

TOWN OF SAN ANSELMO

RESOLUTION NO. 1650

RESOLUTION ESTABLISHING PROCEDURE FOR PROCESSING AND RESOLVING EMPLOYEE GRIEVANCES

WHEREAS, a formal grievance procedure is essential to orderly employer-employee relations; and

WHEREAS, such a procedure has been developed in consultation with organizations representing Town employees as called for in collective bargaining agreements;

NOW, THEREFORE, BE IT RESOLVED that this Council hereby adopts the following procedure for processing and resolving employee grievances.

1. DEFINITION, SCOPE AND RIGHT TO FILE

- A. A grievance is claimed violation, misinterpretation, inequitable application of, or noncompliance with provisions of a collective bargaining agreement, or of State law, or of a Town ordinance, resolution, rule, regulation or existing practice affecting the status or working conditions of Town employees, except that a disciplinary action taken under Chapter 3 of Title 2 of the San Anselmo Municipal Code, or a change in an existing benefit or purported existing benefit not encompassed in a collective bargaining agreement, State law or Town ordinance, is not a grievance within the meaning of this resolution.
- B. A grievance may be filed by any employee, except a management employee excluded from a representation unit. A grievance may be filed by an employee in his own behalf, or jointly by a group of employees, or by a recognized employee organization.

II. INFORMAL GRIEVANCE

- A. Within five working days of the event giving rise to a grievance, the grievant shall present the grievance informally for disposition by the immediate supervisor, or at any appropriate level of authority.
- B. Presentation of an informal grievance shall be a prerequisite to the institution of a formal grievance.

III. FORMAL GRIEVANCE

- A. If the grievant believes that the grievance has not been redressed within five working days, he may initiate a formal grievance within five working days thereafter. A formal grievance can only be initiated by completing and filing with the Administrative Office a form provided by the Administrator for this purpose. The

form shall contain:

1. Name (s) of grievant (s)
2. Class Title (s)
3. Department (s)
4. Mailing address (es)
5. A clear statement of the nature of the grievance (citing applicable ordinance, contract language, or other governing provisions).
6. The date upon which the grievance occurred.
7. A proposed solution to the grievance.
8. The date of execution of the grievance form.
9. The signature of the grievant.
10. The name of the organization, if any, representing the grievant followed by the signature of the organization's representative.

B. Step 1

Within ten working days after a formal grievance is filed, the department head shall investigate the grievance, confer with the grievant in an attempt to resolve the grievance, and make a decision in writing.

C. Step 2

1. If the grievance is not resolved in Step 1 to the satisfaction of the grievant, he may, within not more than five working days from his receipt of the Department Head's decision, request consideration of the grievance by the Administrator, by so notifying the Administrative Office in writing.
2. Within ten working days after such notification, the Administrator shall investigate the grievance, confer with persons affected and their representatives to the extent he deems necessary, and render a decision in writing.
3. If the decision of the Administrator resolves the grievance to the satisfaction of the grievant, it shall bind the Town, subject to ratification by the Town Council if the decision requires an unbudgeted expenditure.
4. If the decision of the Administrator does not resolve the grievance to the satisfaction of the grievant, he shall advise the grievant, in writing, of his decision and the alternatives under Step 3, should the grievant choose to proceed further.

D. Step 3

1. A final appeal to Step 3 may be filed, in writing, with the Administrative Office not more than five working days from receipt by the grievant of the Administrator's decision.
The grievant may, to the extent provided below, select either Alternative A or Alternative B as the final appeal step.
2. Alternate A. The grievance shall be determined by the Board of Review. The decision of the Board shall be made in writing within thirty calendar days after the filing of the appeal and shall be final and binding on all parties, subject to ratification by the Town Council if the decision requires an unbudgeted expenditure.
3. Alternate B. Provided:
 - (a) The Administrator and the grievant agree on the issues to be arbitrated, or
 - (b) The grievance pertains to the specific terms of any existing collective bargaining agreement:
the grievance shall be determined by an arbitrator selected by mutual agreement between the Town and the grievant. The decision of the arbitrator shall be final and binding on all parties, subject to ratification by the Town Council if the decision requires an unbudgeted expenditure.

IV. GENERAL CONDITIONS

- A. The Administrative Office shall act as a central repository for all grievance records.
- B. Any time limit may be extended only by mutual agreement in writing.
- C. An aggrieved employee may be represented by any person or organization of his choice at any stage of the proceedings. A representative of an organization certified as exclusive representative of a majority of employees in a representation unit, in which an aggrieved employee is included, is entitled to be present at all meetings, conferences, and hearings.
- D. All expenses of arbitration shall be shared equally by the Town and the grievant.
- E. Failure on the part of the Town or the grievant to appear before the Board of Review or an arbitrator, without good cause, shall re-

sult in forfeiture of the case and responsibility for payment of all costs of arbitration.

I, CAROLINE FOSTER, Clerk of the Town of San Anselmo, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the Council of said Town on Tuesday, March 23, 1976 by the following vote, to-wit:

AYES: COUNCILMEN: Capurro, Toal, Colteaux, Reed, Signorelli

NOES: None

ABSENT: None

Caroline Foster

CAROLINE FOSTER, Town Clerk