

DANIEL BOONE REGIONAL LIBRARY

SUBJECT: Employee Grievances

ADMIN 1-280

BOARD

SECTION: 200 - Employment Policies

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POLICY

The Daniel Boone Regional Library (DBRL) is committed to providing the best possible working conditions for all staff. This objective is achieved by developing and maintaining cooperative working relationships among employees and encouraging an open and honest atmosphere in which any problem, concern or question is answered quickly and accurately by DBRL supervisors and management.

All staff have the right to present concerns or grievances under the provisions of this grievance process free of restraint, interference, coercion, discrimination, or fear of reprisal. Any violations of this right will subject the violator to disciplinary action. Each member of management is responsible for assuring that every employee under his or her supervision is aware of the right to utilize the grievance process, and the process may be used when informal communications do not reach satisfactory conclusion. Grievance response adjustments, if any, are to be consistent with personnel policy and administrative procedures. All information relative to the grievance will be kept in an individual, confidential grievance file. The Human Resource Manager is available at any time to provide clarification and assistance in the administration of this policy.

If the Executive Director is the subject of the grievance and the DBRL Board (Board) votes to discipline him or her regarding said grievance, information regarding disciplinary action taken by the Board will be made public.

Prior to filing a formal grievance, DBRL encourages staff to discuss the issue thoroughly in a conciliatory effort with their supervisor(s). If such meeting does not produce a solution to the issue in conformity with DBRL policies and procedures, the employee may proceed to the formal grievance process for resolution.

This grievance procedure does not alter the at-will nature of the employment relationship as set forth in Policy 1-220 Nature of Employment and specifically does not create any contractual rights, including, but not limited to, rights to continued employment.

Definition

A formal grievance is a written appeal presented by an employee to change a management decision or administrative practice affecting his or her work, conditions of employment, or employment status (including discharge). A grievance may relate to the

interpretation or application of DBRL policies, procedures, or practices. A grievance may also result when an employee believes improper or unfair treatment with respect to disciplinary action has been taken. The grievance must state the reason for the belief that unfair or unequal treatment has resulted from the decision or practice, how the grievant was negatively affected by the action, and his or her desired remedy.

The policy and procedure herein does not apply to certain categories of employees and actions including, but not limited to, the items listed below:

- Any grievance or concern affecting a temporary employee;
- Rates of pay, employee benefits, and position classification;
- Actions caused by reduction in work force (e.g., termination, layoff, demotion, or job abolishment);
- Work activity accepted by the employee as a term and condition of employment which may reasonably be expected as a part of the job content. Supervisors retain the right to change work assignments for work-related reasons; however, employees may file a grievance if they believe that such actions are applied to them unfairly, inconsistently, or without sufficient reason;
- Non-selection for promotion or transfer when the basis for the grievance is an allegation by the employee regarding the qualification of the person selected; and
- Complaints of employment civil rights violations (e.g., race, sex, age, sexual harassment, etc.). Please refer to Policy 1-290 Complaint of Employment Discrimination and Policy 1-291 Complaint of Sexual Harassment.

GRIEVANCE PROCEDURE

Listed below are general guidelines to follow in utilizing the grievance procedure.

- The policy and procedure herein apply to all regular (non-temporary) full and part-time DBRL employees including newly-hired probationary employees.
- In order to file a formal grievance, the employee must have had an adverse employment action occur within the specified time frame. A grievance cannot be filed on the basis of an **anticipated** adverse employment action.
- Time frames given in the grievance procedure are intended to ensure prompt and thorough action is taken. Any of the time frames specified in the procedure may be extended by mutual agreement of the parties involved or by the Executive Director, unless the Executive Director is a party to the grievance, in which case the Board may extend applicable time frames. The time periods stipulated do not include Saturdays, Sundays or holidays.
- The presentation of a grievance by an employee must follow the designated sequence in an orderly fashion, from one authority to the next higher authority. Only if the grievance is of such nature that the immediate supervisor could not possibly resolve the grievance should the employee bypass one level of supervision and

appeal to the next higher authority. All participants must make an effort to keep the discussion from developing into an adversarial or accusatory process.

- Employees should refrain from bringing frivolous grievances into the process.

Filing Procedure

Listed below are the various steps to follow in filing a grievance and the time frames associated with each Step. If the Human Resource Manager is a party to the grievance the Human Resource Manager's supervisor will process the complaint.

1. Obtain a Grievance Review Request form from the Human Resource Manager.
2. Complete the Grievance Review Request form as instructed. Briefly state the grievance in a clear and concise manner, making sure that all relevant circumstances, dates and witnesses are included. Sign and date the form in the spaces provided. The Human Resource Manager will provide technical assistance as needed.
3. Return the completed Grievance Review Request form to the Human Resource Manager, who will date and forward the grievance and supporting documentation to the first-level respondent within two (2) working days of the date of receipt. A copy will be provided to the grievant by the Human Resource Manager. Once the form is forwarded to the first-level respondent, the grievance process begins.
4. Notify the Human Resource Manager if the grievance is resolved at Step I, below.
5. Obtain a new form for each successive Step. On each subsequent form, indicate the Step of the grievance process and complete the form through the Continuing Action box. Submit a copy of the previous finding of the prior Step and a statement as to why the finding does not satisfactorily resolve the grievance.

STEPS WHERE THE EXECUTIVE DIRECTOR IS NOT THE SUBJECT OF THE GRIEVANCE

STEP I

An employee who believes that he or she has a grievance as defined within this policy may submit the grievance to the Human Resource Manager within thirty (30) working days of the date of the most recent event. The Department Manager will meet with the employee to review the situation carefully and give a written response within fifteen (15) working days of the date of receipt of the grievance. **NOTE: PROBATIONARY EMPLOYEES MUST SUBMIT THEIR GRIEVANCES WITHIN FIVE (5) WORKING DAYS OF THE DATE OF THE MOST RECENT EVENT.**

STEP II

If the decision of the Department Manager is not satisfactory to the grievant, or is not rendered within the stated time frame, the employee may request presentation of the grievance to the Human Resource Manager by notifying him or her within five (5) working days of the date of receipt of the STEP I findings. The Human Resources Manager shall meet with the employee. If appropriate for informational purposes, the Human Resource Manager may contact witnesses to the alleged incident. After

reviewing all relevant information, the Human Resource Manager will consider the Step II grievance and render written recommendation(s) to the DBRL Executive Director (or other designee as determined by the Executive Director) within fifteen (15) working days of the date of receipt thereof. The Executive Director or Executive Director's designee, as applicable, will then meet with the employee and the Department Manager to discuss the Step II grievance and then the Executive Director or Executive Director's designee, as applicable, will issue a written decision within five (5) working days of the date of receipt of such recommendation.

Decisions rendered by the Executive Director or Executive Director's designee in Step II will be final and binding on all parties.

STEPS WHERE THE EXECUTIVE DIRECTOR IS THE SUBJECT OF THE GRIEVANCE

If the Executive Director is the subject of the grievance, the process will be as follows:

STEP I

An employee who believes that he or she has a grievance as defined within this policy may submit the grievance to the Human Resource Manager within thirty (30) working days of the date of the most recent event. The Human Resource Manager will submit the grievance to the Executive Director within two (2) working days of the date of receipt from the grievant. The Executive Director and the Human Resource Manager will meet with the grievant to carefully review the situation and give a written response to the grievant within fifteen (15) working days of the date of receipt of the grievance from the Human Resource Manager.

STEP II

If the decision given is not satisfactory to the grievant, or is not rendered within the stated time frame, the grievant may request presentation of the grievance to the Human Resource Manager by notifying him or her within five (5) working days of the date of receipt of the Step II findings. The Human Resource Manager will submit the grievance to the Board President within two (2) working days of the date of receipt from the grievant. The Human Resources Manager will obtain witness statements and other information as directed by the Board and supply such information along with the Human Resource Manager's report to the Board within fifteen (15) working days of the delivery of the Step II grievance to the Board. The Board will review the report provided by the Human Resource Manager and render a decision on the grievance with written notice to the grievant within fifteen (15) working days of the date of receipt of the report from the Human Resource Manager.

Decisions rendered by the Regional Library Board will be final and binding on all parties.