

SUBJECT: GRIEVANCE PROCEDURE FOR NONREPRESENTED EMPLOYEES

Definition: a grievance shall be defined as a dispute or disagreement as to the application of any provision specifically expressed in Sections 3.35, 3.36, 3.37 and 3.38 of the Madison General Ordinances, Personnel Rules or Mayor's Administrative Procedure Memoranda relating to personnel matters except as otherwise provided. The Human Resources Director shall determine whether or not a dispute or disagreement constitutes a grievance as defined herein. This grievance procedure is intended to provide an opportunity for employees and supervisors to address and resolve concerns within the organization in a manner as informal as possible.

General Provision:

1. Grievances may only be filed by permanent nonrepresented employees.
2. Employees and supervisors are encouraged to meet and discuss concerns before proceeding with this procedure.
3. All grievances must be filed within thirty (30) calendar days of the time the employee knew or should have known with the exercise of reasonable diligence of the act giving rise to the grievance and in no case later than ninety (90) calendar days from the date of occurrence of such act(s), otherwise the right to file a grievance is forfeited and no grievance is deemed to exist.
4. Items exempt from consideration for processing under this grievance procedure shall include: disciplinary matters, allegations of discrimination, residency compliance determinations, decisions on passage or extension of probation or trial periods which do not exceed six (6) months, layoffs and displacements pursuant to Sec. 3.35(24) MGO and establishment of position qualification standards.
5. Departure from the steps of the grievance procedure or the time limits in Steps One, Two and Three below may be made by mutual written agreement of the Appointing Authority and the employee. If the Employer, as defined in each step of the grievance procedure, does not answer a grievance within the specified time limits, the employee may elect to treat the grievance as denied at that step and may appeal the grievance to the next step.
6. All grievances must be submitted on the Employee Grievance Report and such report must be completed properly.
7. The City shall recognize, at the grievant's request, one employee representative who shall be a nonrepresented employee. Each nonrepresented compensation group shall designate one (1) primary representative and one (1) alternate. The grievant and either the employee representative of his/her choice or the representative designated by the appropriate Compensation Group shall be allowed to participate in meetings convened pursuant to the steps of the grievance procedure without loss of regular wages.
8. Retaliation against an employee who files a grievance is expressly prohibited.

Steps of the Appeals Procedure:

STEP ONE:

1. An employee's grievance shall be made in writing to the employee's immediate supervisor with a copy to the Human Resources Director. The written grievance shall set forth the nature of the grievance, the fact(s) upon which it is based, the provision(s) allegedly violated and the relief requested.
2. The employee's immediate supervisor or his/her designated representative shall, in consultation with the Human Resources Director, submit a written reply giving the reason(s) for his/her determination to the employee within ten (10) calendar days after the receipt of the written grievance.

STEP TWO:

1. The grievance shall be considered settled on the basis of the Employer's answer at Step One unless within ten (10) calendar days after the supervisor's written answer in Step One, the grievance is again reduced to writing and submitted to the employee's Appointing Authority with a copy to the Human Resources Director.
2. Within ten (10) days of receipt of the grievance, the Appointing Authority or designated representative shall meet with the grievant and his/her representatives to discuss the grievance. The Appointing Authority or a designated representative shall, in consultation with the Human Resources Director, submit a written reply giving the reason for his/her determination to the employee within ten (10) calendar days after the meeting with the grievant.

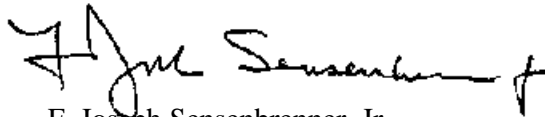
STEP THREE:

1. The grievance shall be considered settled on the basis of the Employer's answer at Step Two unless the employee submits the issue to a dispute resolution panel by filing a written request with the employee's Appointing Authority with a copy to the Human Resources Director within fifteen (15) calendar days after the Employer's answer in Step Two. No item or issue may be the subject of dispute resolution unless such is requested in a timely manner. The dispute resolution panel shall consist of five (5) members appointed by the Mayor. The panel shall not include any person directly involved in the issue giving rise to the grievance. No panel member may serve who is from the same unit or division as the grievant. The five (5) members seats shall be as follows:
 - a. A department/division head who shall act as a management representative.
 - b. A member of the Personnel Board
 - c. A representative of Compensation Group 21.
 - d. A representative of Compensation Group 18/44.
 - e. A representative of Compensation Group 17.

2. Duties of the Dispute Resolution Panel:

The dispute resolution panel shall have no right to amend, modify, nullify, ignore, add to or subtract from the Madison General Ordinances, Personnel Rules or Mayor's Administrative Procedure Memoranda. The panel shall consider and decide only the specific issue(s) submitted to it and shall have no authority to make a decision, submit observations or make declarations of opinions on any other issue(s) not so submitted. No item or issue may be submitted to the panel which has not been first submitted at either Step One or Step Two of the grievance procedure. The Human Resources Director shall assist the Appointing Authority in presenting his/her case to the dispute resolution panel. In cases where there is the granting of discretionary authority to an employer representative, the panel shall sustain the exercise of such discretion unless the exercise is found to be arbitrary or capricious. No award of the panel may be retroactive for a period greater than thirty (30) days prior to the presentation of the grievance in Step One.

3. The decision(s) of the dispute resolution panel shall be final and binding unless such decision is determined by the City Attorney to require the approval of the Common Council in which case such matter(s) shall be submitted to the Common Council for consideration and final approval.



F. Joseph Sensenbrenner, Jr.
Mayor

APM No. 2-16
April 17, 1989