I. PURPOSE:

The purpose of the grievance process is to afford Gila County employees a written and systematic means of obtaining further consideration of disputes after every reasonable effort has failed to resolve them through informal discussions initiated with their immediate supervisor.

II. APPLICABILITY:

This policy applies to all Gila County employees except Elected Officials and unclassified employees.

III. POLICY:

It is the policy of Gila County to establish a means through which employees may obtain consideration of grievances or problems in matters over which the Appointing Authority has complete or partial jurisdiction and for which redress is not provided elsewhere in these policies.

SIGNATURE:

Michael A Pastor

CHAIRMAN, BOARD OF SUPERVISORS

1/5/16

DATE

IV. PROCEDURES:

A. General

1. If an employee complaint of unlawful discrimination or harassment based upon race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, genetic information, or Vietnam era or disabled veteran status is not resolved through the procedures outlined in Policy BOS-HRS-110, EEO, Unlawful Discrimination, Harassment and Retaliation the employee may file a grievance with the Gila County Personnel Commission (Commission) in accordance with Policy BOS-HRS-615, Grievance Process, section B.

2. If the employee alleges misinterpretation or misapplication of the policy, departmental work rules, unsafe or unhealthy working conditions, an employee complaint may be filed in accordance with Policy BOS-HRS-615, Grievance Process, section C.

3. If an employee alleges improper suspension, demotion, reduction in pay, or dismissal on any grounds including alleged unlawful discrimination, Policy BOS-HRS-620, Appeals Procedure, shall be used.

B. Grievance Procedure for Claims of Discrimination or Harassment

1. Within ten (10) calendar days after an employee has been informed of a remedial action taken in response to an allegation of unlawful harassment or discrimination filed under Policy BOS-HRS-110, the employee may grieve the action by requesting a review of the determination by the Commission. The employee must request the review and relief requested on the Employee Grievance form and submit it to the Human Resources Director. The Commission shall designate one of its members to investigate and hear the complaint and provide the Commission with a report. The Commission shall review the report on the complaint and issue a final determination in writing upholding or reversing the report. The Director shall furnish a notice of the final determination to the employee and the Appointing Authority within ten (10) calendar days of the determination by the Commission.

C. Grievance Procedure for Other Issues

1. The grievance procedure may not be used:

   a. By employees on original probation, except in cases alleging illegal discrimination or compelled participation in any election campaign for public office or partisan political activity; or,

b. For matters involving compensation, classification schedules, classes of positions, personnel records, performance appraisals, reprimands or employee counseling; or,

c. For matters involving dismissal, demotion, or suspension.

All time frames specified on the form shall be met. If the immediate supervisor or department head fail to meet the time frame requirements, the employee has the right to take the grievance to the next step. If the employee fails to meet the time requirements, the grievance shall be deemed abandoned.

2. The four steps of the grievance process are as follows:

a. **Step 1**: Using the "Employee Grievance form", the employee shall state the grievance and the remedy requested. A copy shall be given to the immediate supervisor and a copy sent to the Director within five (5) working days of the incident giving rise to the grievance. The immediate supervisor shall respond in the designated portion of the form and send a copy to the employee and the Director within five (5) working days of receipt.

b. **Step 2**: If the employee disagrees with the supervisor's response, the Employee Grievance form shall be sent to the Appointing Authority within five (5) working days of the supervisor's response to Step 1. The Appointing Authority shall respond by completing the designated section of the form and sending a copy to the employee and the Director within five (5) working days of receipt of the employee's Step 2 grievance. If the employee disagrees with the Appointing Authority's response and desires to continue the grievance process, the specific reason shall be indicated on the form. The employee may then proceed to Step 3.

c. **Step 3**: Within five (5) working days of receipt of the Appointing Authority's response, the employee shall submit the Employee Grievance form to the Director. The Director shall complete his/her section of the form by making a recommendation and returning it to the employee, with a copy to the Appointing Authority, within five (5) working days of receipt of the employee's Step 3 grievance. If either the employee or the Appointing Authority disagrees with the recommendation of the Director at Step 3, and desires to continue the grievance process, the employee or Appointing Authority shall indicate the disagreement on the Employee Grievance form. An appeal to Step 4 must be filed within ten (10) working days of receipt of notice of action taken by the Director.

d. **Step 4**: The Employee Grievance form shall be resubmitted to the Director who will notify the Commission within five (5) working days. The Appointing

Authority or designee shall be considered the respondent and shall be served with a copy of the form.