

**GRAND FORKS COUNTY
POLICY MANUAL**

POLICY NO. 105-26

Eff. 2/21/12; Rev. 7/17/12

GRIEVANCE PROCEDURES

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It is the policy of the Grand Forks County Commission to provide a means for employees to have their grievances heard and resolved at the Department Manager level.

An employee of Grand Forks County may file a grievance by following the procedures outlined in this chapter. See Appendix for example.

NOTE: Pursuant to N. D. Admin. Code 4-07-20.1-05, employees of Grand Forks County Social Services may waive the county grievance procedure if the employee and the county mutually agree to do so. A waiver must be signed by both parties within fifteen (15) working days of the employer action. Upon obtaining the waiver, an employee may appeal directly to Human Resource Management Services pursuant to section 4-07-20.1-08.

It is the responsibility of all parties in a grievance action to be fully aware of the time limits imposed by this chapter and the potential consequences of failing to meet those limits.

Definitions

"Grievance" is defined as an unsatisfactory work-related situation or circumstance an employee may experience and for which a reasonable resolution may exist.

"Complaint" is, for purposes of this policy, meant to be synonymous with "grievance".

"Working days" means Monday through Friday exclusive of holidays.

References within this policy to filing or service shall be under the following terms: The date of filing or date of service shall be considered to be the date the document was actually filed with the recipient (or their authorized designee), or the date the document was actually delivered to the recipient or their authorized designee. The person filing or serving the document shall prepare a certificate of service, or provide reliable means, to show proof of the date of service.

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Employee Responsibilities

The Grand Forks County grievance procedure applies to all Grand Forks County employees, exclusive of probationary employees. Employees are responsible for complying with the procedures in this chapter for filing a grievance or appeal.

An employee may be assisted by a representative of his or her own choosing at any point in the process.

Department Managers or their authorized designee, or the Director of Administration, shall be available to answer questions employees may have about the grievance procedure.

Department Manager Responsibilities

Department Managers must make a good faith effort to resolve an employee grievance at their departmental level. They must attempt to provide a fair and reasonable resolution to employee grievances within a reasonable time period.

The Department Manager may wish to confer with the employee's direct supervisor in the process of resolving the issue. When the resolution sought is not within the authority of a Department Manager to grant, the issue must be reviewed with the Director of Administration or the County Commission.

Retaliation against an employee for filing a grievance is prohibited.

Shared Responsibilities of Employees, Supervisors and Department Managers

The steps comprising the grievance procedure contain time limitations. An employee should be allowed a reasonable amount of time to process a grievance during regular working hours without loss of pay. Occasionally, situations will arise beyond the control of management or the employee that will prevent compliance with the time limitations. For example, if a Department Manager not in the office for an extended period at the time a grievance is filed, then fundamental fairness would dictate that the grievance time limitations would be extended for the Department Manager. Furthermore, time limitations may be extended for employees by the Department Manager provided there is a reasonable reason for the extension of the time limitation. Written requests for extensions must be received by the Department Manager prior to the established deadline.

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Grievance Procedure

Step One:

A regular employee who is grieving the result of an employer action may file, within fifteen (15) working days of that action, a written grievance with their Department Manager. The written grievance must be filed by the Department Manager with the Director of Administration within five working days from the date of receiving the written grievance. The Department Manager must also provide a copy of the written grievance to the person who made the decision being grieved.

Failure to begin the procedure within time limitations may cause the employee to lose the right to appeal to the County Commission and have their appeal heard by the County Commission.

The Department Manager will acknowledge, in writing, receipt of the grievance within five (5) working days of receipt and request from the person who made the decision a complete copy of all material upon which the decision was based, including any written information provided to management by the employee prior to the decision. Generally, the information considered will be confined to the information submitted. However, the Department Manager may determine to further investigate the issue(s).

Step Two:

If needed, an investigation will be conducted by the Department Manager within fifteen (15) working days of the receipt of the grievance. They will notify the employee in writing within five (5) working days of the receipt of the grievance that an investigation will be conducted. The Department Manager must provide a written response to the employee within fifteen (15) working days following completion of the investigation.

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If it is determined that an investigation is not needed, the Department Manager will review the written material and determine whether there was a reasonable basis to believe the allegations were true and whether or not the employer action was reasonable. The Department Manager will issue a written response to the employee within fifteen (15) working days of receipt of the grievance. The written decision of the Department Manager ends this step of the Grievance Procedure, subject to appeal.

Step Three:

The employee, if dissatisfied with the response or action taken by the Department Manager, or if no response is received from the Department Manager within the response period, may appeal the grievance to the County Commission and have their appeal heard by the County Commission.

The appeal must be filed by the employee with the Director of Administration, in writing, and must be delivered or mailed, and must be received in the Director of Administration's office by 5:00 p.m. within fifteen (15) working days of service of the notice of results of the grievance procedure.

The Director of Administration shall within five (5) working days submit a written request to the Chair of the County Commission, to conduct an appeal hearing of the grievance.

The County Commission shall convene a special meeting of the Grand Forks County Commission, and shall conduct an appeal hearing within ten (10) working days. The County Commission shall issue a written decision of the appeal within ten (10) working days of the appeal hearing, and shall immediately serve that decision upon the employee. The written decision of the County Commission shall end this step of the Grievance Procedure, subject to appeal.

Step Four:

The employee, if dissatisfied with the decision or action taken by the County Commission, may appeal the decision of the County Commission to the Appeal Board.

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The appeal must be filed by the employee with the Director of Administration, in writing, and must be delivered or mailed, and must be received in the Director of Administration's office by 5:00 p.m. within fifteen (15) working days of service of the notice of results of the appeal to the County Commission.

The Director of Administration shall within five (5) working days submit a written request to the Chair of the Appeal Board, to conduct an appeal hearing of the grievance.

The Appeal Board shall convene and shall conduct an appeal hearing within ten (10) working days. The Appeal Board shall issue a written decision of the appeal within ten (10) working days of the appeal hearing, and shall immediately serve that decision upon the employee. The written decision of the Appeal Board is the final step in the grievance procedure.