

## **APPENDIX G: GRIEVANCE PROCESS**

The format of grievance forms shall be provided by the Village, and available upon request from the Village's Finance & Administration Department. When grievances are prepared, a copy thereof will be furnished to the employee, the Village and the employee's immediate supervisor. In accordance with State of Wisconsin 2011 Act 10, the process for filing a grievance, which can be done only in reference to employee terminations, discipline and workplace safety for all employees except those covered by a collective bargaining agreement can be found as follows:

Employees that receive discipline may elect to grieve the discipline administered. However, the Village does not consider the following items to be a matter of discipline and therefore cannot be grieved under this procedure.

- Placement of an employee on paid administrative leave pending an internal investigation;
- Counseling, meetings, or other pre-disciplinary action;
- Actions taken to address work performance, including implementation of a performance improvement plan or job targets;
- Demotion, job transfer or change in job assignment;
- Any other action taken by the Village that is not a form of discipline.

Employees that are terminated may elect to grieve the termination of employment except under the following conditions:

- Position elimination
- Voluntarily leaving employment;
- Layoff, failure to be recalled at the expiration of the recall period, or reduction in force;
- Retirement;
- Job abandonment, "no-call, no-show", or failure to report to work;
- Termination of employment due to medical condition, lack of qualification or license, or other inability to perform job duties.
- Termination due to the end of a temporary employment, seasonal employment, contract employment or assignment.

Matters of workplace safety that may be grieved are uses that are alleged violations of Village policy. Any grievance filed alleging a workplace safety violation shall also include a proposed remedy for the alleged violated, provided by the affected employee(s).

A grievance filed by an employee for acceptable reasons will be processed as follows:

Step 1: If an employee has a grievance, he/she shall, within five (5) business days of the incident or the date that the employee should have reasonably become aware of the incident, present the grievance orally to the Department Head. The Department Head shall orally communicate a decision to the employee within ten (10) business days. Failure of the Village to provide a timely response at any step of this procedure will automatically move the grievance to the next step. In the event of a grievance, the employee shall perform his/her assigned task and grieve his/her complaint later.

Step 2: If the grievance is not settled within ten (10) business days, it shall be reduced to writing and presented to the Department Head. Within ten (10) business days, the Department Head shall furnish the employee and Village Finance & Administration Department with a written answer to the grievance, discussing a summary of the findings. The written answer shall state the resolution of the grievance or the reason(s) for rejecting the grievance, and may state a suggested resolution of the grievance if rejected.

Step 3: If the grievance is not settled at the second step, the employee shall have the right to take an appeal, in writing, within ten (10) business days to the Village Manager. Within ten (10) business days, the Village Manager shall furnish the employee and Village Finance & Administration Department with a written answer to the grievance, discussing a summary of the findings. The written answer shall state the resolution of the grievance or the reason(s) for rejecting the grievance, and may state a suggested resolution of the grievance if rejected.

Step 4: If the grievance is not settled at the third step, the employee shall have the right to take an appeal, in writing, within ten (10) business days to the Village's Finance & Administration Department. Upon receipt, an impartial hearing officer (IHO), an outside, unbiased designee will be selected by the Village' Finance & Administration Dept. to oversee the appeal. Both parties have the right to representation beginning at this step in the process.

The IHO shall confer with the aggrieved and the non-grieving party before making his/her determination. Such decision shall be reduced to writing and submitted to the aggrieved employee within sixty (60) business days from his/her receipt of the appeal.\* In instances of workplace safety, the IHO shall make recommendations of resolution that are reasonable, and not financially prohibitive.

*\*Note: A fee may be required for the services of the Impartial Hearing Officer. In such a case, the grieving party will be responsible for paying the full fee prior to the hearing. If the IHO determines in the grieving parties favor, the Village will reimburse 50% of the fee.*

Step 5: If an employee grievance is not settled at the third step, or if any grievance filed by the Village cannot be satisfactorily resolved by conference with appropriate representatives of the employee and the Village, either party may proceed to the next step as hereinafter provided. The grievant must process his/her appeal to the Village's Finance & Administration Department within fifteen (15) calendar days after the previous steps' written decision has been received or the matter shall be considered settled by all parties.

**Final and Binding Appeal**

(a) Final and binding appeal process may be resorted to only when issues arise between the parties hereto with reference to employee terminations, discipline and workplace safety.

(b) The final appeal will be heard by the Village Board of Trustees, as outlined in State Statute.