

Category: 300

Number: 337

Subject: **GRIEVANCE PROCEDURE**

1. **PURPOSE:** The purpose of the Grievance Procedure Policy shall be to provide a method for complaints to be voiced in an orderly manner such that the proper authority can resolve such matters fairly and in a timely manner.
2. **AUTHORITY:** The Saginaw County Board of Commissioners.
3. **APPLICATION:** The rules and regulations herein set forth apply to all employees paid by Saginaw County, pursuant to Policy # 301.
4. **RESPONSIBILITY:** The Saginaw County Controller/CAO and the Board of Commissioners shall be responsible for the implementation and administration of this policy.
5. **DEFINITIONS:**
 - 5.1 **Grievance.** A grievance is a complaint regarding violation or misinterpretation of the rules provided in the County personnel policies or a complaint of unfair application of these rules.
6. **POLICY:**
 - 6.1 **Grievance Procedure.** Regular Full-time and part-time employees, not covered by a collective bargaining agreement, shall have the right to use this grievance procedure. (For Civil Rights/Sexual Harassment complaints, see Policy # 322). Any grievance of any employee shall be handled in accordance with the following procedure:
 - 6.1.1 The employee shall within ten (10) working days of the date of the cause of the grievance or within ten (10) working days of the date he/she could reasonably be expected to have knowledge of the cause of the grievance, appeal to his/her Department Head requesting an adjustment of his/her grievance. The Department Head shall reply to the employee within five (5) working days.
 - 6.1.2 If an employee, after appeal to his Department Head, or Court Supervisor feels that a proper adjustment has not been made, the employee shall within ten (10) working days from the receipt of the Department Head's or Court Supervisor's reply, appeal in writing to the Personnel Division, or Court Administrator, requesting review by the Court Administrator or Personnel Division. The Personnel Division or Court Administrator shall consider the appeal and reply to the employee in writing.

6.1.3 If an employee, after appeal to the Personnel Division or Court Administrator, feels that proper adjustment has not been made, the employee shall within ten (10) working days from the receipt of the Personnel Division's or Court Administrator's reply, appeal in writing to the Chairperson of the Labor Relations Subcommittee of the Board of Commissioners or Chief Judge. The Labor Relations subcommittee or Chief Judge shall consider the appeal according to its established procedures and reply to the employee in writing. The decision of the Committee or the Chief Judge shall be final and binding.

6.2 Representation. The grievant may elect to have counsel at the hearing before the Labor Relations Subcommittee or Chief Judge, but must advise the Personnel Division or Chief Judge of this action at least three (3) working days prior to hearing. The grievant shall be granted necessary and reasonable paid absence from work for scheduled grievance adjustment meetings with the Department Head and the Committee.

6.3 Group Grievances. Employees having a common complaint may file a group grievance.

6.4 Freedom From Reprisal. Employees shall be free to use this procedure without restraint, interference, coercion, discrimination or reprisal. An employee, whether acting in an official capacity for the County or on any other basis, shall not interfere with, or attempt to interfere with, another employee's exercise of his rights under this procedure.

6.5 Grievance Hearing. The Grievance hearing before the Labor Relations Subcommittee, or Chief Judge, shall be conducted in accordance with the rules contained in Section 7 below.

7. ADMINISTRATIVE PROCEDURES: Grievance Hearing Procedures are as follows:

7.1 The Chairman of the Labor Relations Subcommittee of the Board of Commissioners will chair and serve as moderator of the hearing and Committee Members shall serve as members of the Hearing Panel. For Court employees, the Chief Judge shall determine whether to hear the grievance alone or whether to include other staff or judges. The hearing shall be in accordance with the Open Meetings Act. The aggrieved employee, upon request, shall be granted a closed hearing under 15.268, Item (a) of the Act.

7.2 The hearing will proceed as follows:

7.2.1 Each party, beginning with the aggrieved employee, may make an opening statement.

7.2.2 The aggrieved employee shall then proceed with his/her case by calling witnesses to make statements or present other appropriate evidence.

- 7.2.3 The employer shall then defend the action causing the alleged grievance by presenting pertinent documentation, and calling witnesses.
- 7.2.4 Each side, beginning with the employee, shall then have the opportunity to make a final statement and offer rebuttal.
- 7.3 Procedural rules are as follows:
 - 7.3.1 The aggrieved employee may be represented by counsel if the Committee Chairman or Chief Judge is notified at least three (3) working days prior to the hearing.
 - 7.3.2 Making a verbatim record of the hearing shall not be permitted.
 - 7.3.3 There shall be no cross-examination permitted by the parties, however, members of the committee may ask questions directing their question through the Chair, or the Chief Judge may ask questions directly.
 - 7.3.4 Points of clarity shall be directed to the Chair.
 - 7.3.5 In the case of a closed hearing, witnesses shall be excused from the hearing after testimony, and may be sequestered prior to the hearing at the option of the Chair.
 - 7.3.6 If the aggrieved employee is represented by counsel, counsel may question the aggrieved employee.
- 7.4 Since the committee does not have subpoena power, witnesses must appear voluntarily, except for County employees appearing as witnesses during their working hours. County employees appearing as witnesses during their working hours may be required to attend, however, shall be excused with pay for the period they are required to be present but must first provide adequate notice to their supervisor.
- 7.5 The Hearing Panel shall render its decision by majority vote and the decision shall be final. In the case of court employees, the Chief Judge's decision will be final.
- 8. CONTROLLER/CAO LEGAL COUNSEL REVIEW: The Controller/CAO has determined that this policy as submitted to the Board of Commissioners contains the necessary substance in order to carry out the purpose of the policy. County Civil Counsel has determined that this policy as submitted contains content that appears to be legal activities of the Saginaw County Board of Commissioners.

Approved as to Substance:
Saginaw County Controller/CAO

Approved as to Legal Content:
Saginaw County Civil Counsel

ADOPTED/AMENDED: April 23, 2002