

SECTION 8 GRIEVANCES

For grievances related to sexual harassment see Sexual Harassment policy. Civil Service employees must follow the grievance procedures outlined in the Civil Service Rules and Regulations.

8-01 STRUCTURE AND DUTIES OF APPEALS BOARD

- 8-01 (1) The Appeals Board is an independent board established by the City to hear employee appeals. The Appeals Board shall be that board set forth in Section 2-52-040 of the Logan Municipal Code:
- a. Three (3) of the members shall be chosen by popular ballot by City employees who are not statutory officers, division managers, department heads or administrative assistants or officers.
 - b. Two (2) members shall be appointed by the Mayor and may include any statutory officer, division manager, department head, or administrative assistant.
 - c. Two (2) alternates will also be selected, one (1) appointed by the Mayor and one (1) elected by employees.
 - d. Board members will serve a two-year (2-year) term. Elections are held each year to replace those members whose terms have expired.
 - e. The duties of the appeals board shall be to review, on appeal, the suspension of over two (2) days without pay, involuntary transfer to a position of less remuneration, or termination of city officers or employees pursuant to the provisions of Utah Code Annotated 10-3-1105 and 10-3-1106.

8-02 APPEAL PROCESS

- 8-02 (1) In accordance with State Law, employees shall have the appeal rights as outlined in section 10-3-1106 of the Utah Code.
- 8-02 (2) As stated in Utah Code Section 10-3-1105, the appeal process does not apply to:
- a. an officer appointed by the Mayor or other person or body exercising executive power in the municipality;
 - b. a member of the municipality's Police department or Fire department who is a member of the classified Civil Service in a first or second class city (Logan is a city of second class);
 - c. a Police Chief of the municipality;
 - d. a Deputy Police Chief of the municipality;
 - e. a Fire Chief of the municipality;
 - f. a Deputy or Assistant Fire Chief of the municipality;
 - g. a Head of a municipal department;
 - h. a Deputy of a Head of a municipal department;
 - i. a Superintendent (AKA Division Manager);
 - j. a Probationary Employee of the municipality (New Hire Introductory Period);
 - k. a Part-time Employee of the municipality; or
 - l. a Seasonal Employee of the municipality.
- 8 02 (3) Employee appeals must be in writing and must contain the following:
- a. Must be addressed to the appropriate level of appeal (Department Head/Division Manager or Human Resource Department or Appeals Board).

- b. The employee must also sign and date the appeal and specify a return mailing address for further communication.
- c. The employee must describe in detail the reasons and basis for their appeal.

8-02 (4) Employee appeals must be in accordance with the following process for all disciplinary actions except terminations and transfers:

- a. The employee must present his or her grievance in writing to the Department Head or Division Manager within five (5) days of the date of receiving the disciplinary notice. The Department Head or Division Manager must respond to the employee in writing within five (5) days after discussing the issue with the employee.
- b. If the grievance is not resolved to the employee's satisfaction at the Department Head/Division Manager level, the employee may present the grievance in writing to the Human Resource Department within five (5) days of the date of receiving a response from the employee's Department Head/Division Manager. The Human Resource Department must respond to the employee in writing within five (5) days after discussing the issue with the employee.
- c. If the grievance is not resolved to the satisfaction of the employee after review by the Human Resource Department, the employee may appeal in writing to the Appeals Board within five (5) days of receipt of the response from the Human Resource Department.
 - 1. Written appeals addressed to the Appeals Board must be submitted to the City Recorder.
 - 2. Upon receipt of a written appeal, the City Recorder will provide a copy of the appeal to the Human Resource Department, the employee's Department Head/Division Manager, the Mayor, the City Attorney's Office, and members of the Appeals Board.
 - 3. After receipt of a written appeal, the City Recorder will contact the employee and members of the Appeals Board to set a hearing date.

- 8-02 (5) Appeals regarding a termination or a transfer must be in accordance with the following process:
- a. The employee may appeal in writing to the Appeals Board within fifteen (15) days of the date of receiving a notice of termination or transfer.
 1. Written requests of appeal must be addressed to the Appeals Board and must be submitted to the City Recorder.
 2. Upon receipt of a written appeal, the City Recorder will provide a copy of the appeal to the Human Resource Department, the employee's Department Head/Division Manager, the Mayor, the City Attorney's Office, and members of the Appeals Board.
 3. After receipt of a written appeal, the City Recorder will contact the employee and members of the Appeals Board to set a hearing date.

8-03 APPEALS BOARD HEARING PROVISIONS

- 8-03 (1) The employee shall be entitled to appear in person before the Appeals Board and to be represented by counsel, to confront the witnesses whose testimony is to be considered, and to examine the evidence to be considered by the Appeals Board.
- 8-03 (2) The Appeals Board determines the admissibility of evidence and its use. Further, the Board is not bound by the rules of evidence and may hear any evidence it determines relevant to the matter.
- 8-03 (3) The City Recorder takes minutes of each session.
- 8-03 (4) The Human Resource Director and/or the City Attorney represent the City's interests.
- 8-03 (5) The burden of proof is on the employee to prove, by a preponderance of the evidence, that disciplinary measures were not in accordance with established policy.
- 8-03 (6) The Appeals Board decision is by secret ballot and is certified to the City Recorder within ten (10) working days of the date the appeal is heard by the Board.