

COUNTY OF SACRAMENTO
UNREPRESENTED EMPLOYEE GRIEVANCE POLICY

A. Purpose of Employee Grievance Policy

1. Employees' grievances shall be recognized and reviewed in accordance with this policy. This policy shall apply to employee grievances unless otherwise abridged by contract.
2. The purposes of this policy are:
 - (a) To resolve grievances informally at the employee-supervisor level, if possible;
 - (b) To provide an orderly procedure for reviewing and resolving grievances promptly;
 - (c) To determine and correct, if possible, the causes of grievances; and
 - (d) To encourage communication between employees and those of higher authority.
7. All communications pertaining to employee grievances shall be confidential and shall not be discussed except with the employee or representative and the appropriate supervisory personnel.
8. The County Executive and the appointing authority each may issue such supplemental procedures and instructions as may be necessary to implement this policy.

B. Definitions Applicable

1. **Grievance:** A complaint of an employee or group of employees alleging unsafe or unhealthy working conditions or a claimed violation, misinterpretation or inequitable application of county policies or rules affecting employment conditions and relations. Grievances shall not consist of matters which can be adjusted only by the Civil Service Commission.
2. **Immediate Supervisor:** The individual who assigns, reviews and directs the work of an employee.

C. General Provisions

1. Each party involved in a grievance shall act quickly so that the grievance may be resolved promptly. Every effort should be made to complete action within the time limits contained in the grievance procedure, but with the written consent of both parties the time limitation for any step may be extended.
2. An employee may be assisted in presenting a grievance by a representative; **provided, however,** that when a grievance within the District Attorney's or Sheriff's Department involves a confidential law enforcement matter, the appointing authority may restrict the right of representation.
3. An employee may present a grievance while on duty. An employee while on duty may present another employee's grievance. The use of county time for this purpose shall be reasonable. The appointing authority shall determine what constitutes reasonable time. The County Executive may issue general instructions on what constitutes reasonable time.
4. An employee shall bring only grievances as defined in Section B.1 to the formal grievance procedure. If an employee's complaint does not fall within the definition of a grievance, the appointing authority shall advise the employee how to proceed if he wishes to pursue the complaint.
5. The grievance procedure may be used by an employee without fear of prejudice. Reprisals shall not be taken against an employee for submitting a grievance. Supervisors and other management representatives shall not delay or suppress submission and orderly consideration of a grievance.
6. At any step in the grievance procedure, the appointing authority, or designated representative, may consult with the County Executive, Personnel Director, County Counsel or other county administrative official in an effort to clarify an issue, or to interpret personnel policy or rules and regulations.

D. Grievance Procedure

1. Informal Grievance - Discussion with Immediate Supervisor

- (a) The employee first shall discuss the grievance informally with his immediate supervisor. Within five work days, the immediate supervisor shall give a decision or response to the employee.
- (b) An employee may initiate an informal grievance at a level within the department above the immediate supervisor when there is reason to believe that the nature of the grievance is such that it should not be discussed with the immediate supervisor. In such case, the employee must have a reason for bypassing the immediate supervisor.

2. Formal Grievance

Step 1: (a) If an informal grievance is not resolved to the employee's satisfaction within five (5) work days, the employee may initiate a formal grievance. If a formal grievance pertains to a particular action, it must be initiated in a timely manner. A formal grievance may be initiated by completing a grievance appeal form and filing it with the person designated by the appointing authority as the first level of appeal. The first level of appeal may be the appointing authority. The grievance appeal form and instructions relating to its use shall be provided by the County Executive.

(b) Within five work days after the filing, the person designated as the first level of appeal shall investigate the grievance, confer with the employee in an attempt to resolve the grievance and give a decision in writing to the employee and the immediate supervisor.

Step 2: (a) If the employee is not satisfied with the decision rendered in Step 1, the employee may appeal the grievance within five work days to the appointing authority or designated representative. If the appointing authority is the first level of appeal, the employee may bypass Step 2.

(b) Within ten (10) work days, the appointing authority, or designated representative, shall reach a decision, discuss it with the employee and provide the employee with a written statement of the decision.

Step 3: (a) If the employee is not satisfied with the decision rendered by the appointing authority, the employee may appeal the decision within five (5) work days to the County Executive; **provided, however,** that employees of the District Attorney's and Sheriff's Departments may not appeal beyond the appointing authority.

(b) Within ten (10) work days the County Executive, or designated representative, shall determine the facts involved and shall render in writing findings and decision or recommendation of action to be taken. A copy thereof shall be furnished both the employee and the appointing authority.