
 Town of Swansboro	Personnel Policy		Grievance Procedure and Adverse Action Appeal Procedure for Addressing Grievances Alleging Discrimination, Sexual Harassment, or Adverse Action	
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	Supersedes: Administrative Policy #5		Approved By: 	

ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

Section 4. Procedure for Addressing Grievances Alleging Discrimination, Sexual Harassment, or Adverse Action

Employees should direct grievances alleging discrimination and sexual harassment or appeals of adverse action to the Town manager. All grievances must be put in writing and brought to the Town Manager who will refer it to the *Personnel Grievance Committee* to investigate the allegations and will convene a hearing, as described in the Personnel Grievance Committee section. In the event the Town Manager is named in the grievance, the grievance shall be brought to the *Mayor*, or his/her designee, will then assume these responsibilities.

PERSONNEL GRIEVANCE COMMITTEE

1. Duties and Functions

The Committee shall hold hearings on employee complaints regarding discrimination, sexual harassment, and adverse action, and shall meet on an as-needed basis to review personnel procedures and to offer input into their implementation.

2. Hearing Procedures

Committee hearings are not matters of public record and are not subject to open meeting requirements. Committee hearings are subject to the provisions of the Personnel Privacy Act. The Committee shall adopt such procedures as are necessary to assure the orderly conduct of its meetings. The Committee shall issue findings of fact and render a decision in writing for each grievance being reviewed.

A. The Chairperson of the Committee shall issue the Committee’s decision in an appeal or grievance within the prescribed number of days after the appeal or grievance is delivered.

B. A decision shall be based exclusively on:

1. Competent evidence and arguments presented during the hearing and made a part of the official record petitioners may be represented by counsel and may present witnesses and documentary evidence to the Committee;

2. Stipulations of fact;
3. Matters officially noticed, and;
4. Any proposed findings of fact and written arguments submitted by the parties.

C. A decision shall fully dispose of all issues required to resolve the case and shall contain;

1. An appropriate caption;
2. The appearance of the parties;
3. A statement of the issues;
4. References to specific statutes or rules at issue;
5. Findings of fact;
6. Conclusions of law based on the findings of fact and applicable constitutional principles, states, rules, or federal regulations; and
7. In the discretion of the Chairperson, a memorandum giving reasons for the Committee's findings of fact and conclusions of law.

3. Composition

The Committee shall be composed of THREE (3) Town Employees, which are appointed on an adhoc basis by the Town Manager, and which do not directly supervise the employee filing the Grievance.

4. Terms of Membership

Members of the Commission shall be appointed by the Town Manager and shall serve a Term sufficient to determine and finalize a referred grievance. The Committee shall elect one (1) member to serve as chairperson for the duration of the proceeding.

5. Meetings

In addition to holding hearings related to employee grievances or complaints of discrimination, the Committee *may* meet on an as-needed basis for the purpose of reviewing personnel procedures. All meetings will be held in the Town Office Building. The dates and times of any meetings will be determined by the Chairperson or the Town Manager.

Special meetings of the Committee may be called by any two (2) members of the Committee, the Chairperson, or the Town Manager by providing written or electronic notice, to each member of the Committee, the Town Manager, Department Directors, and others, at least 3 days before the scheduled meeting date. Members of the Committee and those persons involved in a Grievance, if any, shall receive a written notice of each Committee meeting and a proposed meeting agenda. The *Town Clerk* shall be responsible for disseminating all meeting notices and proposed agendas.

6. Conduct of Meetings

The Committee shall adopt procedures to assure the orderly conduct of its meetings. Meetings may be informal, subject to such rules of order as may be promulgated by the Chairperson.

7. Quorum

Two (2) members of the Committee shall constitute a quorum for the official transaction of business. Routine meetings may be held with less than a quorum present, for informational purposes only, but no official action can be taken. A quorum must always be present for the conduct of hearings of employee appeals and grievances and for taking other official action.

8. Record of Proceedings

The Committee Shall keep an accurate record of all its proceedings, findings, and recommendations