

GRIEVANCE PROCEDURE**Policy:**

It is the policy of the Borough that employees should have an opportunity to present their work-related complaints and to appeal management decisions through a dispute resolution or grievance procedure. The Borough will attempt to resolve promptly all grievances that are appropriate for handling under this policy.

Comment:

(1) An appropriate grievance is defined as an employee's expressed feeling of dissatisfaction concerning any interpretation or application of a work-related policy by supervisors, or other employees. Examples of matters which may be causes of grievances appropriate under this policy include:

- (a) A belief that Borough policies, practices, rules regulations, or procedures have been applied in a manner detrimental to an employee;
- (b) Treatment considered unfair by an employee, such as coercion, reprisal, harassment, or intimidation;
- (c) Alleged discrimination because of race, color, sex, age, religion, national origin, marital status, or handicap; and
- (d) Improper unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, performance review, salary, or seniority.

(2) Employees must notify the Borough in a timely fashion, of any grievance considered appropriate for handling under this policy. The grievance procedure is the exclusive remedy for employees with appropriate grievances. As used in this policy, the terms "timely fashion," "reasonable time," and "promptly" will mean five working days.

(3) Employees are not to be penalized for proper use of the grievance procedure. However, it is not considered proper if an employee abuses the procedure by raising grievances in bad faith or solely for the purposes of delay or harassment, or by repeatedly raising grievances that a reasonable person would judge have no merit. Implementation of the grievance procedure by an employee does not limit the right of the Borough to proceed with any disciplinary action which is not in retaliation for the use of the grievance procedure.

(4) The grievance procedure has a maximum of three steps, but grievances may be resolved at any step in the process. Grievances are to be fully processed until the employee is satisfied, does not file a timely appeal, or exhausts the right of appeal. A decision becomes binding on all parties whenever an employee does not file a timely appeal or when a decision is made in the final step and the right of appeal no longer exists.

(5) Employees who feel they have an appropriate grievance should proceed as follows:

(a) Step One - Promptly bring the grievance to the attention of the immediate supervisor. If the grievance involves the supervisor, then it is permissible to proceed directly to step two. The supervisor is to investigate the grievance, attempt to resolve it, and give a decision to the employee within a reasonable time. The supervisor should prepare a written and dated summary of the grievance and proposed resolution for file purposes.

(b) Step Two - Appeal the decision to the department head, if dissatisfied with the supervisor's decision, or initiate the procedure with the department head if Step One has been bypassed. Such an appeal or initial complaint must be made in a timely fashion using a written form provided for this purpose. The supervisor's version of the grievance and decision will then be submitted using a similar written form. The department head will, in a timely fashion, confer with the employee, the supervisor and any other members of management considered appropriate; investigate the issues; and communicate a decision in writing to all parties involved.

(c) Step Three - Appeal an unsatisfactory department head decision to the Borough Council Personnel Committee. The timeliness requirement and procedures to be followed are similar to those in Step Two. The Borough Council Personnel Committee will take the necessary steps to review and investigate the grievance and will then issue a written, final and binding decision.

(6) Final decisions on grievances will not be precedent-setting or binding on future grievances unless they are officially stated as Borough policy. When appropriate, the decisions will be retroactive to the date of the employee's original grievance.

(7) Information concerning an employee grievance is to be held in strict confidence. Supervisors, department heads, and other members of management who investigate a grievance are to discuss

it only with those individuals who have a need to know about it or who are needed to supply necessary background information.

(8) Time spent by employees in grievance discussions with management during their normal working hours will be considered hours worked for pay purposes.

(9) The Borough may, at its discretion, refuse to proceed with any complaint it determines is improper under this policy. Further, this policy does not alter the employment-at-will relationship in any way.