

**SECTION 25B**  
**PROCEDURES FOR CAREER SERVICE EMPLOYEE GRIEVANCES**

**A. PURPOSE:** To provide an equitable method of administering and resolving career service employee grievances without coercion, restraint, or reprisal. To establish a uniform method of filing a grievance within Tooele County Personnel Policies and Procedures.

**B. PROCEDURES:**

**1. Grievance Rights and Restrictions**

- a. Career service employees may appeal an overall “did not meet job expectations” performance evaluation ratings and decisions in discipline cases involving dismissal, demotion, reduction-in-pay, suspension, written warning, or transfer by following the procedures outlined in this policy. Career service-probation employees may also file a grievance if they feel their probation has been unduly extended. Employees who are dissatisfied with the results of their appeal may further appeal to the Career Service Council by following the procedures outlined in this policy.
- b. Any county employee (career service, career service probation, or non-career service) may file a grievance relative to a claim of discrimination or reprisal if the claim meets the definition provided in Personnel Policies and Procedures Section 20, Sexual Harassment.
- c. Appeals not covered in this section:
  - (1) All claims listed in Personnel Policies and Procedures Section 25A, Procedures for Employee Complaints, Subsection B.1.a.
  - (2) Appeals by career service employees regarding classification shall be made pursuant to Personnel Policies and Procedures Section 4, Classification of Positions.
  - (3) The County Human Resources Director may hear disputes regarding a career service employee’s entitlement to benefits or leave. These disputes can be brought to the attention of the Human Resources Director by writing to the Human Resource Department. The Director’s decision may be appealed to the County Commission.
- d. Employees shall have the right at their own expense to assistance by a representative of their choice. Such representatives may act as the employee’s advocate at any level of the grievance procedure.
- e. Supervisors, department heads, and elected officials are prohibited from harassing or retaliating against an employee due to his or her filing of a grievance or appeal.

- f. Upon written request, the department will supply the grieving employee with requested non-confidential information necessary for the processing of the grievance, providing that extraordinary or inordinate expenses required to furnish such information shall be borne by the employee.

## 2. **Time Limits and Waivers**

- a. Employees shall have six (6) calendar days from the day of imposition of the grievable action or six (6) calendar days from the date the employee could reasonably be presumed to have had knowledge of the grievable action to begin the grievance process.
- b. Unless otherwise specified, the time limit between each level of review in the grievance process shall be seven (7) calendar days.
- c. Failure by management to reply in writing to the employee's grievance, by at least setting a hearing date, within the established time limits automatically permits the employee to move his or her grievance to the next level of review.
- d. Any level of review or any time limits established in this procedure may be waived or amended by mutual written agreement of the parties.
- e. If an employee fails to initiate the grievance procedure or fails to appeal in writing from one level to the next level within the time limits established by this policy, the grievance shall be considered finally settled on the basis of the most recent decision and the grievance shall not be subject to further appeal or consideration by the department, elected office, or the County Commission.

## 3. **Levels of Review**

- a. **Informal Level of Review**: An employee who has a grievance should attempt to settle the issue through discussion with his or her immediate supervisor within six (6) calendar days of the imposition of the grievable action or six (6) calendar days from the date the employee could reasonably be presumed to have had knowledge of the grievable action. If the issue is not resolved through discussion with the supervisor, the employee may attempt informal resolution through the appropriate chain of command within the department. Each level of this informal review can take up to seven (7) calendar days and shall be documented through letters, memos, or other written records.
- b. **Department/Elected Office Level of Review**: If the employee does not agree with the written decision of the supervisor:
  - (1) The employee may present his or her written grievance to the department head or elected official for Department/Elected Office Review within six (6) calendar days. If the supervisor for the informal level of review is the department head or elected official, then the supervising Commissioner shall conduct this level of review.

- (2) The department head or elected official may elect to hear the grievance or have a designee hear it. The department head or elected official may forward the grievance to the Career Service Council in discipline cases involving dismissal, demotion, reduction in pay, or suspension.
  - (a) In cases where the department head or elected official has had direct involvement in the facts at issue, the Department/Elected Office Review hearing shall be waived and the matter forwarded to the supervising Commissioner.
- (3) Hearings before the department head, elected official, or designee shall be initially convened within seven (7) calendar days after receiving the written grievance.
  - (a) Hearings may not be postponed after agreement by both sides of the hearing date except in cases where written justification is submitted twenty-four (24) hours in advance of the hearing.
  - (b) Hearings may only be postponed twice, and continuances shall be limited to fifteen (15) calendar days.
  - (c) Hearings not held after two continuances will be forwarded to the Career Service Council unless agreed otherwise by both parties.
- (4) Notice: At least seven (7) calendar days in advance of the hearing, the department head, elected official, or designated representative will notify the employee and appropriate supervisor of the time and place of the hearing. This notification will be delivered to the employee in person or mailed by certified mail to the employee's last known home address.
- (5) Procedure at the Hearing: The hearing held before a department head, elected official, or designated representative is not a formal adversarial hearing but shall consist of an inquiry into the grievant's position and an attempt to resolve the differences between the grievant and supervisor or administrator. The employee may present his or her case personally. An audio recording shall be kept of the proceedings. Witnesses may be called and heard and/or witness statements may be presented by the parties in writing or orally. Written documentary evidence may be presented and considered.
  - (a) The hearing shall not be bound either by the Utah Rules of Civil Procedures or by the Utah Rules of Evidence.
  - (b) All relevant information must be made available at the time of the hearing in order to facilitate a thorough review of the grievance.
  - (c) If an employee withholds evidence at the time of the hearing, he or she shall be precluded from presenting said evidence to the Career Service Council.

- (6) The department head, elected official, or designee shall prepare and deliver to the employee a written decision within seven (7) calendar days after the date of the hearing.
  - (a) The decision by the department head or elected official shall be delivered to the employee. Should the decision by the department head or elected official be adverse to the employee, the notification shall include the right of the employee to appeal to the Career Service Council.
  - (b) If the decision by the department head or elected official rescinds an action that was documented in the employee's personnel file (official), then notification shall be sent to the Human Resource Department to remove the action from the employee's official personnel file.
- c. Career Service Council Review: If subsequent to an appeal, the disciplinary action taken against an employee is not sustained, the Administrator shall submit to the Human Resource Department, with seven (7) calendar days of the decision, a letter rescinding the action taken.