

CITY OF HAMILTON, OHIO

No. 317

ADMINISTRATIVE DIRECTIVE

Effective Date: 4-28-16

Supersedes No. 317 dated 03/08/62, 09/10/84

Approved by: Joshua A. Smith,
City Manager

SUBJECT: GRIEVANCE PROCEDURE

PURPOSE: To provide a procedure for the fair and orderly settlement of grievances for those employees not already covered by a formalized grievance procedure.

GENERAL STATEMENT: An earnest effort will be made to settle all grievances promptly. The employee with a grievance may deal directly with his or her supervisor or may be represented by an attorney.

DEFINITIONS: A grievance shall be defined as an expression of unfair treatment or dissatisfaction by an employee concerning rates of pay, hours, or working conditions, but excluding those matters which are governed and controlled by the provisions of the Hamilton City Charter, Ordinances and Resolutions of Council, Rules and Regulations of the Civil Service Commission, and Federal and State Statutes.

1. Procedure.

a. The procedure for the settlement of grievances shall be as follows:

- i. Whenever an employee believes he or she has a grievance, he or she shall discuss it with his or her immediate supervisor within five (5) workdays of the date of occurrence. Within five (5) workdays after discussion, the supervisor shall give the employee a decision on the matter.
- ii. If the employee is not satisfied, such employee shall within ten (10) workdays after receiving the decision from their immediate supervisor, reduce his or her grievance to writing on the **Grievance Form** and submit it to the Department Director. One (1) copy is to be submitted to the employee's immediate supervisor, and one (1) copy to the Director of Civil Service and Personnel. The written submission shall state the reason(s) for the employee's dissatisfaction with the responses received in the first step of this procedure. Within ten (10) workdays after receiving the grievance, the Department Director or his or her authorized representative shall meet with the employee and conduct an inquiry into the grievance. The ten (10) day period fixed for the inquiry may be extended for not more than 30 days by the Director or his or her authorized representative or upon request of the employee or the employee's representative. At the conclusion of the inquiry and within ten (10) workdays after the inquiry, the Director of the Department shall transmit his or her finding in writing to the employee, the employee's supervisors involved in the preceding step, and the Director of Civil Service and Personnel.
- iii. In the event the aggrieved employee is dissatisfied with the determination of the Department Director, the employee may, within ten (10) workdays after receiving notice of the Director's decision, file a written request to meet with the City Manager to present his or her grievance. An inquiry shall be held by the City Manager or his or her authorized representative on the causes of the grievance, and within ten (10) workdays after such inquiry a decision shall be issued. The decision of the City Manager or his or her designee shall be final.

Outline of Steps in Grievance Procedure

Workdays for Employee to Process from Previous Step	Description of Step in Grievance Procedure	Workdays for Management to Provide Written Answer
5	Step 1 - Employee's Immediate Supervisor	5
10	Step 2 - Department Head Level	10
10	Step 3 - City Manager	10

2. General.

- a. This grievance procedure is not intended to apply to those matters for which a remedy may be provided by appeal to the Civil Service Commission or other publicly constituted body.
- b. If an employee fails to process his or her grievance in writing to the next level within the prescribed time following receipt of the written decision at any level, the grievance shall be considered as having been settled on the basis of the determination at the last level at which it was considered.
- c. Failure of management to give a written answer within the prescribed time limits shall constitute an authorization for the employee to process his or her grievance to the next step, provided such action is taken by the employee within five (5) workdays following the date he or she was to have received his answer.
- d. Employees and their representatives shall be assured of freedom from reprisal in the use of the grievance procedure.
- e. An employee who voluntarily terminates employment while a grievance is in process, will automatically have his or her grievance withdrawn and shall not benefit by any later settlement of a group grievance unless entitled to this by law.