

Barstow Cemetery District

POLICY TITLE: Grievance Procedure

POLICY NUMBER: 3120

3120.1 This policy shall apply to all regular employees in all classifications.

3120.2 The purpose of this policy is to provide a procedure by which an employee may formally claim that he or she has been affected by a violation, misapplication, or misinterpretation of a law, District policy, rule, regulation, or instruction.

3120.3 Specifically excluded from the grievance procedure are subjects involving the amendment of state or federal law, resolutions adopted by the District's Board of Trustees, ordinances or minute orders, including decisions regarding wages, hours, and terms and conditions of employment, and claims or complaints of alleged discrimination or harassment (as there is an alternate procedure for those complaints).

3120.4 Grievance Procedure Steps

3120.4.1 Level I, Preliminary Informal Resolution. Any employee who believes he or she has a grievance shall present the evidence thereof in writing to his or her immediate supervisor within thirty (30) calendar days after the employee knew, or reasonably should have known, of the circumstances which form the basis for the alleged grievance. The immediate supervisor shall hold discussions with the employee within five (5) working days and attempt to resolve the matter within ten (10) working days after the discussions. The supervisor shall provide a written decision to the employee either denying or granting the employee's grievance. It is the intent of this informal meeting that at least one (1) personal conference be held between the employee and the immediate supervisor. If the grievance is against the employee's supervisor, the employee may skip Level I and advance to Level II, if he or she complies with all applicable time limits and other requirements for Level I (i.e., the employee must still file the initial grievance within 30 calendar days).

3120.4.2 Level II, General Manager. If the grievance has not been resolved at Level I, the grievant may appeal his or her grievance in writing on a form provided by the District (attached hereto as Appendix "A") to the General Manager within ten (10) working days after the supervisor has issued his or her written decision.

3120.4.2.1 The statement shall include the following:

- a) A concise statement of the grievance including specific reference to any law, policy, rule, regulation, and/or instruction deemed to be violated, misapplied or misinterpreted.
- b) The circumstances involved.
- c) The decision rendered by the immediate supervisor at Level I, if any.

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- d) The dates when: (i) the grievance was first discussed with the immediate supervisor; (ii) the Level I response was issued, and (iii) the employee submitted the grievance to Level II; and
- e) The specific remedy sought.

3120.4.2.2 The General Manager shall communicate his or her decision within ten (10) calendar days after receiving the grievance. Decisions will be in writing setting forth the decision and the reasons therefore and will be transmitted promptly to all parties in interest. If the General Manager does not respond within the time limits, the grievant may appeal to the next level. Time limits for appeal shall begin the day following receipt of the General Manager's written decision. Within the above time limits, either party may request a personal conference with the other. If a personal conference is requested, the General Manager shall have ten (10) calendar days from the date of the conference to issue his or her decision.

3120.4.3 Level III, Board of Trustees. In the event the grievant is not satisfied with the District General Manager's decision at Level II, the grievant may appeal the decision in writing on a form provided by the District (attached hereto as Appendix "A") to the District Board of Trustees' Chairperson or Vice-Chairperson. The statement shall include a copy of the original grievance; a copy of the written decision by the General Manager; and a clear, concise statement of the reasons for the appeal to Level III.

3120.4.3.1 The Chairperson or Vice-Chairperson will, as soon as possible, schedule a hearing in closed session to formally receive the written grievance and the answers thereto at each step and to hear evidence regarding the issue or issues. The Board's decision shall be announced in open session immediately after the closed session in which it was made, unless the employee request the grievance be kept confidential.

3120.5 Basic Rules.

3120.5.1 If an employee does not present the grievance or does not appeal the decision rendered regarding the grievance within the time limits specified above, the grievance shall be considered resolved and no further appeal will be allowed.

3120.5.2 By agreement in writing, the parties may extend all time limitations specified above.

3120.5.3 The General Manager may temporarily suspend the grievance processing on a District-wide basis in an emergency situation. Employees covered by this policy may appeal this decision to the Board of Directors.

3120.5.4 A copy of all formal grievance decisions shall be placed in the employee's permanent personnel file.

3120.6 Expungement of Written Reprimands: A written reprimand may be expunged upon sustained corrective behavior, as determined by the General Manager, after a period of three (3) years from the date of the reprimand. It is the responsibility of the employee to request that his or her personnel file be purged of the written reprimand.

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3120.6.1 The General Manager will consider the following factors in making his or her decision to expunge a written reprimand:

- a) Whether the employee received further discipline of any kind.
- b) Employee's performance evaluation reviews are at least satisfactory in all categories; and
- c) That only one (1) expungement can occur during their employment with the District.

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Appendix "A"

EMPLOYEE GRIEVANCE FORM
[DISTRICT NAME]

Employee's Name:

Date:

Statement of grievance, including specific reference to any law, policy, rule, regulation and/or instruction deemed to be violated, misapplied, or misinterpreted:

Circumstances involved:

Decision rendered by the informal conference:

Specific remedy sought: