

## **GRIEVANCE PROCEDURE 2.08**

### **I. PURPOSE**

Allied Services realizes that disagreements or disputes in an organization will occur. The Grievance Procedure provides employees with a structured and fair means of resolving such workplace disagreements or disputes beginning at the lowest supervisory/management level. Employees are encouraged to use this procedure as an efficient, and effective method of correcting problems, thus providing employees access to management to raise questions and concerns without fear of retribution.

### **I. POLICY**

- A. The philosophy of Allied Services, as an employer, is that most disputes and disagreements which arise in the course of employment should be capable of being resolved by the employees involved, working with the management structure of Allied Services, without third-party (outside) representation (i.e., arbitrators, lawyers, counsel). Thus, no third-parties are recognized or permitted under this procedure. The intent is to speed the process of resolving the underlying dispute/disagreement and eliminate potential cost to both the employee and Allied Services.
- B. Allied Services retains and shall exercise the sole and exclusive right to manage its business in all of its operations, activities, and affairs. These rights include, for example, management decisions on wage rates, work rules, hours of work, work schedules, equipment, staff patterns, and other such operational issues. Management's exercise of its rights and prerogatives shall not be subject to this Grievance Procedure; Allied Services therefore reserves its right, upon its review of any grievance, to determine whether the issue(s) raised by that grievance is (are) appropriately grievable in accordance with this policy. However, a claim by an employee that a supervisor has violated a specific policy of Allied Services—even though that policy was created by an exercise of a management right—may be heard through this Grievance Procedure. If an employee needs assistance in determining whether or not an issue is grievable, he/she should contact the Human Resources Department.
- C. No employee may be reprimanded, disciplined, penalized, harassed, or otherwise discriminated against by anyone as a result of initiating a grievance.
- D. Confidentiality shall be maintained throughout the grievance procedure.

- E. All documentation involving a grievance will be maintained in a separate file and does not become part of the employee's personnel file. (However, an employee's written response to a disciplinary notice, performance appraisal, etc. will be placed in the employee's personnel file upon his/her request.)

## **II. DEFINITION OF AN EMPLOYEE GRIEVANCE**

- A. A grievance is defined to be any difference between Allied Services and an employee regarding any of the following issues: discipline, discharge, any type of discrimination, policy violations, and/or mandatory demotions. Promotion, transfer, layoff, recall, and hiring issues will be grievable under the policy only if they relate to specified policy violations.
- B. Performance Appraisals—disagreements with performance appraisals will not normally be grievable through the procedure. However, if the point score on an employee's performance appraisal is in the "improvement needed" or "unacceptable" range, he/she may grieve to his/her supervisor's supervisor. If that individual was involved in the preparation of the appraisal, the employee would grieve to the next higher level of supervision in the department/division.

## **III. EMPLOYEE ELIGIBILITY TO UTILIZE THE GRIEVANCE PROCEDURE**

- A. Current employees below the department-head level who have completed their evaluation period are encouraged to use this procedure to resolve work-related problems. Although management at or above the department-head level are not eligible to grieve under this procedure, they are strongly encouraged to discuss concerns, especially those involving claims of discrimination, with Human Resources, their divisional Vice-President, or the President of Allied Services.
- B. Employees who have been discharged (except those at or above the department-head level) may utilize this grievance procedure, beginning with their submission of a written grievance to the Human Resources Department within no more than seven (7) calendar days from the date of termination.

## **IV. ROLE OF HUMAN RESOURCES DEPARTMENT**

A staff member of the Human Resources Department will be designated to act as coordinator for any grievance. The individual, so designated, shall be the Grievance Review Coordinator for that case. However, that individual shall be available during all steps of the grievance procedure to answer questions about the grievance procedure and related forms, policies, etc. Specific responsibilities will include:

- A. Advising both parties, upon request, whether or not submitted grievances are in accordance with the published definition of grievable matters which are considered appropriate for the grievance procedure.
- B. Acting as an information resource person in the area of Allied Services Human Resources Policies.

- C. Answering employee questions about the grievance procedure.
- D. Advising both parties of time limitations established in the procedure.
- E. Explaining to the parties and to the Grievance Review Panel its role and that of Allied Services counsel in the proceedings. The Panel may request to have counsel present to assist it with questions on procedure, "just cause", hearsay and other rules of evidence, and such other issues and questions that may arise during the course of a grievance hearing. Allied's counsel will not act as advocate for either management or the grievant in the grievance hearing, but will be available to either party at any time prior to or during that proceeding to answer procedural questions they may have.

## **PROCEDURE**

Settling employee grievances at the lowest possible level is strongly encouraged. Under normal conditions, a discussion between the employee and his/her immediate supervisor will solve most problems. Since a reasonable solution does not always occur at this level, the following four (4) step procedure is available. During Step One (1), Two (2), and Three (3) of the procedure, the individual(s) hearing the grievance is **encouraged** to meet with the employee and other individuals deemed necessary as part of the grievance investigation process. However, if the employee specifically requests a meeting when filing a grievance at Step One (1), Two (2), or Three (3), one will be scheduled.

### **A. STEP ONE**

1. Employees shall submit to their supervisor or Human Resources a completed grievance form and provide a copy to the Grievance Review Coordinator within seven (7) calendar days from the first date of the grievable incident or problem. Forms are available in the Human Resources Department (sample attached) and must be completed in full by employees prior to presenting to their supervisor. The form must include: facts relating to the grievant's complaint; policies, procedures or practices misapplied; dates of the incidents; and desired action or resolution. If the grievance involves alleged discrimination by the employee's immediate supervisor, he/she may instead proceed directly to Step Two.
2. The employee's supervisor will have ten (10) calendar days from the date he/she received the grievance form to investigate the grievance, make a decision and respond in writing to the employee.
3. The supervisor will forward a copy of the grievance form, including his/her written decision, to the Grievance Review Coordinator. The employee will retain a copy of the form.

4. If employees are not satisfied with the response from their immediate supervisor, they may proceed to Step Two, provided they do so in a timely manner as outlined below.

**B. STEP TWO:** Next Level of Supervision (must be Department-head level or above)

***Note: all issues being grieved by the grievant must have been raised in the initial grievance, or they are deemed waived. A grievant cannot subsequently expand the nature or scope of the filed grievance to include issues not raised by the original written grievance (except as that grievance may have already been modified within Step One).***

1. Employee shall notify the Grievance Review Coordinator, in writing within five (5) calendar days of the Step One decision, their request to proceed to Step Two.
2. The Department-head, Assistant Vice-President, etc., will have ten (10) calendar days from the date he/she receives the grievance form to investigate the grievance, make a decision and respond in writing to the employee.
3. The Department-head, Assistant Vice-President, etc. will forward a copy of the grievance form, including his/her decision, to the Grievance Review Coordinator. The employee will retain a copy of the grievance form.
4. If employees are not satisfied with the decision reached at the Step Two level, they may proceed to Step Three, provided they do so in a timely manner as outlined below.

**C. STEP THREE:** Divisional Vice-President (or Allied Services President or his/her designee, if Divisional Vice-President is directly involved in grievance)

1. The employee or supervisor shall contact the Grievance Review Coordinator, in writing, within five (5) calendar days of the Step Two decision to request to proceed to Step Three. The Grievance Review Coordinator will forward a copy of the Step Two decision to the appropriate divisional Vice-President or the President (or his/her designee).
2. The Divisional Vice-President (or the President or his/her designee), will have fourteen (14) calendar days from the date of receipt of the grievance to investigate the grievance, make a decision, and meet with the employee to present and discuss his/her written decision; provided that the grievant, manager, or supervisor involved, and other key individuals employed by Allied Services and directly involved with the underlying events must make themselves available to the Divisional Vice-President (or other decision-maker) as he/she determines necessary in order to make his/her decision.

**D. STEP FOUR: Grievance Review Panel**

1. The employee shall contact the Grievance Review Coordinator, in writing, within no more than five (5) calendar days from the date of receipt of the Step Three decision, to request that the grievance be heard by the Grievance Review Panel. The Grievance Review Coordinator will coordinate the selection of review panel members and the scheduling of the review panel hearing. The review panel will hear the grievance within thirty (30) calendar days from the date of the employee request to proceed to Step Four and will submit a written decision to the Grievance Review Coordinator within thirty (30) calendar days from the date of the hearing. A Grievance Review Panel may choose to provide only a written short form summary of its decision, prior to issuing, at a later date, its full written decision (inclusive of the Panel's complete analysis) particularly where the parties jointly request that procedure.
2. The review panel shall consist of five (5) persons: two (2) staff-level and two (2) supervisory-level personnel selected at random from a pool of grievance review committee members, and one exempt member of the Human Resources Department (other than the Grievance Review Coordinator). The Human Resources member will chair the panel and vote only to break a tie.
  - a. The grievance review committee shall consist of approximately twenty-five (25) supervisory and staff-level employees from various divisions of Allied Services. Committee members will be selected in advance by the Human Resources Department and the divisional Vice-Presidents, and will be trained in grievance resolution techniques and related policies and procedures. Committee members will serve a one (1) year term but may opt to serve additional terms. To be eligible for the committee, employees must be employed for at least one (1) year and must have a favorable personnel record (free of discipline, unsatisfactory performance, etc.). Employees selected to serve may refuse to do so without prejudice.
  - b. Committee members will be allowed adequate time during their normal working hours to fulfill review panel assignments; or, if unable to serve during their normal working hours, the time required will be treated as hours worked. (Overtime will be paid if due, for non-exempt employees.)
  - c. Committee members selected to hear a particular grievance shall have no connection with the grievant, his/her department, and/or circumstances surrounding the grievance.

3. The review panel shall hear direct testimony presented by the aggrieved employee, his/her supervisor and such other persons as shall be deemed relevant by the parties. Each side shall have twenty (20) minutes to present their sided of the problem. Both parties may submit relevant documentation to support their claim. After the employee and supervisor testify, both parties may present relevant witness (with prior approval of the Grievance Review Coordinator). Panel members may question both parties and witnesses. The panel shall also review relevant documentation, policies and other tangible evidence which is directly relevant to the grievance.
4. The review panel shall decide to uphold or reverse the Step Three decision and determine appropriate remedies including reinstating the employee with back pay. The panel shall be bound by Allied Services policies and procedures in making its decision. Previous decisions of grievance hearings in similar cases may be used as guidelines. Review board decisions will be by majority vote.
5. **THE DECISION OF THE REVIEW PANEL IS FINAL AND BINDING ON BOTH PARTIES IN THE DISPUTE.**

#### **TIME LIMITATIONS**

The time limits established in the grievance procedure shall be followed by the parties hereto. If the time procedure is not followed by the employee at any time during the grievance process (or employee's supervisor in Step Four), the grievance shall be considered settled. If the time limits are not followed by the employer, the grievance shall automatically advance to the next step. The time limits established herein may be extended by mutual agreement in writing, or in unusual circumstances, (illness, etc.) with the approval of the Grievance Review Coordinator.