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## Grievance Procedure

### 1020.1 PURPOSE AND SCOPE

This policy establishes processes for resolving disputes or concerns regarding conditions of employment, unethical or wasteful conduct or other inappropriate conduct.

This policy does not apply to complaints related to alleged acts of discrimination or harassment or complaints of discrimination on the basis of other protected categories subject to the Discriminatory Harassment Policy. This policy also does not apply to complaints consisting of any alleged misconduct or improper job performance by any member that, if true, would constitute a violation of federal, state or local law, or a violation of department policy or the standards established in the Personnel Complaints Policy.

This policy does not prohibit adverse administrative action taken for legitimate nondiscriminatory or non-retaliatory reasons, including for-cause discipline.

The procedures set forth herein are intended to supplement and not limit a member's access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, state law, local ordinance or collective bargaining agreement.

#### 1020.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or a dispute involving the interpretation or application of any of the following documents:

- A collective bargaining agreement
- This Policy Manual
- Rules and regulations covering personnel practices or working conditions of members

A grievance includes any claim of waste, abuse of authority, or gross mismanagement and any practice within the Department which may pose a threat to health, safety or security.

Grievances may be brought by an individual member or by a group representative.

### 1020.2 POLICY

It is the policy of this department that all grievances be handled quickly and fairly without retaliation against a member who files a grievance, whether or not there is a basis for the grievance. It is the philosophy of this department to promote free verbal communication between members and supervisors.

### 1020.3 RETALIATION PROHIBITED

No member may retaliate against any person for reporting or making a complaint under this policy or for opposing a practice believed to be improper, unethical, wasteful or retaliatory or participating in any investigation pursuant to this policy or any other policy in this Policy Manual (see the Anti-Retaliation Policy).

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Employees found to be in violation of this policy are subject to discipline. Supervisors who condone or ignore violations of this policy or otherwise fail to take appropriate action to enforce this policy are also subject to discipline.

#### **1020.4 PROCEDURE**

Except as otherwise required under a collective bargaining agreement, grievances as defined above should be resolved using the following procedure.

##### **1020.4.1 COMMUNICATING GRIEVANCES**

Members are encouraged to communicate with supervisory personnel regarding any workplace problem or issue they feel needs immediate attention. Generally, any concern about a workplace situation should be first raised with the member's immediate supervisor unless that supervisor is part of the member's concern. It is recognized, however, that there may be occasions where the use of the normal chain of command may not be appropriate.

Any member who feels threatened in any manner or is otherwise concerned about reporting to his/her immediate supervisor may report this information directly to the Fire Chief or Chief/Battalion Chief without first reporting the information to their immediate supervisor or following the chain of command.

This alternate process shall not be used to circumvent or avoid addressing issues through the normal chain of command.

##### **1020.4.2 GRIEVANCE RECEIPT**

Upon receipt of an oral or written grievance, the receiving supervisor will promptly document the grievance, initiate the investigative process and ensure that the appropriate supervisor and the Chief/Battalion Chief are notified.

Investigations are generally more effective when the identity of the grieving member is known, thereby allowing investigators to obtain additional information from the reporting member. However, a grievance may be made anonymously.

All reasonable efforts should be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a grievance. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is produced as part of the process.

The supervisor receiving the grievance should explain to the grieving member how the matter will be handled.

##### **1020.4.3 RESOLVING GRIEVANCES**

- (a) Supervisors receiving grievances should attempt to resolve the issue through informal discussion with the member.

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- (b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the member may request a meeting with the Battalion Chief.
- (c) If a successful resolution is not found with the Battalion Chief, the member may request a meeting with the Fire Chief.
- (d) If the member and the Fire Chief are unable to arrive at a mutual solution, then the member shall proceed as follows:
  - 1. Submit a written statement of the grievance and deliver one copy to the Fire Chief and another copy to the immediate supervisor and include the following information:
    - (a) The basis for the grievance
    - (b) What remedy or goal is being sought by this grievance
- (e) The Fire Chief will receive the written grievance. The Fire Chief and the City executive will review and analyze the facts or allegations and respond to the member within 14 calendar days. The response shall identify any corrective measures or other remedies as appropriate. The decision of the City executive is considered final.

## **1020.5 RESPONSIBILITIES**

### **1020.5.1 MEMBER RESPONSIBILITIES**

This policy is intended to support efforts to identify and remediate workplace issues appropriately. Members are encouraged to identify workplace issues to bring about positive change in the Department. Members shall act in good faith and not file trivial grievances or grievances intended to harass or deflect scrutiny or blame to another member.

Members shall make reasonable efforts to verify facts before making a grievance. Members shall not report or threaten to report information or a grievance knowing it to be false, with willful or reckless regard for the truth or falsity of the information or otherwise made in bad faith.

When making a grievance, members should provide as much information as possible and should cooperate fully with all investigations. Members shall maintain the confidentiality of any statements made in conjunction with an active grievance pursuant to this policy. This provision is not intended to diminish a member's rights or remedies afforded by applicable federal law, constitutional provision or collective bargaining agreement.

Any employee who believes that he/she has been subjected to reprisal or retaliation should immediately report the matter to a supervisor in the member's chain of command or to the Chief/Battalion Chief.

### **1020.5.2 SUPERVISOR RESPONSIBILITIES**

Supervisors should make reasonable efforts to identify and remediate workplace issues and bring about positive change in the Department before issues escalate to the grievance level. Once a

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member has made the decision to file a grievance, supervisors shall not attempt to discourage the member, shall accept grievances and shall ensure that reasonable efforts are made to reach a prompt and fair resolution.

Supervisory personnel will:

- (a) Document all grievances received and all steps taken to resolve the issue.
- (b) Forward the documentation to the City Chief/Battalion Chief through the chain of command.
- (c) Monitor the work environment to ensure that any member making a grievance is treated with respect and no differently than non-complaining employees.
- (d) Communicate to all members the obligation not to engage in retaliation and follow-up periodically with the grieving member to ensure that retaliation is not occurring.

#### **1020.5.3 COMMAND STAFF RESPONSIBILITIES**

Command staff should ensure prompt resolution of all grievances, including the following:

- (a) Timely grievance recognition and acceptance
- (b) Appropriate documentation of the process and investigation
- (c) Remediation of any inappropriate conduct or condition and the implementation of measures to minimize the likelihood of reoccurrence
- (d) Timely communication of the outcome to the grieving member

#### **1020.6 MEMBER REPRESENTATION**

Members are entitled to have representation during the grievance process and may seek advice, counsel or the assistance of other employees or representatives in their presentation of a grievance.

#### **1020.7 GRIEVANCE RECORDS**

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the City Chief/Battalion Chief.

#### **1020.8 GRIEVANCE AUDITS**

The City Chief/Battalion Chief or the authorized designee should perform an annual audit of all grievances filed the previous calendar year to evaluate whether any policy, procedure or training changes may be appropriate. The City Chief/Battalion Chief shall record these findings in a confidential memorandum to the Fire Chief without including any identifying information from any individual grievance.