

## **Personnel Rule 1.4 – Employee Grievance Procedure**

### **1.4.0 Authority**

SMC 4.04.050 and subsequent revisions thereto, Rule-making Authority

SMC 4.04.240 and subsequent revisions thereto, Employee Grievance Procedure

SMC 4.04.260 and subsequent revisions thereto, Appeals to Civil Service Commission

### **1.4.1 Application of this Rule**

A. The provisions of this Rule apply to regularly appointed employees who have probationary, trial service or regular status except as specifically provided within the Rule.

B. This Rule does not apply to employees who are exempted by state law, the City Charter or SMC Chapter 4.13 from compliance with the Personnel Rules or SMC Chapter 4.04 related to selection, discipline, termination or appeals of personnel actions to the Civil Service Commission.

C. The provisions of this subchapter shall be applied to employees of the Seattle Municipal Court except where they conflict with any policy promulgated by the Court and/or General Court Rule 29.

### **1.4.2 Procedure**

A. A regular, trial service or probationary employee may initiate a grievance when there is a disagreement between the employee and the employee's supervisor or employing unit concerning the proper application of provisions of the Seattle Municipal Code Chapter 4.04 or Personnel Rules and any policies or procedures adopted pursuant thereto, except as follows:

1. An employee who is represented under the terms of a collective bargaining agreement between the City and an authorized bargaining unit may utilize this grievance procedure to grieve the improper application of provision of the Seattle Municipal Code Chapter 4.04, or the Personnel Rules, policies and procedures adopted pursuant thereto. Alleged violations of the collective bargaining agreement are not grievable using the procedure provided in this Rule.
2. The classification and compensation decisions rendered by the Seattle Human Resources Director are not grievable under this Personnel Rule. An employee may, however, grieve an alleged violation of any provisions of SMC 4.04, the Personnel Rules and policies or procedures adopted pursuant thereto that govern the processes of classifying and setting compensation for employment positions if the employee believes that those processes were not followed.

B. If any grievance under this Rule overlaps with an investigation being conducted for violation of Rule 1.1, the process may be as follows:

1. The Seattle Human Resources Director may hold grievances filed alleging violation of Personnel Rule 1.1 in abeyance until the investigation of such violation has been completed.
2. The grievance shall resume once the investigator has transmitted the investigation report to the appointing authority.

C. The employee grievance procedure shall consist of three steps. In an effort to expedite the grievance process, grievances shall be filed at the step in which there is authority to adjudicate, provided that the supervisor(s) be notified of any step that is skipped. If the employee and the department are not able to agree on which step the grievance shall be initiated, the employee shall file the grievance at Step One. The employee and their departmental management shall make a reasonable effort to settle grievances at the lowest possible step.

1. Step One. The employee shall present a written request for a meeting with their immediate supervisor within 20 calendar days following the grievable incident. At the meeting, the employee shall identify
  - a. The grievable incident;
  - b. The provision of Seattle Municipal Code Chapter 4.04 or the Personnel Rule or policy or procedure adopted pursuant thereto that they believes was improperly applied; and
  - c. The remedy the grievant seeks.

Within 14 calendar days of the meeting, the supervisor shall provide a response, verbally or in writing, to the grievant, indicating whether the supervisor found that the grievance has merit, the reasons for that determination, and, if the grievance has merit, what remedy the supervisor proposes. If the supervisor does not have the authority to resolve the grievance or denies the grievance at Step One, the supervisor shall instruct the employee that they may proceed to Step Two.

2. Step Two. If the grievance is not resolved at Step One, the employee shall present the grievance in writing to their division director within 14 calendar days following receipt of the Step One response. The employee's written description of their grievance must be signed and dated and shall include the information provided at Step One as well as an explanation of why the employee found the Step One outcome unacceptable. If the grievance is initially submitted at Step Two, the employee shall present the grievance in writing to their division director within 20 calendar days of the grievable incident. The employee's written description of their grievance must be signed and dated and shall include the information required at Step One. The division director shall provide a written response within 14 calendar days of the presentation of the Step Two grievance, informing the grievant of the outcome of their review and any proposed remedy. Denial of the grievance shall permit the employee to proceed to Step Three. If the division director denies the grievance, does not have the authority to resolve the grievance, or if the division director is the employee's immediate supervisor and has responded to the grievance at Step One, the division director shall instruct the employee that they may proceed to Step Three.

3. Step Three. If the grievance is not resolved at Step Two, the employee shall submit a Step Three grievance to the City Seattle Human Resources Director within 14 calendar days after the date of the division director's response. The Step Three grievance shall consist of:

- a. The written Step Two grievance;
- b. The division director's response to the Step Two grievance;
- c. An explanation of any and all reason(s) the employee finds the Step Two response unacceptable; and
- d. A cover sheet signed and dated by the grievant that clearly identifies the submittal as a Step Three grievance.

If the grievance is initially submitted at Step Three, the employee shall present the grievance in writing to the Seattle Human Resources Director within 20 calendar days of the grievable incident. The employee's written description of the grievance must be signed and dated and shall include the information required at Step One.

The Seattle Human Resources Director shall review the grievance and may meet with the grievant and any other individuals the Director identifies as having additional relevant information about the grievable incident. The Seattle Human Resources Director shall provide a report of their investigation to the grievant and the grievant's appointing authority within 14 calendar days after receipt of the Step Three grievance or within 7 calendar days after meeting with the grievant, whichever is later. In addition, the Seattle Human Resources Director shall provide to the appointing authority a confidential recommendation for resolution of the grievance. The appointing authority may consider the Seattle Human Resources Director's recommendation for resolution, but they shall be responsible for determining the grievance resolution. The appointing authority will answer the grievance setting forth their decision in writing within seven (7) calendar days after receipt of the Seattle Human Resources Director's recommendation. The appointing authority shall notify the employee of their right to appeal the suspension, demotion or termination to the Civil Service Commission.

C. The timelines provided in Personnel Rule 1.4.2 B may be extended by mutual written agreement of the aggrieved employee and the appropriate management representative at the relevant step. The employee's failure to comply with these timelines, absent an agreement to extend them, shall constitute their withdrawal of the grievance. Failure of the appropriate management representative to comply with these timelines shall allow the employee to proceed to the next step.

### **1.4.3 Office of the Employee Ombud and Alternative Dispute Resolution**

An employee who files a grievance under the employee grievance procedure may at any time prior to the disposition of the grievance at Step Three request, bring the case to Office of the Employee Ombud, including the Office of Employee Ombud's Alternative Dispute Resolution program to determine whether a mediation process would be an appropriate way to address the grievance. The purpose of the Alternative Dispute

Resolution program and the Office of the Employee Ombud is to resolve the conflict outside of a formal resolution process, that does not involve an investigation or determination of violation of Rules or policy. If the dispute is accepted for a mediation process, the appointing authority shall waive the timelines for the employee grievance procedure until the completion of that process. If the dispute is not resolved through mediation, the employee may resume his or her pursuit of a remedy through the employee grievance procedure.

#### **1.4.4 Appeal to Civil Service Commission**

If a regular employee exhausts this grievance procedure and remains dissatisfied with the outcome of an action that falls within the jurisdiction of the Civil Service Commission, the employee may file an appeal with the Civil Service Commission in accordance with Seattle Municipal Code Section 4.04.260:

A. In order to appeal an action that is upheld by the grievance process, the employee must file a “Notice of Appeal” with the Civil Service Commission within 20 calendar days of the delivery of the Step Three grievance response.

B. The 20 calendar days begins to run on the date of delivery of the notice of the Step 3 grievance response and right to appeal is given to the employee personally or delivered by messenger to the employee’s most recent address as shown on departmental records. If the notice of grievance response and right to appeal is mailed, the 20 calendar days begins to run on the third calendar day after the notice is mailed.