

**RULE 9
GRIEVANCE PROCEDURE**

9.01 Scope:

Except as set forth below, this rule applies to all career service status employees except where the employee has a right to grieve under a collective bargaining agreement.

9.02 Definition:

A grievance is a difference between an employee and the County with respect to the interpretation or application of, or compliance with, the rules and regulations in a disciplinary action. "Grievance," as defined herein, shall not include disputes over any terms and conditions of employment, hiring/promotion, salary scales or wage rates.

9.03 Policy:

- (a) The County is committed to fair employment practices and recognizes its responsibility to review and make reasonable effort to resolve employees' grievances. All eligible employees have a right to file a grievance and shall be assured freedom from coercion, restraint, or reprisal.
- (b) An employee is encouraged first to discuss the problem/dispute with the immediate supervisor.
- (c) If the employee feels the problem/dispute has not been satisfactorily adjusted as a result of this discussion, the employee may advance review in accordance with the procedure set forth under Section 9.05 (Procedure).
- (d) For grievances not related to the employee's department, the grievance should be filed with the Bureau of Human Resources or Agency Human Resources Department, if applicable, which will answer it, or will forward it as appropriate.
- (e) Employees are entitled to a representative of their own choosing at any of the steps provided herein, except his/her immediate supervisor, Bureau Chief, Department Head/designee, or a member of a human resources/personnel office.
- (f) Grievances concerning a discharge, demotion or suspension for a period exceeding 10 working days shall be commenced at the Employee Appeals Board for matters involving employees under the Board's jurisdiction.
- (g) Employees in their initial period of probation as a new employee shall have no recourse or right to the grievance/appeals board procedure.

9.04 Time Limits:

- (a) Grievances, except those commenced at the Employee Appeals Board, must be presented by the employee within 30 calendar days from occurrence of cause for the grievance or 30 calendar days from the date cause should have been known to the employee, whichever occurs later, except that for errors in pay, the time period shall be six (6) months.

- (b) An employee's failure to file a grievance within the time period specified shall constitute a waiver of any rights to advance the grievance. Failure to appear for a hearing after proper notice at any step of the grievance process shall constitute a waiver of rights to further advance a grievance. Time limits will be deemed waived should employees or their representatives request continuances of any hearing or other delay the proceedings, or if indispensable parties are unavailable.

9.05 Procedure:

- (a) **Step One:** The employee advances the grievance as follows:

1. The employee obtains a Grievance Form from the agency or department's human resources office.
2. The employee writes the nature of the grievance and the resolution sought on the Grievance Form and -
 - a. Has the grievance recorded at the agency or department's human resources office.
 - b. Presents the grievance to the immediate supervisor.

In all cases it will be the responsibility of the agency or department's human resources office to maintain a log of the grievances and assign a grievance or file number.

3. Within five (5) calendar days after receipt, the immediate supervisor shall meet with the employee to discuss the grievance.
4. Within five (5) calendar days after the meeting, the immediate supervisor answers the grievance on the Grievance Form and transmits the answer to the employee.
5. If the answer is satisfactory, the grievance procedure is concluded at Step 1.
6. If the answer is not satisfactory, the employee may, within five (5) calendar days after receipt, or if no answer is given, advance the grievance to Step 2.
7. Failure to advance the grievance within five (5) calendar days after the Step 1 answer is due, concludes the grievance procedure.

- (b) **Step Two:** The employee advances the grievance as follows:

1. On the Grievance Form, the employee checks that the answer is not satisfactory, writes the date referred to Step 2 and signs the form. The employee presents the grievance to the Department Head/designee.
2. Within five (5) calendar days after receipt, the Department Head/designee shall meet with the employee to discuss the grievance.
3. Within 10 calendar days after the meeting specified in (2) above, the Bureau Chief/designee or Agency Head of HR, writes the answer on the Grievance Form and transmits the answer to the employee.

- (c) **Step Three:** Only suspensions of one (1) through ten (10) working days may be submitted directly to Step 3.

The employee advances the grievance as follows:

1. Within 5 calendar days after receipt of the Step 2 answer, the employee writes a letter to the BHR Chief, stating that the answer given at Step 2 is unsatisfactory, including specific reasons as to why this answer is unsatisfactory and requesting a review hearing at Step 3.
2. The BHR Chief shall then select a Hearing Officer to hear the grievance. The Hearing Officer will set a date for the appeal hearing within 30 days, and submit a written decision to the employee. The decision of the Hearing Officer is final.

9.06 Appeals to the Employee Appeals Board

- (a) This section applies to all career service employees not covered by a collective bargaining agreement.
- (b) This section governs appeals by an employee of discharge, demotion or suspension for a period exceeding ten days:
- (c) **Hearings and Findings**

1. The employee shall be given written notice of the disciplinary decision by the department head or designee. The employee may appeal the department head's or designee's decision to the Employee Appeals Board by making a written request therefor within (5) five calendar days of the effective date of discipline. An appeal shall not affect the effective date of discipline.
2. The Employee Appeals Board, any of its members, or a hearing officer appointed by the Board may administer oaths and secure by notice both the evidence and witnesses for the production of relevant books and papers.
3. All proceedings before the Employee Appeals Board, one of its members, or a hearing officer appointed by the Board shall be recorded.
4. Upon motion and good cause shown, the Employee Appeals Board may allow discovery by any method available in civil cases in the courts of the State of Illinois.

5. An employee whose discipline is not upheld shall receive full back pay for any period when he or she was off work, or serving in a lower position, less any lesser disciplinary action imposed by the Board. Said employee shall be reinstated to his or her position as determined by the Board, upon notification of the Board's decision, or following such lesser discipline as may be imposed by the Board, as appropriate.

6. Nothing in this section limits the power of the executive department head or his or her designee to take disciplinary action against a subordinate pursuant to these rules.

7. The Employee Appeals Board may issue rules for the hearing before the board concerning conduct of hearings, discovery and any other topic relevant to the proceedings.

(d) Time limits and Continuances

1. The initial hearing shall be set not more than 45 calendar days following receipt of the request for hearing by the Employee Appeals Board.

2. At the initial hearing, the hearing officer or Employee Appeals Board shall set a date for hearing on the appeal. The hearing on the appeal must be completed within 60 calendar days of the initial hearing date, except upon good cause shown.

3. Either party may request a continuance of the hearing on the appeal for good cause shown.

4. The hearing officer or Employee Appeals Board may condition the granting of a request for a continuance by the employee on the employee voluntarily waiving any claim to compensation for the period of the continuance if the employee is ordered to be reinstated.

5. The hearing officer or Employee Appeals Board shall render a decision on the grievance not more than 50 calendar days after the close of the hearing unless a continuance has been granted.

6. Any continuances requested by the employee shall toll the time limitations set forth in this section.

7. If the time limitations provided for in this section are not met, the employee shall be entitled prospectively to the pay and benefits of the position held before the imposition of the suspension or discharge, or in the case of a demotion, the difference in pay between the former and current position, beginning with the first day after the failure to meet the time limit, pending decision of the Employee Appeals Board, but the employee shall have no right to be reinstated except by order of the Employee Appeals Board.

8. The Employee Appeals Board shall file a written report in all cases where a discharged, demoted or suspended employee becomes entitled to the compensation and benefits of his or her former position prospectively by reason of failure to meet a time limit. The report shall be filed with the Board of Commissioners within 21 days of the failure to meet a time limit, and shall contain the causes and circumstances of such failure.

9. No failure to meet a time limit shall deprive the Employee Appeals Board of jurisdiction.

9.07 Miscellaneous Provisions

- (a) In any case where an employee has been charged with an offense which involves criminal proceedings pending before the Grand Jury or in court at the time the grievance is filed with the BHR Chief for hearing, the person so charged may request that the hearing be continued until such time as the criminal proceedings are terminated and such request shall be granted; provided such persons shall execute a waiver of all rights to compensation and benefits during the period of adjournment, and provided further than he/she may terminate his/her request for continuance and waiver upon 10 days notice in writing to the BHR Chief. Said 10 day period begins upon receipt of the termination request by the BHR Chief.
- (b) At any time prior to the announcement of findings and decision, with the express consent of the employee and the approval of the Department Head/designee, the Hearing Officer may accept the employee's resignation in lieu of discharge or suspension. A voluntary resignation may still place the employee on the applicable Agency's Do Not Hire List or Ineligible for Rehire List.

- (c) The Employee Appeals Board may provide by rule for review of suspensions of 10 days or less.