

GRIEVANCE PROCESS BY BARGAINING UNIT

November 30, 2010

BARGAINING UNIT	INFORMAL STEP	STEP ONE	STEP TWO	STEP THREE
General Unit	It is encouraged that all grievances be resolved at the lowest level possible. Attempts shall be made, between the grievant and the supervisor in the chain of command up to and including the division head, to adjust all grievances on an informal basis.	<p>No later than 10 working days following the act or omission giving rise to the grievance, the grievant must present such grievance in writing on the appropriate form to the HR Department. A meeting is required.</p> <p>The Department Head and Human Resources Representative shall meet with the involved parties (grievant, union representatives, supervisors and manager) and communicate a written decision to the employee within 10 working days of receipt of grievance.</p>	<p>The grievant may appeal a Step One decision or a Skelly decision to the City Manager (disciplinary appeals related to the Skelly process shall commence at Step two).</p> <p>The grievant must file an appeal within 10 working days of the Step 1 or Skelly decision. The City Manager meets with the involved parties and communicates a written decision within 10 working days after receiving the appeal.</p>	<p>If the grievant is not satisfied with the disposition of the grievance at Step two, the grievant may request that the Union submit the grievance to binding arbitration. If the Union wishes to move the matter to Step three, it must submit a request in writing to the MERO within 15 working days after the Step 2 decision. Costs of the arbitrator are to be shared.</p> <p>The grievance/arbitration process is the exclusive remedy. Both parties waive rights to utilize any other legal or administrative forum. However, either party may seek to confirm, vacate or correct the arbitrator's award pursuant to California Law, Code of Civil Procedure (Section 1285 et. seq.).</p>
Refuse Unit	<p>Except for disciplinary matters, grievants shall first attempt to orally and informally resolve the matter with the immediate supervisor.</p> <p>If there is no satisfactory resolution, the grievance may proceed to Step one subject to time limits (10 working days following the act or omission).</p>	<p>The grievance must be presented in writing to the Director of Human Resources on the appropriate form no later than 10 working days from the act or omission that gave rise to the grievance.</p> <p>The Department Head and the Human Resources Director shall hear the grievance and jointly communicate a written decision to the grievant within 10 working days of receipt of the grievance.</p>	<p>The grievant may appeal a Step one decision by filing a grievance with the City Manager. The appeal must be filed within 10 working days of the Department Head's written decision.</p> <p>The City Manager shall communicate a written decision within 10 working days after receiving the appeal.</p>	<p>The grievant may request that the Union submit the grievance to binding arbitration. Union has exclusive authority. The Union must submit its request in writing to the Human Resources Department within 30 working days after the Step 2 decision. Costs of the arbitrator are shared.</p> <p>The grievance/arbitration process is the exclusive remedy. Both parties waive rights to utilize any other legal or administrative forum. However, either party may seek to confirm, vacate or correct the arbitrator's award pursuant to California Law, Code of Civil Procedure (Section 1285 et. seq.).</p>
IBEW	<p>Except for disciplinary matters, the grievants shall first attempt orally and informally to resolve the matter with the immediate supervisor.</p> <p>If there is no satisfactory resolution, the grievance may proceed to Step one subject to time limits (10 working days following the act or omission).</p>	<p>The grievance must be presented in writing to the Director of Human Resources on the appropriate form no later than 10 working days from the act or omission that gave rise to the grievance. Either party is entitled, upon request, to a meeting at this step of the grievance procedure.</p> <p>The Department Head and the Human Resources Director shall hear the grievance and jointly communicate a written decision to the grievant within 10 working days of receipt of the grievance.</p>	<p>The grievant may appeal a Step one decision by filing a grievance with the City Manager. The appeal must be filed within 10 working days of the Department Head's written decision. Either party is entitled, upon request, to a meeting at this step of the grievance procedure.</p> <p>The City Manager shall communicate a written decision within 10 working days after receiving the appeal.</p>	<p>The grievant may request that the Union submit the grievance to binding arbitration. Union has exclusive authority related to all matters except disciplinary matters. If requested, Union or grievant submits written request to the City Manager within 30 working days after the Step 2 decision. Costs of the arbitrator paid by the losing party.</p> <p>The grievance/arbitration process is the exclusive remedy. Both parties waive rights to utilize any other legal or administrative forum. However, either party may seek to confirm, vacate or correct the arbitrator's award pursuant to the California Law, Code of Civil Procedure (Section 1285 et. seq.)</p>

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Fire and Police Units	<p>Presentation of the grievance shall be presented to any supervisor in the employee's chain of command up to and including the Division Head within 10 working days of the act or occurrence.</p> <p>As a general policy, attempts shall be made to ascertain all facts and adjust all grievances on an informal basis between the grievant and a supervisor in the chain of command up to and including the Division Head.</p>	<p>If the grievance is not adjusted to the satisfaction of the grievant within 5 working days after presentation of the grievance at the informal level, the grievant shall submit the grievance in writing to the Department Head within 10 working days.</p> <p>The Department Head meets with the grievant within 5 working days of receipt of the written grievance and communicates a decision to the grievant within 5 working days after the meeting.</p>	<p>If the grievant is not satisfied with the decision of the Department Head, the grievant may, within 10 working days after receipt of the department head's decision, submit in writing the grievance and request for arbitration to the Assistant City Manager for review.</p> <p>Non-disciplinary grievances may be heard by an arbitrator who shall make advisory recommendations to the City Manager. The City Manager's decision shall be final.</p> <p>Disciplinary grievances for regular employees suspended for 10 days or more (3 shifts or more for Fire personnel assigned to work more than 40 hours per week), are demoted in rank, or are terminated, can be appealed to binding arbitration. Either party may seek review of the Hearing Officer's decision pursuant to Code of Civil Procedure Section 1094.5 (Court review)</p> <p>All other disciplinary grievances can be appealed to binding arbitration. The arbitrator's decision shall be final. Arbitrator's decision can only be reviewed pursuant to Code of Civil Procedure Section 1285 et seq. (petition to correct or vacate arbitrator's award).</p>	No step 3 for these bargaining units.
Management & Confidential (Classified)	An attempt shall be made to ascertain all facts and adjust all grievances on an informal basis between the employee and, if he/she desires, his/her designated representative and a supervisor in the employee's chain of command up to and including the Division head. Presentation of the grievance shall be made within 10 working days of the incident causing the grievance.	<p>If the grievance is not adjusted to the satisfaction of the employee involved within 5 working days after presentation of the grievance, the grievance shall be submitted in writing to the Department Head within the next 10 working days.</p> <p>The Department Head shall meet with employee and/or his/her designated representative within 5 working days of receipt of the written grievance.</p> <p>The Department Head shall deliver his/her answer to the employee within 5 working days after the meeting.</p>	<p>If the grievance is not adjusted to the satisfaction of the employee involved, the employee and/or his/her representative shall submit a written request for a hearing to the HR Director for transmittal to the HR Board. The request must be made within 5 working days after the Department Head's answer is received.</p> <p>The Chairperson of the HR Board shall set the date of the hearing as the first item on the agenda at the next regularly scheduled meeting. The grievant shall receive a copy of the notice of the time and place set for the hearing within 5 working days prior to the date of the hearing.</p>	<p>The HR Board shall submit written findings and conclusions together with such recommendations as it deems proper to the City Manager within 10 working days after the completion of the hearing.</p> <p>The City Manager or the Manager Pro Tem shall deliver his answer to the employee and/or his representative within 5 working days after receipt of HR Board's recommendations. The City Manager or Manager Pro Tem's decision shall be final and conclusive.</p>