

ARTICLE 10

Problem Resolution and Grievance Procedures

Section 1001 Problem Resolution Procedures for Issues Not Subject to Formal Appeal

Staff may utilize the Problem Resolution Procedures for problems and/or issues related to working conditions and/or County policies or practices. The following procedures govern the process for formally addressing these concerns:

- A. Step One: The employee shall discuss the concern in a conference with the immediate supervisor. The employee shall document these concerns in written form. The supervisor shall review the matter with the Department Head and provide a written response to the employee within seven (7) business days. A copy of this written response and the employee's written complaint will be maintained in the employee's personnel file.
- B. Step Two: If the concern is not resolved within seven (7) business days after the conference at Step 1, the employee may request a conference and discuss the concern with the Department Head. The Department Head shall review the matter with the Human Resources Director and provide a written response to the employee within seven (7) business days and a copy of the written response will be maintained in the employee's personnel file.

A copy of these procedures outlined in Article 10 will be given to each new employee as part of the orientation process.

Any employee who is denied the opportunity to utilize these procedures outlined in Steps 1-2 may appeal to the County Manager. Appeal of written disciplinary actions are covered in Section 1002 and may not be appealed under Problem Resolution Procedures.

Section 1002 Purpose of Grievance Procedure

The grievance procedure provides an adequate and fair means for hearing concerns regarding final written warnings, dismissals, alleged charges of workplace harassment, discrimination and/or retaliation of County employees.

Section 1003 Coverage for Grievance Procedure

This grievance procedure applies to all departments and all regular employees of the County. Probationary and/or temporary employees are not allowed to file grievances under this policy unless they feel they have been subject to discrimination, retaliation and/or workplace harassment. Under this policy only final written warnings, dismissals, alleged charges of workplace harassment, discrimination and/or retaliation are grievable.

Section 1004 Grievance Policy

Every regular employee shall have the right to present a grievance in accordance with these procedures, with or without a representative, free from interference, coercion, restraint, discrimination, penalty, or reprisal.

Section 1005 Grievance Procedure

- A. **Step One.** An employee shall file a grievance, in writing, with the Department Head, within thirty (30) calendar days of the date of the incident giving rise to the grievance. If the employee alleges workplace harassment the employee shall file the grievance with a member of County management (supervisor or higher) with whom the individual feels comfortable and this could include the Department Head and/or the Human Resources Director, as set forth in Article 5, Section 504. This appeal procedure does not require a written grievance to be made to the Department Head if the employee believes the Department Head is participating in workplace harassment. The Department Head or designee shall meet with the employee within five (5) business days of receipt of the grievance and attempt to resolve the grievance. The Department Head shall issue a written decision on the grievance not later than five (5) business days following the meeting. A copy of the written decision will be placed in the employee's personnel file.

B. **Step Two.** If the employee is dissatisfied with the response at Step One, the employee may file the grievance in writing with the County Manager, within five (5) business days of receipt of the Department Head's decision. The grievance shall state concisely the basis for the concern and, if based on alleged discrimination, indicate whether the alleged discrimination was based on race, color, disability, national origin, sex, genetic information, age, sexual orientation, gender identity or religion. The County Manager shall meet with the employee and the Department Head within five (5) business days of receipt of the Step Two grievance, shall review the decision at Step One, and shall make an independent determination on the merits of the grievance. The County Manager will inform the employee and Department Head, in writing, of the decision within ten (10) business days of the meeting. A copy of the written decision will be placed in the employee's personnel file. This is the final step in the formal grievance process at Currituck County.

Section 1006 Late Filing of Grievances

Grievances filed on an untimely basis shall be dismissed. Management, in its discretion, may consider allegations of discrimination, retaliation and workplace harassment after the thirty (30) calendar days timeframe. Employees are encouraged to follow the thirty (30) calendar day timeframe so that prompt resolution is ensured.

Section 1007 Maintenance of Records

All documentation, records, and reports which fall under the provisions of Article 10 will be retained for a minimum of three (3) years and shall be held by the Human Resources Director. These records will be subject to review by the grievant, the employee's Department Head, the County Manager, and the Commissioners.

Section 1008 Other Remedies Preserved

The existence of the grievance procedure does not preclude any individual from pursuing any other remedies available under law.