant five (5) days prior to the date set for the hearing. When hearing a complaint appealed from a prior complaint level, the board shall hear the complaint de novo (i.e. the grievance shall be presented from the beginning in a new hearing proceeding).
10. At levels one, two, and three in the grievance process, the decision shall be rendered in writing and dated and shall contain findings of fact and reasons for the particular resolution reached.
11. The burden of preparing and preserving the record of the proceedings (all documents and tape recordings) shall be borne by the City of East Point. All other copies and fees shall be borne by the party incurring them unless otherwise agreed upon by the parties. All copies of transcripts and the record on appeal to the Civil Service Board, the superior court, and appellate courts shall be paid by the party required to do so by the laws relating thereto.
12. A complainant shall not be subject to any reprisal as a result of filing a grievance under this policy. Any alleged reprisals shall be investigated and appropriate action taken.