

## SECTION 14

### GRIEVANCE PROCEDURE

#### 14.1 SCOPE

The City of Melbourne will provide a means to address any alleged violation of the Personnel Rules and Regulations. This shall be referred to as the Grievance Procedure.

#### 14.2 PROCEDURE

Any grievance defined as a claim reasonably and suitably founded on a violation of the terms and conditions of the Personnel Policies, Procedures, Rules, and Regulations shall systematically follow the Grievance Procedure as outlined herein. Any grievance filed shall refer to the provision or provisions of the Personnel Policies, Procedures, Rules, and Regulations alleged to have been violated, and shall adequately set forth the facts pertaining to the alleged violation. Such grievance shall be limited to an application or non-application of the Personnel Policies, Procedures, Rules, and Regulations.

The Grievance Procedure process is as follows:

**Step 1:** The aggrieved employee shall present his grievance to his **Division Manager**. Discussions will be informal for the purpose of settling differences in the simplest and most direct manner. The Division Manager shall reach a decision and communicate it in writing to the aggrieved employee within three (3) working days from the date the grievance was presented to him.

**Step 2:** If the grievance is not settled in the first step, the aggrieved employee, within three (3) working days, shall forward the written grievance to the **Department Director**. The Department Director shall meet with the aggrieved employee within seven (7) working days after the receipt of the grievance, unless such time is extended in writing. The Department Director shall render a decision in writing to the aggrieved employee within five (5) working days after meeting with the employee.

**Step 3:** If the grievance is not settled at step 2, the aggrieved employee shall, within five (5) working days, forward the written grievance to the **Personnel Director**. The Personnel Director shall meet with the aggrieved employee within 10 working days after receipt of the grievance, unless such time is extended in writing. The Personnel Director shall obtain the facts and forward a recommendation to the City Manager within five (5) working days after the meeting, unless this period is extended by the City Manager. The City Manager shall have 10 working days to consult with any parties involved and render a decision in writing to the employee, unless this period is extended in writing.

**Step 4:** The decision of the City Manager shall be final and binding on the parties without further appeal.

#### 14.3 RULES OF GRIEVANCE PROCESSING

- (a) A grievance must be brought forward as soon as it might reasonably have become known to exist. In the event a grievance arises, the employee must submit a grievance to his Division Director (Step 1) within five (5) working days after he had knowledge of his grievance.

- (b) A grievance presented at Step 2 and above shall be dated and signed by the aggrieved employee presenting it. A decision rendered shall be written to the aggrieved employee and shall be dated and signed by the City's representative at that step.
- (c) When a written grievance is presented, the City's representative shall provide a dated and signed receipt for it at that particular step.
- (d) A grievance not advanced to the higher step within the time limit provided shall be deemed permanently withdrawn, and as having been settled on the basis of the decision most recently given. Failure on the part of the City's representative to answer within the time limit set forth in any step will entitle the employee to proceed to the next step.
- (e) When a grievance is reduced to writing there shall be set forth:
  - 1. A complete statement of the grievance and facts upon which is based;
  - 2. The section or sections of the Personnel Policies, Procedures, Rules, and Regulations claimed to have been violated; and
  - 3. The remedy or correction requested.
- (f) In the settlement of any grievance resulting in retroactive adjustment, such adjustment shall be limited to 10 calendar days prior to the date of the filing of the grievance.