

RESOLUTION 2011-63

9-19-11

**RESOLUTION BY THE ADMINISTRATION, PERSONNEL, POLICY AND LEGAL
COMMITTEE ADOPTING A GRIEVANCE PROCEDURE FOR ALL STURTEVANT
EMPLOYEES**

WHEREAS, the State of Wisconsin has passed legislation requiring all municipalities to adopt a grievance procedure for that municipality's employees and has mandated the elements of that grievance procedure; and

NOW THEREFORE, BE IT RESOLVED that the Village of Sturtevant Board of Trustees that it hereby adopts the Grievance Procedure as set forth in Exhibit "A" which is attached hereto and incorporated herein by reference effective October 1, 2011.

BE IT FURTHER RESOLVED by the Village of Sturtevant Board of Trustees that said Grievance Procedure supersedes and replaces the Village's existing grievance procedure, including that set forth in the Personnel Manual, for all employees except where other grievance procedures are mandated by law.

Adopted by the Village Board of the Village of Sturtevant, Racine County, Wisconsin, this 20th day of September, 2011.

Village of Sturtevant

By _____
Steven Jansen, President

Attest _____
Mary Cole, Village Clerk

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GRIEVANCE PROCEDURE FOR STURTEVANT

8-23-11

DISCIPLINE AND GRIEVANCE PROCEDURE

Discipline. Discipline may result when an employee's actions do not conform with generally accepted standards of good behavior, when an employee violates a policy or rule, when an employee's performance is not acceptable, or when the employee's conduct is detrimental to the interests of the Village of Sturtevant. Disciplinary action may call for any of four steps – verbal warning, written warning, suspension (with or without pay) or termination of employment – depending on the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed. Certain types of employee problems are serious enough to justify either a suspension or termination of employment without going through progressive discipline steps. The Village of Sturtevant reserves the right, in its sole discretion, to impose disciplinary action as may be appropriate to the particular circumstances.

Grievances. This policy is intended to comply with Section 66.0509, Wis. Stats., and provides a grievance procedure addressing issues concerning workplace safety, discipline and termination. This policy applies to all employees covered under Section 66.0509, Wis. Stats., other than police employees subject to Section 62.13(5), Wis. Stats. An employee may appeal any level of discipline under this grievance procedure. For purposes of this policy, "workplace safety" is defined as conditions of employment affecting an employee's physical health or safety, the safe operation of workplace equipment and tools, safety of the physical work environment, personal protective equipment, workplace violence, and training related to same.

Employees should first discuss complaints or questions with their immediate supervisor. Every reasonable effort should be made by supervisors and employees to resolve any questions, problems or misunderstandings that have arisen before filing a grievance.

1. Step 1 – Written Grievance Filed with Village Administrator. The employee must prepare and file a written grievance with the Village Administrator within five (5) business days of when the employee knows, or should have known, of the events giving rise to the grievance. The written grievance must contain the name and position of the employee filing it, a statement of the grievance, the issue involved, the relief sought, the date the event giving rise to the grievance took place, the employee's steps to orally review the matter with the employee's supervisor and the employee's signature and the date. The Village Administrator or his/her designee will investigate the facts giving rise to the grievance and inform the employee of his or her decision, if possible within ten (10) business days of receipt of the grievance. In the event the grievance involves the

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Village Administrator, the grievance shall be filed with the Village President and the Village President or his/her designee shall conduct the Step 1 investigation.

2. Step 2– Impartial Hearing Officer. If the grievance is not settled at the first step, the employee may request in writing, within five (5) business days following receipt of the Village Administrator's decision (or Village President's) , a request for written review by an impartial hearing officer. The Village of Sturtevant shall select the impartial hearing officer. The hearing officer shall not be a Village of Sturtevant employee. The impartial hearing officer will determine whether the Village of Sturtevant acted in an arbitrary and capricious manner. In all cases, the grievant shall have the burden of proof to support the grievance. This process does not involve a hearing before a court of law; thus, the rules of evidence will not be followed. Depending on the issue involved, the impartial hearing officer will determine whether a hearing is necessary, or whether the case may be decided based on a submission of written documents. The impartial hearing officer shall prepare a written decision.
3. Step 3 – Review by the Governing Body If the grievance is not resolved after Step 2, the employee or the Village Administrator shall request within five (5) business days of receipt of the written decision from the hearing officer a written review by the Village Board. The Village Board shall not take testimony or evidence; it may only determine whether the hearing officer reached an arbitrary or incorrect result based on a review of the record before the hearing officer. The matter will be scheduled for the Village Board's next regular meeting. The Village Board will inform the employee of its findings and decision in writing within ten (10) business days of the Village Board's meeting. The Village Board shall decide the matter by majority vote and this decision shall be final and binding.

If the employee fails to meet the deadlines set forth above, the grievance will be considered resolved.