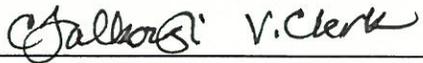


POLICY ID: <i>HR-009</i>		TITLE: <i>Grievance Procedure Policy</i>	
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISION EFFECTIVE DATE: <i>Immediate</i>		APPROVED BY VILLAGE BOARD: 	DATE: <i>8/22/2011</i>
APPLIES TO:		<input checked="" type="checkbox"/> FLSA EXEMPT	<input checked="" type="checkbox"/> FLSA NON-EXEMPT
		<input checked="" type="checkbox"/> REPRESENTED EMPLOYEES	<input checked="" type="checkbox"/> Non-REPRESENTED EMPLOYEES
<i>This policy applies to all Village of Kronenwetter employees in the categories checked in this section. Provisions within individual personal contracts or a collective bargaining agreement may supersede certain parts of this policy.</i>			

I. Purpose.

The purpose of this Policy is to set forth the procedure to be followed with respect to grievances by employees, union, and non-union. The terms of this Policy shall control unless another valid and enforceable grievance procedure exists in a collective bargaining agreement that applies to the matter.

II. Definitions.

A grievance is defined as a dispute or misunderstanding regarding the actions of Village officials with regard to the following:

- Employee termination

“Termination” includes an involuntary end to employment but excludes a voluntary quit; a layoff or failure to be recalled from layoff at the expiration of any recall period; retirement; job abandonment such as “no-call, no-show,” or failure to report to work; any workforce reduction activities; job transfer; action taken for failure to meet the qualifications of a position; action taken pursuant to an ordinance other than an ordinance specifically addressing employee discharge; death; or the end of the employment of a temporary, contract or part-time employee.

- Employee discipline

“Discipline” includes verbal reprimands; written reprimands; and suspensions without pay. Discipline does not include verbal notices or reminders, written reprimands, performance evaluations, documentation of employee acts and/or omissions in an employment file, non-disciplinary demotions, non-disciplinary adjustments to compensation or benefits, actions taken to address job performance such as establishment of a performance improvement plan or job targets; placing an employee on paid leave pending an internal investigation; or other personnel actions taken by the employer for non-disciplinary reasons.

- Workplace safety

“Workplace safety” includes conditions of employment affecting an employee's physical health or safety, the safe operation of workplace equipment and tools, environmental hazards, safety of physical work environment, personal protective equipment, and workplace violence.

### III. Preliminary Procedures.

#### A. Preliminary Grievance Steps.

Step 1: Prior to filing a written grievance, employees should discuss any problem or complaint with his/her Immediate Supervisor to determine if the grievance can be resolved. Said discussion shall occur within five (5) business days (exclusive of Saturdays, Sundays, and holidays) of the happening or occurrence that gave rise to the grievance. The supervisor shall present his/her response within five (5) business days of the discussion. All time limits in this procedure may be extended by mutual agreement of the parties.

Step 2: If the grievance cannot be resolved at Step 1, the employee must file a written grievance with the Village Administrator no later than ten (10) business days after receipt of the Supervisor's response. The written grievance shall include: (1) a summary of the facts pertaining to the grievance; (2) a listing of all parties involved; (3) the remedy sought by the employee; and (4) the employee's signature. The Village Administrator shall meet with the grievant within ten (10) business days of receipt of the written grievance and then respond in writing within five (5) business days after the meeting.

### IV. Hearing Officer Proceedings.

#### A. Appeal To Hearing Officer.

Step 3: If the grievance is not resolved at Step 2, the employee may appeal a denial by filing a written request for a hearing before a Hearing Officer. This request must be received by the Village Administrator no later than ten (10) business days after the employee receives the Administrator's written response.

On appeal, the Administrator shall transmit the grievance, all grievance responses, and this Grievance Procedure to the Hearing Officer. As soon as is practicable thereafter, the Hearing Officer shall schedule a date for a hearing, but no more than twenty (20) business days after receipt of the materials from the Administrator. The hearing shall be held at a mutually agreeable time in a public building and shall be open to the public unless the Hearing Officer otherwise directs.

#### B. Hearing Procedure.

The Hearing Officer shall have the authority to administer oaths and issue subpoenas at the request of the parties and shall be responsible for the fair and orderly conduct of the hearing and the preservation of the record. Any party requesting a subpoena from the Hearing Officer is responsible for the fees associated with the subpoena. All testimony shall be taken under oath and shall be recorded by a court reporter under the supervision and control of the Hearing Officer, unless another method of recording is mutually agreed to by the parties and approved by the Hearing Officer. All costs associated with the court reporter and preparation of a transcript of the

hearing shall be evenly split between the parties. The Hearing Officer may only overrule a disciplinary action if the action taken was arbitrary or capricious.

C. Hearing Officer Decision.

The Hearing Officer shall submit his or her decision affirming or reversing the action with the reasons therefore in writing to the Administrator and the employee within fifteen (15) business days of the close of the hearing, the submission of the parties' written briefs, or availability of the hearing transcripts; if any, whichever is later, or on a later date mutually agreed upon by the parties.

V. Village Board Review.

A. Appeal to Village Board.

Step 4: Within five (5) business days of the date that the Hearing Officer's decision is mailed, either party may file with the Village Board a written notice of appeal of the Hearing Officer's determination to the Village Board. Any such appeal shall be on the written record, the preparation of which shall be the responsibility and at the cost of the party seeking the appeal. The appealing party shall supply a copy of the written record to the other party without charge. The written record shall be filed with the Village Board within fifteen (15) business days of the notice of appeal. No formal hearing shall be held before the Village Board. The Board shall receive no further evidence on the matter but may request additional written submittals of the parties on matters which were raised before the Hearing Officer or, at its discretion, meet with the parties to review the matter. The Village Board may retain outside counsel if necessary during the process.

B. Village Board Decision.

Within twenty (20) business days of the receipt of the written record, the Village Board shall make and file its written decision with the Administrator's office. The Administrator or designee shall, within five (5) business days, mail a copy of the decision to the last known address of the employee or the employee's representative. The Hearing Officer's determination may be affirmed, modified, or reversed by a majority vote of the Village Board. The Village Board's decision shall be final and binding on the parties. There shall be no subsequent right of appeal.

VI. Hearing Officer Selection.

A. Qualifications/Selection.

The Village may contract with a Hearing Officer to hear and determine appeals at Step 3. Any Hearing Officer so engaged shall not be a Village employee or receiving any compensation or benefits from the Village other than those described below.

The Village Administrator or designee shall create a panel of at least Three (3) individuals when needed who have indicated a willingness to serve in the capacity of Hearing Officer and who are experienced in personnel matters and/or who are active or retired attorneys, retired members of the judiciary, retired administrative staff, or currently on the list of arbitrators or mediators for the Wisconsin Employment Relations Commission, the Federal Mediation and Conciliation Service, or the American Arbitration Association. Each party shall have the right to strike one name from the list and the remaining named person shall serve as hearing officer.

B. Compensation.

The Hearing Officer shall be compensated at the the Hearing Officer's regular rate for the hearing, travel time, and time spent preparing a written decision. The compensation for the Hearing Officer will be split evenly between the parties.

VII. Settlement of Grievance.

A grievance shall be considered waived if not filed or appealed within the designated grievance timelines. Dissatisfaction is implied in recourse from one step to the next step. A grievance shall be deemed settled and dismissed at the completion of any step in the grievance procedure if all parties concerned are mutually satisfied or the grievance has not been timely processed to the next level. All settlements shall be in writing and signed by the employee in question and the appropriate Village official(s) involved at the step level that the grievance was settled.

VIII. Revisions/Updating.

This Policy may be revised, updated, or repealed by the Village Board at any time.

\*This policy was approved as HR-008 due to clerical error. The correct number for this policy is HR-009.