

14.00 GRIEVANCES

14.01 POLICY. It is the policy of the county, insofar as possible, to prevent the occurrence of grievances and to deal promptly with those which occur. No adverse action will be taken against an employee for reason of his or her exercise of the grievance right.

A grievance may be filed by a regular employee on one or more of the following grounds: improper application of rules, regulations, and procedures (but not the rules, regulations, and procedures themselves); unfair treatment, illegal discrimination based on race, religion, color, sex (including sexual harassment), age disability, or national origin; disciplinary action; improper application of fringe benefits; or improper working conditions.

The county follows a progressive grievance procedure which ensures regular employees due process in the county's consideration of their work-related grievances: the right to be represented, the right to mount a defense, and the right to present written response(s) regarding resolution of the grievance.

Terminated employees do not have access to the grievance process.

14.02 FINAL AUTHORITY. Grievances can be appealed through the employee's supervisor to the appropriate elected official when an elected official is the department head. If the department head is appointed by the commissioners' court, the matter may be appealed to the commissioners' court, whose decision is final.

If the grievance alleges either discrimination on one of the prohibited grounds or sexual harassment, and the matter is not resolved to the employee's satisfaction at the department head level (whether the department head is elected or appointed), the employee is required to notify the commissioners court, providing them with copies of all documentation of the grievance from initial filing through final action by the elected official or department head.

14.03 PROCEDURE. The following procedures are applicable to regular employees. For procedures to be followed in the event of a grievance by an elected county official, see Chapter 149, Sec. 152.014, Local Government Code. Appointed department heads and temporary employees do not have access to a grievance procedure.

Informal Grievances. The first step in the grievance procedure is for the employee to attempt to resolve the grievance by informal conference with his or her supervisor. If this informal conference does not result in a resolution of the problem(s) that is satisfactory to the employee, he or she must file a formal, written grievance.

Formal Grievances. Formal grievances must be in writing, signed by the employee, and presented to the employee's supervisor within 10 working days after the alleged grievance occurred. A statement of the specific remedial action requested by the employee must be included in the written grievance.

An employee may be represented throughout the grievance process by another county employee of his or her choosing provided that the employee chosen has not been an employee representative in any other grievance proceeding with the previous 12-month period.

After being presented with a written and signed grievance, the supervisor will (1) meet with the employee and such other persons as may be necessary to gather the facts; (2) notify the elected official or department head; (3) attempt to resolve the grievance with the employee and, if requested by the employee, with the employee's representative; and (4) communicate the decision to the employee in writing within 10 working days after receipt of the grievance, sending a copy of the proposed resolution to the elected official or department head.

If an employee whose supervisor is someone other than the elected official or department head either receives no written resolution from the supervisor within 10 working days from the date the grievance was filed, or if the employee is not satisfied with the proposed resolution, he or she must file a written appeal with the elected official(s) or department head within 10 working days. The elected official(s) or department head will review the facts and the file, and will investigate the charges personally or through a committee or a designated person; and the person(s) conducting the investigation will meet with the parties involved. The elected official(s) or department head will respond in writing to the employee within 10 working days of the date the appeal was received in the elected official's or department head's office.

If the department head is appointed by the commissioners court, and the employee either receives no written resolution from the department head within 10 working days from the date the grievance was appealed to the appointed department head, or if the employee is not satisfied with the appointed department head's proposed resolution of the matter, the employee must file a written appeal with the commissioners court within 10 working days. The commissioners' court will then review the facts and the file and conduct an investigation if deemed appropriate before rendering a decision in the matter. The commissioners' court's decision is final.

Documentation. Copies of all documentation relating to the grievance will be forwarded to the Human Resources office immediately upon conclusion of each step in the grievance process and will be placed in the employee's personnel file.

Grievances Relating to Sexual Harassment or Discrimination. Any employee may file a grievance related to alleged sexual harassment or discrimination on the basis of race, religion, color, sex national origin, age, or disability. The initial written grievance may, at the employee's option, be submitted directly to the elected official, department

head, or the commissioners' court, as appropriate. In such an instance, to allow adequate time for investigation by the appropriate authority, the department head, or the person(s) he or she designates to conduct the investigation, the total cumulative time period which would have been allowed at the other steps in the grievance process is available to the appropriate authority before his or her written resolution of the grievance is required to be received by the employee.

If a grievance alleging either discrimination on one of the prohibited grounds or sexual harassment is not resolved to the employee's satisfaction at the department head level (whether the department head is elected or appointed), the employee is required to notify the commissioners court, providing them with copies of all documentation of the grievance from initial filing through final action by the elected official or department head.

Requirement for Appeal if Dissatisfied. If the employee is dissatisfied with any proposed resolution during the grievance process, he or she must appeal to the next step within the established time period. Failure to appeal presumes that the employee is satisfied with the latest resolution.