

13.1 GENERAL PROVISIONS

- A. An informal resolution to a complaint or problem is the most appropriate manner of resolution. Departments shall attempt and employees are encouraged to resolve disputes through informal means, including the County mediation process, Personnel Policy 8-115.
- B. Except for grievances pertaining to Letters of Reprimand and allegations of sexual harassment, workplace harassment or workplace violence, prior to filing a formal grievance, an employee must attempt to use the County mediation process within ten (10) business days of the date the grievant knew or should have known of the grievable incident(s). If mediation is not successful and the dispute remains unresolved, the employee may proceed with the formal grievance process.
- C. All employees are required to cooperate in grievance proceedings and/or investigations whether as grievant, witness, or Respondent and shall maintain information obtained during grievance proceedings and/or investigations in strict confidence. Any violations of confidentiality may result in disciplinary action.
- D. Employees are to be given work release time, separate from the three (3) hour limit allowed under Personnel Policy 8-107 B.1., when called to testify in a Human Resources grievance proceeding.

13.2 GRIEVANCES NOT ALLEGING DISCRIMINATION

- A. Permanent Employees May Grieve:
  - 1. Misinterpretation, misapplication, or unequal enforcement of Merit System Rules, Personnel Policies, or Administrative Procedures;
  - 2. A Letter of Reprimand.
- B. Employees May Not Grieve:
  - 1. Compensation issues and/or any related actions;
  - 2. Classification issues and/or any related actions;
  - 3. Informal disciplinary actions;
  - 4. Performance Plans and Performance Appraisals.

13.2 C. An employee may respond in writing to informal disciplinary action, except for an undocumented verbal counseling. The response shall be placed in the employee's department personnel file. An employee may respond in writing to a performance appraisal. The response shall be attached to the performance appraisal and filed accordingly.

D. Grievance Procedure

The grievance must be filed within ten (10) business days of the date of receipt of a Letter of Reprimand, or for grievable matters other than a Letter of Reprimand, within ten (10) business days of the date the grievant knew or should have known that mediation was not successful. The grievant shall complete a Pima County Grievance Form and submit it to the Appointing Authority. The Appointing Authority shall respond to the employee in writing within ten (10) business days of receipt. The employee has the right to submit the grievance and the response to the County Administrator for further review within five (5) business days of receipt of response.

E. The County Administrator, upon receipt of the grievance, shall make a determination concerning jurisdiction and, if appropriate, direct Human Resources to conduct grievance committee proceedings in accordance with this Rule.

1. No member of the grievance committee convened under this Rule shall be:
  - a. An employee of the County Administrator's Office, Human Resources, or the County Attorney's Office;
  - b. An employee who has received formal disciplinary action within the past twelve (12) months;
  - c. A relative of the grievant; or
  - d. An employee who has a definite personal and/or professional conflict of interest with the grievant or the department, as determined by the County Administrator.
2. A grievance committee shall consist of three randomly selected County employees who act on behalf of the County Administrator, with ample investigative power.
3. Prior to grievance committee proceedings, the grievant shall be given the option of designating committee selection to be either a) three (3) randomly selected non-departmental members or b) three (3) randomly selected departmental members.

- 13.2 E. 4. For grievances with non-departmental representation, two pools of employees will be computer generated on a quarterly basis, with one group representing exempt employees and the other group representing non-exempt employees. For grievances with departmental representation, two pools of departmental employees will be computer generated at the time of committee selection, with one group representing exempt employees and the other group representing non-exempt employees.
5. For each committee, Human Resources will randomly select one member from each pool. The third member will then be randomly selected by Human Resources from the total combined pool. Human Resources shall assure that each committee is composed of at least one (1) non-management employee and one (1) management employee who has completed the first level of Mandatory Management Training offered by the County.
6. Training will be conducted by Human Resources at the time the grievance committee is convened. Training will constitute the first meeting of the committee and will be held prior to the investigation.
7. The grievance committee members shall maintain information obtained during the proceedings in the strictest confidence. Each member will be required to sign a confidentiality agreement at the time of training. Any violation of the agreement may result in disciplinary action.
8. Grievance committee meetings are conducted informally and not in an adversarial manner. Grievance committee members are required to attend all scheduled meetings.
9. The grievance investigation shall be by group process and no member may provide information obtained outside of the grievance process. The committee members are to remain objective and neutral throughout the investigation. The following individuals will be scheduled for an interview: grievant, department representative or immediate supervisor, and, if appropriate, any employee directly involved with the incident(s) cited in the grievance. The grievance committee may request Human Resources to obtain any relevant documents. If any discriminatory action is identified, the grievance committee must refer this issue to Human Resources for a separate investigation.
10. Either the grievant or the department may be accompanied by a representative when meeting with a grievance committee.

- 13.2 E. 11. Within forty-five (45) business days of the first committee meeting, the grievance committee, with assistance from Human Resources, shall draft a grievance report. The report shall contain findings of fact and recommendation(s) for action. It shall be noted in the report if consensus is not reached and the reason(s) justifying the dissenting vote shall be documented.

The committee may recommend that the County Administrator uphold or deny the grievance. Recommendations may address concerns regarding other violations of Rules/Policies, working conditions, management issues and/or departmental procedures relevant to the grievance. In addition, the committee may elect to draft a separate, confidential, report to the County Administrator concerning issues identified in the course of the investigation that are not directly related to the grievance.

- F. Within thirty (30) calendar days after receipt of the grievance committee report, the County Administrator shall accept, reject, or modify the remedy recommended by the grievance committee and issue a final decision. Should the County Administrator fail to issue a final decision within the above time frame, the majority opinion of the grievance committee will stand.
1. The County Administrator may reconvene the committee for further investigation or to provide an explanation of the issues and recommendation(s) in the report.
  2. The grievance committee report shall be held confidential until it is distributed with the final decision. Human Resources shall distribute a copy of the County Administrator's decision and the grievance committee report to the grievant and the department for filing. A copy of the grievance report and the County Administrator's decision, when filed based on a Letter of Reprimand, shall also be placed in the grievant's official personnel file.
  3. The grievant and/or department may report objections to the County Administrator within three (3) business days of receipt of the final determination. The County Administrator will determine what further action, if any, is warranted.
- G. All time requirements must be met unless exceptions are granted by the County Administrator. If the Appointing Authority fails to meet the time requirements, the grievant has the right to take the grievance to the next step. If the grievant fails to meet the time requirements, the grievance shall be considered withdrawn.

13.3 GRIEVANCES ALLEGING DISCRIMINATION

- A. Any employee may file a grievance alleging unlawful discrimination based on race, color, religion, national origin, age, sex, disability, veteran's status, sexual orientation or results of a genetic test received by the County, when applicable. Subsequent retaliation and/or harassment based on the above are also grievable issues.
- B. The grievance must be filed within ten (10) business days of the date the grievant knew or should have known that mediation was not successful. However, grievants alleging sexual harassment, workplace harassment or workplace violence need not attempt mediation prior to filing a grievance. The grievant shall complete a Pima County Discrimination Grievance Form and submit it to the Appointing Authority, who shall respond to the employee in writing within ten (10) business days of receipt. The employee has the right to submit the grievance and the response to the County Administrator for further review within five (5) business days of receipt of response.
- C. The County Administrator, upon receipt of the grievance, shall make a determination concerning jurisdiction and, if appropriate, direct Human Resources to conduct an investigation in accordance with this Rule.
  1. Human Resources will schedule interviews with the following individuals: grievant, department representative or immediate supervisor, and, if appropriate, any employee directly involved with the incident(s) cited in the grievance. Human Resources may request that the Appointing Authority provide any relevant documents.
  2. Human Resources shall maintain information obtained during the grievance proceedings in the strictest confidence, to the extent possible. Any violation of this confidentiality requirement may result in disciplinary action.
  3. Within forty-five (45) business days of receipt of the grievance, Human Resources shall submit a report to the County Administrator. The report shall contain findings of fact and recommendation(s) for action.

Human Resources may recommend that the County Administrator uphold or deny the grievance. Recommendations may address concerns regarding other violations of Rules/Policies, working conditions, management issues, and/or departmental procedures relevant to the grievance. In addition, Human Resources may elect to draft a separate, confidential, report to the County Administrator concerning issues identified in the course of the investigation that are not directly related to the grievance.

- 13.3 D. Within thirty (30) calendar days after receipt of the report, the County Administrator shall accept, reject, or modify the remedy recommended by Human Resources and issue a final decision.
1. The County Administrator may require Human Resources to conduct further investigation or to provide an explanation of the issues and recommendation(s) in the report.
  2. The report shall be held confidential until it is distributed with the final decision. Human Resources shall distribute a copy of the County Administrator's decision and the report to the grievant and the department.
  3. The grievant and/or department may report objections to the County Administrator within three (3) business days of receipt of the final determination. The County Administrator will determine what further action, if any, is warranted.
- E. All time requirements must be met unless exceptions are granted by the County Administrator. If the Appointing Authority fails to meet the time requirements, the grievant has the right to take the grievance to the next step. If the grievant fails to meet the time requirements, the grievance shall be considered withdrawn.

13.4 RIGHT TO REPRESENTATION

The affected employee is entitled to be assisted by a person of the employee's choosing in grievance meetings when the employee who is the subject of the grievance is in attendance. The employee's assistant may participate in the discussions with the employee during such meetings. The employee must be given notice of this meeting at least three (3) full work days from the date of written notification. If the employee has not obtained an assistant within that period of time, the meeting may proceed without further delay.