

GRIEVANCE PROCEDURE

Grievance procedures for represented employees are governed by the applicable MOU. Employees who are not in the classified service must use the process as is afforded them within their department. For all other employees, the following applies.

.1 *Application.* The following procedure applies to employee complaints relating to working conditions or policies governing personnel practices. A grievance may be filed when the employee believes an injustice has been done because of an unfair application or deviation from a departmental policy. This grievance procedure does not apply to employee disciplinary matters, which are subject to Civil Service Commission appeal. Also exempted from this grievance procedure are disciplinary reassignments, written reprimands, employee performance evaluations, and work assignments.

.2 *General Objective.* The purpose of this grievance procedure is to:

- a. informally settle disagreements at the employee-supervisor level;
- b. provide an orderly procedure to handle the grievance through each level of supervision;
- c. correct, if possible, the cause of the grievance to prevent future complaints;
- d. promote harmonious relations among employees, their supervisors, and departmental administrators;
- e. assure fair and equitable treatment of all employees; and
- f. resolve grievances at the departmental level before appeal to higher levels.

.3 *Definitions.*

- a. *Employee:* Any employee in the classified service of the county, regardless of status.
- b. *Immediate Supervisor:* The person who assigns, reviews, or directs the work of an employee.
- c. *Superior:* The person to whom an immediate supervisor reports.
- d. *Representative:* A person who appears on behalf of the employee.
- e. *Department Head/Appointing Authority:* The officer or employee having charge of the administration of a department.

.4 *Time Limits.* Time limits are established to settle grievances quickly. Time limits may be extended by agreement of the parties. If the grievant is not satisfied with the decision rendered, it is the grievant's responsibility to initiate the action which submits the grievance to the next level of review within the time limits specified. Failure of the employee to submit the grievance within the time limits imposed terminates the grievance process, and the matter shall be considered resolved. Failure of the County to respond within the time limits specified will allow the grievant to submit the grievance to the next higher step of the grievance procedure.

.5 *Informal Grievance Disposition.* Within 20 days from the occurrence of the issue that gave rise to the complaint, or within 20 days from the employee's knowledge of the occurrence (but no later than one year from the date of occurrence), an employee will promptly and informally meet to discuss the complaint with his/her immediate supervisor. In those circumstances where the nature of the complaint involves the immediate supervisor, the employee may informally discuss the complaint with the next higher level of supervision, provided prior notification is given the immediate supervisor by the employee.

If the employee is not satisfied with the result of the informal meeting with his/her immediate supervisor or the next level of supervision in the instance of a complaint involving the immediate supervisor, the employee may use the formal grievance procedure. Grievance forms are available in the department.

.6 Formal Grievance Procedure.

Step 1. The grievance form and any supporting documents shall be delivered to the supervisor with whom the informal meeting was held, no later than five days from receipt of the supervisor's informal response or within ten days from the close of the informal meeting if no decision is rendered. The formal grievance procedure shall be initiated by the employee, stating the nature of the grievance, the alleged violation by section or number, if any, and the desired solution, in writing on the grievance form, together with any supporting documents attached to the grievance form.

The supervisor shall hold a formal meeting with the employee within five days of the receipt of the formal grievance to review the facts, gather all supporting documents, discuss the complaint and desired solution, and discuss the proper appeal procedure.

Step 2. If the employee feels the immediate supervisor has not resolved the grievance, the employee may appeal to the next higher level of supervision and department head jointly. At this time, all supporting documents and evidence relative to the grievance shall be included with the appeal and made known to both parties. The person occupying the next higher level of supervision (identified by the department), together with the department head, shall hold a formal meeting with the employee and his/her representative, if requested, within ten days from the date of the appeal receipt, and attempt to settle the grievance.

A decision shall be made, in writing, on the original grievance form to the employee by the department head within ten days from the close of the formal meeting.

Step 3. If the employee is not satisfied with the decision of the department, he/she may appeal the decision to the County Administrative Officer within five days from receipt of the department head's decision. In his/her appeal to the County Administrative Officer, all supporting documents must be attached to the grievance form, together with the grievant's reason for appeal and stated remedy requested.

The County Administrative Officer or designee will review the original grievance, all supporting documents, the department head's response, and the remedy requested, and issue a written decision within ten days of the receipt of the grievance. Such decision shall be final.

In the event that the County Administrative Officer was involved in the decision that gave rise to the grievance, the County Administrative Officer shall not hear the appeal or designate any employee in the County Administrative Office to hear the appeal.

Such appeals shall be heard by an arbitrator who shall issue a written decision within ten days of the receipt of the grievance. Such decision shall be final.



COUNTY OF KERN GRIEVANCE FORM

Department: _____

Date: _____

Classification: _____

Section: _____

Employee: _____

Division: _____

Nature of Grievance:

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Settlement Desired:

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Signature: _____

1st Step (Immediate Supervisor)

Date Received: _____

Date Discussed Informally _____

Summary of Facts:

Decision:

Date: _____

Signature: _____

Title: _____

**2nd Step (Next Higher Supervisor and Department Head
Head Jointly)**

Date Received: _____

Additional facts adduced:

Decision:

Date: _____

Signature: _____

Title: _____

3rd Step (County Administrative Officer)

Date Received: _____

Additional facts adduced:

Decision:

Date: _____

Signature: _____

Title: _____