

## 19. GRIEVANCES

### 19.1 Grievance Definition

A grievance is any dispute which involves the interpretation or application of any provision of this Memorandum of Understanding. Provisions which specifically provide that the decision of any County official shall be final are excluded and not subject to the grievance procedure.

Appeals from discipline or termination may not be filed through the grievance procedure but are subject to the process described in **Section 18, Disciplinary Action**. Grievances must be filed within thirty (30) calendar days of the incident or occurrence about which the employee claims to have a grievance. A grievance shall be initiated in writing on the Solano County Grievance Form.

### 19.2 Grievance Purpose

The purposes of this procedure are:

- To resolve disputes informally at the lowest possible levels;
- To provide an orderly and prompt procedure for resolving disputes which arise regarding the interpretation of the Memorandum of Understanding;
- To encourage communication between employees, the Association, and County representatives;
- To determine and correct, if possible, the causes of grievance disputes.

### 19.3 Grievance Steps

#### **Step 1: Informal Discussion**

The grievant shall first discuss the issue with the appropriate departmental management official. The management official has ten (10) calendar days from the date of the informal discussion to respond to the employee.

#### **Step 2: Department Head and/or Designated Representative**

The employee has ten (10) calendar days from the management official's response if the grievance is not resolved or ten (10) calendar days from the date of the informal discussion, whichever comes later, to file the grievance in writing with the department head or ~~his or her~~ the department head's designee.

The department head or the department head's designee ~~his or her designated representative~~ will meet with the grievant and ~~his or her~~ the Association representative and

shall provide a written response to the grievance within twenty-one (21) calendar days of receipt. If the grievance is not resolved within the department, ~~employee or~~ only the Association shall have the right to appeal the grievance to the Human Resources Director, in writing, within fifteen (15) calendar days of the response made at Step 2. Notwithstanding this procedure, all complaints involving or concerning the payment of compensation shall be in writing to the Director of Human Resources or ~~his/her~~ the Director's designee with a copy to the department head. A grievance shall be initiated in writing on the Solano County Grievance form.

### **Step 3: Director of Human Resources**

~~Any employee or~~ The Association official may notify the Director of Human Resources in writing that a grievance exists. The notice must state the particulars of the grievance and, if possible, the nature of the determination desired. The Director of Human Resources shall have twenty-one (21) calendar days to investigate the issues, meet with the grievant and attempt to reach a satisfactory resolution. No grievance may be processed under Step 4 which has not first been filed and investigated in accordance with Step 3. A grievance shall be initiated in writing on the Solano County Grievance Form.

### **Step 4: County Administrator**

If the grievant is not satisfied with the decision of the Director of Human Resources, ~~he/she~~ the grievant may appeal the decision to the County Administrator (with copy to the Director of Human Resources). The County Administrator, or ~~his/her~~ the County Administrator's designee, shall render a final decision upon review of the written request. The decision of the County Administrator, or ~~his/her~~ the County Administrator's designee, is the last step in the appeal process. It is final and binding on the parties and the decision cannot be appealed further.

## 19.4 Grievance Timelines

Failure of the grievant to adhere to the timelines, contained in this article shall be considered an abandonment of ~~his/her~~ the employee's grievance. Failure of the County to adhere to the timelines contained in this article shall allow the grievant to pursue ~~his/her~~ the grievance to the next higher step.

## 19.5 Scope of Grievance Decisions

If the Director of Human Resources resolves a grievance involving suspension or discharge, ~~he/she~~ the Director may agree to payment for lost time or to reinstatement with or without payment for lost time.

## 19.6 Compensation Complaints

All complaints involving or concerning the payment of compensation shall be initially filed in writing with the Director of Human Resources or ~~his/her~~ the Director's designee. Only

complaints alleging that employees are not being compensated in accordance with the provisions of this Memorandum of Understanding shall be considered as grievances. Any other matters of compensation are to be resolved in the meeting and conferring process and if not detailed in the Memorandum of Understanding which results from such meeting and conferring process shall be deemed withdrawn until the meeting and conferring process is next opened for such discussion. No adjustment shall be retroactive of more than sixty (60) days from the date upon which the complaint was filed.

No change in this Memorandum of Understanding or interpretations thereof will be recognized unless agreed to by the Director of Human Resources or ~~his/her~~ the Director's designee and the Association.