

Policy: Employee Grievance Procedure
Effective: 10/05/1999
Revised: 03/13/2012
Reissued:

This procedure will provide an orderly and systematic means of handling appeals of any regular employee who has a grievance or thinks he has a grievance concerning any action, occurrence, attitude, or subjection to unfair, discriminatory or abusive treatment, either expressed or implied; and to motivate and satisfy employees by the handling of their grievance quickly and in a fair and open manner. This grievance procedure does not apply to casual labor, new employees during their introductory period or during an introductory period which is triggered by employee promotion rehire or transfer. This policy is adopted pursuant to Title 8, Article 3, Section 8-17-110 to 8-17-160, SC Code of Laws, 1976, as amended, which is known as the "County and Municipal Employees' Grievance Procedure Act."

Definition

A grievance is defined as any complaint by an employee (as defined above) that he has been treated unfairly, unlawfully or in violation of his rights under Barnwell County policies with regard to any matter pertaining to his employment by the County. This definition includes, but is not limited to, discharge, suspension, involuntary transfer, promotion, and demotion.

Disclaimer

Nothing in this grievance procedure changes the at-will status of employment nor does it create a property interest in employment or a contract of employment, nor does this procedure limit the authority of the County Administrator to remove any employee when necessary for the good of the County.

Findings and Recommendations

Except as provided in the following paragraph, the committee will within twenty (20) days after hearing an appeal make its findings and decision and report such findings and decision to the County Council. If the Council approves, the decision of the Grievance Committee will be final, and copies of the decision will be transmitted by the committee to the employee, to the County Administrator, and to the grieving employee's Department Head. If, however, the County Council rejects the decision of the Grievance Committee, County Council will make its own decisions without further hearing and transmit those decisions to the grieving employee, the County Administrator, and to the grieving employee's Department Head.

Grievance Committee

A Grievance Committee shall be chosen as follows to hear matters when grievances rise to the level of Committee review pursuant to the guidelines set forth in the Personnel Policy Manual. The Grievance Committee shall consist of a group of seven (7), made up of employees and County Agency Board members, appointed by County Council from a volunteer pool to serve on the Grievance Committee for a three (3) year term with the

first year of appointment being staggered, excluding those employees who work in the department of the employee who is pursuing the grievance.

A quorum is required for any meeting. The committee will elect its own chairperson from among its members to serve a one (1) year term. The chairperson will serve as the presiding officer at all hearings involving that particular case which he attends but may designate some other member to serve as presiding officer in his absence. The chairperson shall have the opportunity to schedule and to re-schedule all hearings.

Grievance Hearing

The presiding officer will have control over the proceedings. He will ensure an equitable, orderly and expeditious hearing. Parties will abide by his decisions, except when a committee member objects to a decision to accept or reject evidence, in which case the majority vote of the committee will govern.

The committee will have the authority to call for files, records and papers which are pertinent to any hearing; to call for or consider affidavits of witnesses, to request and hear the testimony of witnesses to consider the results of polygraph examinations (if such was obtained by or at the request of the grieving employee; however, this does not grant a right to a polygraph) and to secure the services of a recording secretary at its discretion.

The committee will have no authority to subpoena witnesses, documents or other evidence, nor will any County employee be compelled to attend any hearing. All proceedings will be tape recorded. Witnesses, other than the grieving employee and the department representative, will be sequestered when not testifying. All witnesses will testify under oath.

All hearings will be conducted in executive session unless the grieving employee requests at the beginning of the hearing that the hearing be held in open session. The official tape recording and the official minutes of all hearings will be subject to the control and disposition of the County Council.

Neither the grieving employee nor the department may be assisted by advisors or by attorneys during the hearing itself. However, the committee will have an attorney available to it at any and all times it considers necessary and the Business Manager will provide assistance in reading written materials to the committee at the request of a grieving employee.

In disciplinary actions by Department Heads and their subordinate supervisor, the employee must receive in reasonable detail written notice of the nature of the acts or omission which is the basis for the disciplinary action. This notice may be amended at any time twenty-four (24) hours or more before the commencement of the hearing. The Department Head must demonstrate that the disciplinary action is for the good of the County. The Department Head will make the first presentation. The committee may base its findings and recommendations on any additional or different grounds developed from the employee's presentation.

In non-disciplinary grievance hearings, the employee must establish that a right existed and that it was denied him unfairly, illegally, or in violation of a County policy. The employee will make the first presentation.

In all grievances, the grieving employee and the Department Head and or County Administrator will each be limited to one (1) hour of initial presentation. The party required to make the first presentation will be entitled to a ten (10) minute rebuttal of the other party's presentation. The chairperson will appoint himself/herself or another member of the committee as timekeeper.

In all grievances, presentations may be oral or in writing or both and may be supported by affidavits or unsworn signed statements from witnesses, by records, other documentary evidence, photographs, and other physical evidence. Presentations will be made by the grieving employee (with reading assistance from another if the employee desires) and by the Department Head of the affected Department.

Procedure

- A. An aggrieved employee will first take the matter up orally with his immediate supervisor and/or Department Head within three (3) consecutive working days after the occurrence of the employee's knowledge of the event giving rise to the grievance. The supervisor and/or Department Head will respond to the employee within two (2) consecutive workdays. If no decision is made within this time, the grievance will be considered denied. The grievance should be resolved at this level through informal discussions.
- B. If the immediate supervisor is unavailable to consider the grievance, is the subject of the grievance, or is unwilling or unable to adjust the grievance, an aggrieved employee will then take the matter up with his Department Head in writing within two (2) working days after the occurrence or the employee's knowledge of the event giving rise to the grievance. The Department Head will have two (2) working days to render a decision. If no decision is made within the time provided, the grievance is considered denied. The grievance should be resolved at this level through informal discussions.
- C. If the grievance is not satisfied in Step A or B, the employee may, within fourteen (14) working days after the occurrence of the employee's knowledge of the event giving rise to the grievance, present his grievance in writing to the County Administrator requesting an appeal to the employee grievance committee. The employee will fill out an employee grievance form. Within ten (10) days of receipt of the employee's request, the Chairperson of the Grievance Committee will schedule the requested hearing and notify the Grievance Committee, the employee requesting the hearing, the affected Department Head, and the County Administrator
- D. In the event that either administration or the employee are dissatisfied with the decision of the Grievance Committee, either party may appeal the matter to the County Council, which shall review the decision of the Grievance Committee at its next regularly scheduled meeting. If the Council approves, the decision of the Grievance Committee will be final and copies of the decision will be transmitted

by the committee to the employee, to the County Administrator, and to the grieving employee's Department Head. If however, the County Council rejects the decision of the Grievance Committee, County Council will make their own decisions without further hearing and transmit those decisions to the grieving employee, the County Administrator, and to the grieving employee's Department Head.

NOTE: The decision of the Department Head will be final as to casual labor, new employees during their introductory period or during an introductory period which is triggered by employee promotion rehire or transfer. The procedure outlined above is not applicable to this category of employee.

EMPLOYEE GRIEVANCE FORM

Employee's Name _____
Department _____
Title _____
Department Head _____

Nature of
Grievance:

Policy, Rule or Regulation Violated: _____

Date: _____ Employee's Signature _____

Disposition of
Grievance:

Date: _____ Signature _____
Department Head