

POLICY NUMBER:

APM 5 - 81

DATE:

November 1, 2001

ISSUED BY:

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City Manager

CITY OF MIAMI



REVISIONS

REVISED SECTION

Created
Revised

DATE OF REVISION

12/15/81
11/01/01

ADMINISTRATIVE POLICY

SUBJECT: CITY MANAGER GRIEVANCE PROCEDURE

PURPOSE: To provide a procedure for the resolution of grievances which may arise between full-time, unclassified employees and their supervisors and/or other employees. This policy does not apply to classified employees, part-time or temporary employees or City executives.

THE POLICY WILL BE AS FOLLOWS:

Effective this date, this Administrative Policy supersedes all previous directives on this subject.

I DEFINITION OF A GRIEVANCE

A grievance is any dispute or conflict between the aggrieved, unclassified employee and other party(s) involved in the conflict that does not include discipline or matters regulated by federal, state, or municipal law. Grievances handled under this procedure shall be restricted to matters in which the designated City administrator(s) has the authority and discretion to resolve.

II PROCEDURE

A grievance shall be processed in accordance with the following procedure:

Step 1 The aggrieved employee shall discuss the grievance with his or her immediate supervisor within five (5) working days of its occurrence, who will attempt to resolve the matter and respond verbally or in writing to the employee within five (5) working days of the meeting. If the grievance involves the immediate supervisor, the aggrieved employee may proceed directly to Step 2 of the grievance procedure.

Step 2 If the grievance is not resolved at Step 1, or if the supervisor's decision is not made within the time specified, the aggrieved employee may submit a written grievance, on the City Manager Grievance Form provided, to the Department Director within seven (7) working days of the Step 1 response due date. The Department Director shall meet with the employee, review the grievance, and advise the grievant of a decision in writing within ten (10) working days of receipt of the grievance.

Step 3 If the grievance is not resolved at Step 2, or if the Department Director's decision is not made within the time specified, the aggrieved employee may submit the written grievance to the City's Labor Relations Officer within seven (7) working days of the Step 2 response due date. The Labor Relations Officer shall meet with the employee, review the grievance, and recommend a disposition of the matter to the City Manager. The City Manager shall render a final and binding decision.

III OTHER PROCEDURAL REQUIREMENTS

A The aggrieved employee and any other employee(s) required to participate in a grievance hearing during their scheduled working hours shall be compensated at their regular rate of pay; however, no compensation shall be made for participation during an employee's non-work hours.

- B** The aggrieved employee who fails to process a grievance consistent with the time limits set forth herein shall be deemed to have abandoned the grievance.
- C** An employee electing to use this grievance procedure expressly waives any further statutory, constitutional or common law right to pursue the matter being grieved in any other forum to the extent permitted by law.
- D** Decisions rendered at any step of this grievance procedure shall be considered binding as to the particular grievance unless successfully appealed to the Labor Relations Officer. Decisions shall not be construed as precedent setting in any other case(s).
- E** In cases where a grievance involves the Department Director, said grievance shall proceed directly to Step 3 of the grievance procedure.