



ADMINISTRATIVE PERSONNEL POLICIES & PROCEDURES Policy No. 702: ADMINISTRATIVE GRIEVANCE PROCEDURE

A. General Provisions

1. A grievance is a complaint that an employee was treated in an unjust and arbitrary manner in regard to conditions of work.
2. Items appropriate for the grievance procedure include, but are not limited to:
 - a. Performance evaluation;
 - b. Equal employment opportunity or discrimination;
 - c. Progression through the wage system;
 - d. Disciplinary action not subject to Civil Service Commission review.
3. Supervisors and employees should review applicable bargaining agreements and City of Kettering Civil Service Rules when contemplating issues pertaining to grievance procedures.

B. Administrative Guidelines

1. All time limits specified are calendar days. The action at each step of the grievance procedure should be taken as rapidly as possible, but not later than the prescribed time limit. In the event of extenuating circumstances, a time limit may be extended by mutual consent of the parties at that step.
2. If a grievance hearing is scheduled during an employee's work hours, the employee may attend the hearing at no loss in pay. The employee will not be paid (either straight time or overtime) if the hearing occurs during off-duty hours.
3. Grievance issues which have not been raised at Step 1 may not be raised at Steps 2, 3 or 4.
4. A class grievance may be filed on behalf of more than 4 employees. A class grievance at Step 1 should be presented to the lowest ranking supervisor common to the entire group.
5. In the event the City fails to respond to a grievance in the time provided, the grievance shall automatically be considered at the next step. In the event that a grievance is not filed or appealed within the time period provided, it shall be considered to be withdrawn.
6. A copy of the grievance plus any reasons for the grievance must be submitted in writing in Steps 2 through 4.
7. Any employee who believes he or she has experienced discriminatory or harassing conduct, as defined by Policy No. 610: Equal Employment Opportunity, Non-Discrimination, Anti-Harassment and Compliance with the Americans with Disabilities Act, may file a grievance at Step 1, Step 2, Step 3, or Step 4. As a general rule, a grievance should be handled at the lowest step possible by an employee and their immediate supervisor.

C. Procedure

1. Step 1: Immediate Supervisor

- a. An aggrieved employee shall first take up his/her grievance with the immediate supervisor.
- b. At Step 1, the grievance issue(s) do not need to be submitted in writing.
- c. To be considered, the grievance must be filed within 7 days of its occurrence or when the employee first became aware or should have become aware of its occurrence. In no case may a grievance be filed more than 30 days after its occurrence.
- d. The supervisor shall respond to the grievance within 7 days of receipt of the grievance. This step is repeated until the employee has grieved to all the supervisors below the level of Department Director.

2. Step 2: Department Director

- a. If a grievance is not satisfactorily settled at Step 1, it shall then be put in writing by the grievant and directed to the Department Director within 4 days of receipt of the reply from Step 1.
- b. The Department Director or his/her designee shall arrange a meeting to discuss the grievance.
- c. The Department Director or his/her designee shall respond to the grievance in writing within 7 days of the meeting.

3. Step 3: Human Resource Director

- a. If the grievance has not been satisfactorily settled at Step 2, the grievant may direct the grievance to the Human Resource Director within 7 days of receipt of the Step 2 response.
- b. The Human Resource Director or his/her designee shall arrange a meeting with the grievant.
- c. The Human Resource Director or his/her designee shall respond to the grievance in writing within 14 days of the meeting.

4. Step 4: City Manager

- a. If the grievance has not been satisfactorily settled at Step 3, the grievant may direct the grievance to the City Manager within 7 days of receipt of the Step 3 response.
- b. The City Manager or his/her designee shall arrange a meeting with the grievant.
- c. The City Manager or his/her designee shall respond to the grievance within 14 days of the meeting.
- d. The City Manager's decision is final and binding.

The City Manager hereby delegates the appropriate responsibility and authority to administer this Policy to the City's Assistant City Managers and Department Directors.

Approved:

12/29/22
Date

Mark Schwieterman
Mark Schwieterman
City Manager

Issued:

12-22-22
Date

Jenny Smith
Jenny Smith
Human Resource Director