

**Introduced by: Council Present**

**AN ORDINANCE AMENDING THE CITY OF BERKELEY EMPLOYEE HANDBOOK PERSONNEL RULES AND REGULATION, POLICIES, AND BENEFITS; RULE NUMBER 6.00 DISCIPLINE; ADDING RULE NUMBER 6.11 EMPLOYEE GRIEVANCE POLICY**

**Now, Therefore, Be it Ordained by the City Council of the City of Berkeley, Missouri, as follows:**

**Section 1** Rule Number 6.00 Discipline of the City of Berkeley Employee Handbook, Personnel Rules and Regulations, Policies, and Benefits shall be amended by adding Rule Number 6.11 Employee Grievance Policy, as follows:

Section	6.11	Subject: Employee Grievance Policy
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All full time employees, who have completed their initial probationary period, can initiate a formal grievance process. A grievance is an allegation by an eligible employee of a misapplication, misinterpretation, or violation of a specific provision of an applicable employee policy or Governing Board policy or administrative regulation, which has an adverse effect on the employee. Any allegations of illegal discrimination, including allegations of sexual harassment or ADA (Americans with Disabilities Act) violations, should be brought to the attention of the designated personnel responsible for human resources; such allegations are not covered by this procedure. Meetings held under this procedure shall be conducted at a time and place that affords a reasonable opportunity for the grievant(s). To submit a formal written grievance, the Employee Grievance Form must be utilized. There are 4 levels to the grievance policy. Level 1 is the Preliminary Oral/Written Grievance Discussion with the immediate supervisor. Level 2 is the Written Grievance to the Department Head. Level 3 is the Written Grievance to the Designated Personnel Responsible for Human Resources. Level 4 is to the City Manager or designee for final review. If the grievance moves from one level to the next, the grievant cannot add new considerations to the grievance. All grievance response times will be based on business days, holidays are not included. The grievance policy shall be followed accordingly:

- A) **Level I – Preliminary Oral / Written Grievance Discussion with Immediate Supervisor:**  
An employee will meet with and/or discuss the issue with their immediate supervisor within five (5) business days of the date the action was taken by the Supervisor. Within five (5) business days of the discussion/meeting, the supervisor will inform the employee of their decision in writing. If the employee is not satisfied with the supervisor’s decision, they may submit a formal written grievance using the Employee Grievance Form.
- B) **Level II – Written Grievance to Department Head:**  
The deadline to submit a formal written grievance to his or her Department Head is within five (5) business days of the receipt of the immediate supervisor’s decision. The Department Head shall hold a meeting to discuss the grievance and reply in writing to the grievant within five (5) business days after the meeting.
- C) **Level III – Written Grievance to the Designated Personnel Responsible for Human Resources:**  
If the grievant is not satisfied with the Department Head’s written response, the grievance may be submitted for Level III consideration. The deadline to submit a formal written grievance to the designated personnel responsible for human resources is within five (5) business days of the Level II reply. The designated personnel responsible for human resources shall hold a meeting to discuss grievance and reply in writing to the grievant within five (5) business days after the meeting.

**D) Level IV – City Manager or Designee:**

If the grievant is not satisfied with the designated personnel responsible for human resources written response, the grievance may be submitted for Level IV consideration. The deadline to submit a formal written grievance to the City Manager or designee is within five (5) business days of the Level III reply. The City Manager or designee shall hold a meeting to discuss the grievance and reply in writing to the grievant within five (5) business days after the meeting. The decision will be final.

If the grievant is still not satisfied, then an appeal can be made within ten (10) business days of the Level IV reply to the Civil Service Board providing that the grievance meets with the Appeal of Disciplinary Action Involving Suspension, Demotion, or Dismissal as outlined in Section 6.08 of the Employee Handbook of Rules and Regulations, Policies, and Benefits.

**Section 2** This Ordinance shall be in full force and effect from and after the date of its passage.

1st Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2016

2nd Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2016

3rd Reading, PASSED and APPROVED, this \_\_\_\_\_ **day of** \_\_\_\_\_ **2016**

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Theodore Hoskins, Mayor

ATTEST:

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Deanna L. Jones, City Clerk

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Approved As To Form:  
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye	__	Nay	__	Absent	__	Abstain	__
Councilwoman Hoskins	Aye	__	Nay	__	Absent	__	Abstain	__
Councilwoman Kirkland	Aye	__	Nay	__	Absent	__	Abstain	__
Councilwoman Mathison	Aye	__	Nay	__	Absent	__	Abstain	__
Councilman-at-Large McDaniel	Aye	__	Nay	__	Absent	__	Abstain	__
Councilwoman Mitchell	Aye	__	Nay	__	Absent	__	Abstain	__
Councilwoman Williams	Aye	__	Nay	__	Absent	__	Abstain	__