

12. GRIEVANCE PROCEDURE

SECTION A

SCOPE. In addition to those employees included in this policy pursuant to Chapter 1, above, this Chapter shall also include any employees subject to collective bargaining agreements who are not eligible to submit their grievances to arbitration.

SECTION B

POLICY. It is the policy of Winnebago County to have all employees treated fairly and equitably in matters affecting their employment. Each employee who feels that he has not been so treated has a right to present his grievance to appropriate management officials for prompt consideration and equitable decision. The filing of a grievance by an employee shall not reflect unfavorably upon his standing, performance, loyalty, or desirability to the public service and shall be without fear or reprisal.

SECTION C

ADMINISTRATION. The Director of Human Resources shall supervise and administer the grievance process. Supervisors and department heads shall keep the Director of Human Resources informed of all grievances in progress.

SECTION D

DEFINITION OF A GRIEVANCE. A grievance is a formal complaint regarding unsafe working conditions, unjust application of discipline, the unfair application or violation of personnel rules and regulations of the County or the department which the employee works.

Any form of discrimination or harassment on the basis of protected status as defined in Federal, State, or County policy does not require the processing of a grievance under this grievance procedure. Instead, it should be reported as soon as possible to any of the professional staff members of the Department of Human Resources for immediate investigation and prompt action.

SECTION E

GRIEVANCE PROCEDURE. In order to be considered valid, any grievance must be presented at the initial step within five of the employee's work days following the incident or occurrence that gave rise to the grievance. (In cases in which the employee had no knowledge of the incident or occurrence until a later time, the five-day time limitation shall apply from the date the employee had knowledge of or should reasonably have had knowledge of the incident or occurrence.) If the grievance is not presented within this time frame, it shall be considered null and void.

Grievances involving administrative actions by the Department of Human Resources shall be initiated at Step 3. Grievances involving discharge shall be initiated at Step 3 unless the discharge action was taken by the Director of Human Resources, in which case the grievance shall be initiated at Step 4.

Time limits set forth in this Handbook shall be defined as the working days of the person taking the action. Working days are defined as days actually on the job and exclude days of absence.

Step 1. Whenever possible, grievances should be resolved informally. Any employee having a problem with his employment shall first discuss the problem with his immediate supervisor. If the grievance is not satisfactorily resolved at this level within five days of the discussion with the employee's supervisor, and if the grievance meets the definition of a grievance as defined in Section C (above), the employee may present his grievance in accordance with Step 2.

Step 2. Within five (5) days of receipt of the supervisor's response at Step 1, the employee shall prepare a written statement setting forth the grievance, including a description of the remedied action being sought and any information available to support the complaint. The statement should be given to the employee's department head, if different from the employee's immediate supervisor. The department head shall meet with the employee as soon as reasonably possible and a reasonable effort to resolve the grievance shall be made. A written reply to the grievance shall be made within five (5) days following the date of the meeting. In the event that the employee met with his department head in Step 1, the grievance shall be presented at Step 3 upon the conclusion of Step 1.

Step 3. If the department head's decision does not resolve the employee's grievance, the employee may, within five (5) days, present his grievance in writing to the Director of Human Resources, who shall arrange to meet as soon as reasonably possible with the employee to ascertain the facts surrounding the dispute and shall reply in writing to the employee with five (5) days thereafter.

Step 4. Employees having unresolved grievances may, within five (5) days of receipt of the decision at Step 3, submit a letter of appeal to the Grievance Review Board. Such letter of appeal shall be submitted to the Winnebago County Department of Human Resources for processing purposes. Upon receipt of any such appeal, the Department of Human Resources shall forward a copy of the grievance letter to each of the members of the Grievance Review Board, and the Chairman of the Grievance Review Board shall convene the Board within thirty (30) days for the purpose of determining the jurisdiction of the Board regarding the grievance and, if the grievance is found to be within the jurisdiction of the Board, to set a date for hearing the grievance. Absent agreement of the parties, said hearing shall be held within sixty (60) days of the presentation of the letter of appeal in Step 3. The jurisdictional determination and hearing on the merits may take place at the same meeting.

Following the conclusion of the hearing and the closing of the record, the Grievance Review Board shall render its decision regarding the grievance in writing, within thirty (30) days, and such decision shall be binding upon the parties.

Step 5. Within twenty (20) days of the date of the decision of the Grievance Review Board, either party may appeal the decision of the Grievance Review Board to the Winnebago County Board of Supervisors for review. Said appeal shall be filed with the Winnebago County Clerk, who shall transmit a copy of the appeal to the opposite party and the Chairman of the Grievance Review Board. The Chairman of the Grievance Review Board shall file a certified copy of the record of the proceedings, including any transcripts, of the Grievance Review Board relating to the grievance, with the Winnebago County Clerk within sixty (60) days of receipt of the appeal from the Winnebago County Clerk.

The appealing party shall be responsible for any transcription and copying costs, including associated labor costs, in relationship thereto.

Within sixty (60) days of receipt of the certified record, the Winnebago County Board shall conduct a closed session meeting, unless the employee requests an open session, to review the written decision of the Grievance Review Board. No further testimony or evidence shall be taken by the County Board, and review shall be solely limited to the certified record of the Grievance Review Board, however, the County Board may accept written or oral arguments from both parties. Within forty-five (45) days of the final review session, the Winnebago County Board shall affirm the decision

of the Grievance Review Board if it finds that the Grievance Review Board: 1) kept within its jurisdiction; 2) acted according to the law; 3) did not act in an arbitrary, oppressive, or unreasonable manner and its decision represented its judgment, not its will; and 4) finds that the evidence is such that the Board might have reasonably made its determination. The decision of the Winnebago County Board shall be in writing and shall be made by a simple majority of the Board's membership. The decision of the Winnebago County Board shall be binding on both parties.

SECTION F

EMPLOYEE REPRESENTATION. An employee is entitled to be represented or accompanied by another person during Grievance Review Board hearings. The person selected may be a co-worker, friend, relative, or legal counsel. Payment for legal representation shall be the responsibility of the employee. Consultations regarding the grievance between the employee and his representative or accompanying person shall not take place during working hours. The grievance hearings shall normally be held during Courthouse office hours when possible.

SECTION G

SPECIAL CONDITIONS:

1. Time Frames. Provisions for hearing and responding to grievances are intended to resolve the grievances as soon as reasonably possible. In situations where conditions warrant, reasonable extensions of time frames may be made by the Winnebago County Executive or the Director of Human Resources at their discretion. All time frame extensions shall be documented and provided to all affected parties.
2. Legal Action. Nothing in this chapter shall abrogate any legal means of redress to the Courts available to all employees.
3. Limitation of Monetary Awards. No monetary award granted by the Grievance Review Board shall exceed the value of wages and benefits lost by the grievant as a result of grievance action of Winnebago County.