

CITY OF SAN ANTONIO

Interdepartment Correspondence Sheet

TO: All Holders of Administrative Directives

FROM: Leroy J. Harvey, Director of Personnel

COPIES TO: File

SUBJECT: Change to Administrative Directive 4.26


Date January 17, 1985

Step 2 of the grievance procedure as outlined on page 3 of Directive 4.26 is amended at follows:


Step 2

If the employee is not satisfied with the supervisor's written decision, the employee may indicate his disagreement on the bottom of the supervisor's response form and submit it to the division head within three working days. The division head will INTERVIEW THE AGGRIEVED EMPLOYEE IN PERSON AND TAKE SUCH OTHER ACTION AS NECESSARY TO ASCERTAIN THE FACTS AND CIRCUMSTANCES. THE DIVISION HEAD WILL render a written decision within five working days. Upon mutual agreement of the aggrieved employee and the division head, an extension of not more than five working days can be made.

Please file this memo with A.D. 4.26. The entire directive will not be reprinted at this time.


Leroy J. Harvey
Director of Personnel

Approved:


Louis J. Fox
City Manager

EFFECTIVE DATE: September 21, 1981

REVISION DATES: _____

SUBJECT: GRIEVANCE PROCEDURES

1. Purpose:

- The purpose of this directive is to explain the procedures followed when a City worker wants to register a complaint or file a grievance.

2. Responsibility:

- It shall be the responsibility of the Personnel Department to inform each person hired to work for the City of San Antonio of the availability of a grievance and appeal process.
- It shall be the responsibility of every supervisor, division head and department head to respond to grievances within specified time limits so that grievances are resolved at the lowest possible level. Furthermore, supervisors, division heads and department heads shall ensure that grievants are free from harassment or any form of reprisal.
- It shall be the responsibility of the department heads to insure compliance with the grievance procedure. At each phase of the appeal process supervisory personnel shall inform the grievant of the next step in the grievance process and the time limits, should the decision not be satisfactory to the employee.

3. Definitions:

- Complaint means a city worker's dissatisfaction with some condition(s) of the job and/or relationship with others on the job, which are outside her/his control.
- A job related grievance is associated with an incident, a disciplinary action, other than dismissal, suspension or demotion, or some occurrence within the authority of the immediate supervisor to alter. A complaint does not become a grievance unless and until the individual complaining has (1) discussed the causes of the complaint with the immediate supervisor, (2) the immediate supervisor has rendered a decision which is unsatisfactory to the individual or has failed to render a decision on time. At this point in the process the complaint becomes a grievance.

4. General Guidelines:

- To avoid duplication, the following issues will not be subject to the grievance procedure:
 - (1) Disciplinary demotions, suspensions, or terminations which may be appealed to the Municipal Civil Service Commission.
 - (2) Complaints alleging discrimination because of race, color, national origin, sex, religion, age (40-70) handicap or political belief or affiliation, which may be appealed to the Department of Equal Employment Opportunity.

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- (3) Complaints involving the employee's performance appraisal, which may be appealed to the reviewing officer and department head, under the procedure contained in the Employee Appraisal Manual.
- Working days as used in this directive shall mean the regularly scheduled work days of the individual (grievant, supervisor, division head, department head) required to take action at any step of the procedure.
 - If there is a question as to whether or not a particular issue is a grievance which may be appealed through this procedure, the Department Head will send a memorandum to the Personnel Department, Employee Relations Division. The Employee Relations Division will render a written determination on the grievability of the issue. If the aggrieved employee and the Department Head both concur with this determination, the grievance will be continued or not, consistent with Personnel's recommendations.
- If either party disagrees, the matter will be forwarded to the City Manager for a decision. The City Manager's decision is final.
- Grievances will not be accepted at any step unless the employee presents his grievance within the time limits specified. Any employee who does not submit his grievance to the appropriate step in a timely manner will be deemed satisfied with the action at the previous step and will have no further rights to grieve the issue.
 - If supervisors, division heads or department heads do not respond to a grievance within specified time limits, this may be treated by the employee as an unsatisfactory response, and the employee may proceed to the next step within three working days after the time limit for response expires.

5. Procedures:

Step 1 (informal)

Any employee having a complaint, which is within the authority of supervision to adjust, first will discuss the problem with the immediate supervisor. The employee must initiate this discussion within 30 calendar days of the incident leading to the complaint. The supervisor is required to render a decision within three working days. If the supervisor does not make his/her decision on time, the employee may proceed to the formal step, within three working days.

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SUBJECT: GRIEVANCE PROCEDURES - CONTINUED PAGE 3Step 1 (formal)

If the employee is not satisfied with the supervisor's decision he/she may submit the grievance in writing on a standard grievance form to the immediate supervisor within three working days. One copy of the form will be sent to the Employee Relations Division of the Personnel Department and one to the Department Head. The issues in writing on the form will be the only ones considered at all subsequent steps of the procedure. The supervisor must render a written decision on the proper form within two working days.

Step 2

If the employee is not satisfied with the supervisor's written decision, the employee may indicate his disagreement on the bottom of the supervisor's response form and submit it to the division head within three working days. The division head will render a written decision within five working days. Upon mutual agreement of the aggrieved employee and the division head, an extension of not more than five working days can be made.

Step 3

If the division head's decision fails to satisfy the employee, the employee may indicate his disagreement and submit the grievance file to the department head within three working days. The department head shall interview the aggrieved employee in person and take such other action as necessary to ascertain the facts and circumstances. The department head may affirm, deny or modify the division head's decision. The department head's written decision will be rendered within 10 working days. Upon written mutual agreement between the aggrieved and department head, an extension of not more than five working days can be made.

Step 4

Should the department head's decision fail to satisfy the employee, an appeal may be made, by submitting the grievance file to the City Manager within five working days.

The City Manager will instruct the Employee Relations Division of the Personnel Department to appoint a grievance committee of three members. The committee will be selected from City departments other than the one in which the grievance arose. It will include at least one employee in a job of similar pay, responsibility and working conditions as the aggrieved employee. It will also include at least one supervisor of person in jobs similar to that of the aggrieved employee. Names of the committee members will be submitted to the aggrieved employee and the Department Head.

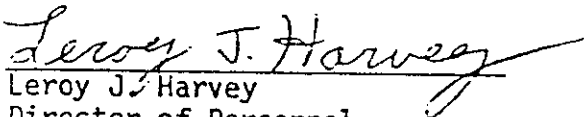
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SUBJECT: GRIEVANCE PROCEDURES - CONTINUED PAGE 4

Within fifteen working days of its appointment, the committee will investigate the grievance by reviewing all pertinent documentation and interviewing all witnesses presented by the aggrieved employee and the department head. The committee will report its written findings and recommendations to the City Manager.

The City Manager will act on the grievance committee's recommendations and may affirm, deny or modify the recommendations. The decision of the City Manager is final.


Leroy J. Harvey
Director of Personnel


Thomas E. Huebner
City Manager

STEP 1 – EMPLOYEE

INSTRUCTIONS

Before completing this form, discuss your complaint with your immediate supervisor. Be sure to talk to your supervisor within 30 calendar days of the incident you are dissatisfied with. After telling your supervisor about the problem, he or she has three working days to give you an answer. If you are not satisfied with that answer, put your grievance in writing on this form within three working days after getting your supervisor's answer. If you do not receive an answer on time, you may complete this form within three working days after the supervisor's time runs out.

1. Be sure you have all four copies in the set (white, green, yellow and pink). You will not need carbon paper but you will have to write firmly enough to go through all copies. This form does not need to be typed.
2. Print your name and job title in the spaces provided at the top of the form. If you wish a union or some else to represent you, print their name. Print the name of your supervisor and the name of the department where you work.
3. Under statement of grievance, tell what happened in your own words. Put down the date of the incident. Include all important facts such as who was involved in the incident, where it occurred and the names of witnesses. Be complete. Your supervisor will not be able to take action on any problem not included on this form.
4. Under adjustment, tell what you think should be done to correct the problem.
5. Sign and date the form.
6. Give this form to your supervisor and ask him or her to sign and date it.
7. After both you and your supervisor have signed the form, you will receive the pink copy. Keep this for your records, or give it to your representative. Your supervisor will send out the other copies.
8. Your supervisor must give you a written answer to this grievance within two working days. If you do not receive a written answer on time, you may take your pink copy to the person who is in charge of the division where you work within three working days after the supervisor's time runs out.
9. If you have any questions about the Grievance Procedure, you may call the Employee Relations Division of the Human Resources Department.

STEP 2- SUPERVISOR

INSTRUCTIONS

The supervisor's written response must be completed on this form within two working days after the supervisor acknowledges receipt of the written grievance.

1. Be sure you have all four copies in the set (white, green, yellow and pink). You will not need carbon paper but you will have to write firmly enough to go through all copies. This form need not be typed.
2. Complete identification information at the top of the form.
3. Write your response to the employee's grievance and the adjustment he is seeking.
4. Write in the name of the Division Head in the space provided on the employee response section of the form.
5. Sign and date the form and give it to the employee to sign and date. Ask the employee to check whether he agrees or disagrees with the response.
6. If the employee is satisfied, file the white copies and send out the other copies according to the distribution.
7. If the employee is not satisfied, give him or her this copy set attached to the original white grievance form. It is the employee's responsibility to take the forms to the Division Head and obtain the Division Head's acknowledgement.
8. After all signatures are obtained, the Division Head will give the employee the pink copy and send out the remaining copies in accordance with the distribution.
9. If you have any questions about the Grievance Procedure, you may call the Employee Relations Division of the Human Resources Department.

STEP 3– DIVISION HEAD

INSTRUCTIONS

The division head's written response must be completed on this form within five working days after the division head acknowledges receipt of the appeal to his step. Upon mutual agreement of the aggrieved employee and the division head, an extension of not more than five working days can be made.

1. Be sure you have all four copies in the set (white, green, yellow and pink). You will not need carbon paper but you will have to write firmly enough to go through all copies. This form need not be typed.
2. Complete identification information at the top of the form.
3. Write your response to the employee's grievance and the adjustment he is seeking.
4. Write in the name of the Department Head in the space provided on the employee response section of the form.
5. Sign and date the form and give it to the employee to sign and date. Ask the employee to check whether he agrees or disagrees with the response.
6. If the employee is satisfied, file the white copies and send out the other copies according to the distribution.
7. If the employee is not satisfied, give him or her this copy set attached to the white grievance forms. It is the employee's responsibility to take the forms to the Department Head and obtain the Department Head's acknowledgement.
8. After all signatures are obtained, the Department Head will give the employee the pink copy and send out the remaining copies in accordance with the distribution.
9. If you have any questions about the Grievance Procedure, you may call the Employee Relations Division of the Human Resources Department.

STEP 4-- DEPARTMENT HEAD

INSTRUCTIONS

The department head's written response must be completed on this form within ten working days after the department head acknowledges receipt of the appeal. The department head should interview the employee in person before making his/her decision. Upon mutual agreement of the aggrieved employee and the department head, an extension of not more than five working days can be made.

1. Be sure you have all four copies in the set (white, green, yellow and pink). You will not need carbon paper but you will have to write firmly enough to go through all copies. This form need not be typed.
2. Complete identification information at the top of the form.
3. Write your response to the employee's grievance and the adjustment he is seeking.
4. Sign and date the form and give it to the employee to sign and date. Ask the employee to check whether he agrees or disagrees with the response.
5. If the employee is satisfied, file the white copies and send out the other copies according to the distribution.
6. If the employee is not satisfied, give him or her this copy set attached to the white grievance forms. It is the employee's responsibility to take the forms to the City Manager and obtain an acknowledgement.
7. After all signatures are obtained, the City Manager's Office will give the employee the pink copy and send out the remaining copies in accordance with the distribution.
8. If you have any questions about the Grievance Procedure, you may call the Employee Relations Division of the Human Resources Department.