



Galveston County Human Resources Policy Manual

Policy HR021- Grievances

Page 1 of 5

The purpose of the grievance system is to settle grievances as quickly as possible to assure efficient work operations and maintain positive employee morale. Department Heads and supervisors are encouraged to work with employees to resolve grievances informally.

These procedures apply to all employees of the County. Employees may use the Appeal process for adverse actions, including termination of employment with the Human Resources Director prior to utilizing the Grievance Procedure.

Employees should pursue, if possible, an informal resolution of their complaints, utilizing all available avenues within their department before filing a formal, written grievance. Efforts at informal resolution are unrelated to the formal grievance procedure and do not extend the time limit(s) included in the procedure.

The grievance procedure does not apply to allegations of discrimination based on race, color, religion, sex, national origin, age, or disability. Discrimination allegations, Anti-Discrimination and Anti-Harassment complaints are filed with the Director of Human Resources.

Grievable Matters

"Grievance" means a claim by an employee that he was adversely affected by a violation, misinterpretation, misapplication, or disparity in the application of a specific law, ordinance, resolution, written or unwritten policy, or rule regarding wages, hours of work, or conditions of work.

- a. Examples of grievable matters include, but are not limited to:
 - Misinterpretation of a department mandatory overtime policy;
 - Disparity in the application of a department shift policy;
 - Violation of the County compensatory time policy.
 - Suspension
 - Demotion
 - Termination- if Law Enforcement Employee

- b. Examples of matters that are not grievable include, but are not limited to:
 - Employee performance evaluations that are not directly related to wages;
 - Written reprimands;
 - Terminations for Non law enforcement – May use appeal process through Human Resources
 - Promotion decisions, unless covered by a salary ladder.

If at any point in the grievance process the Department determines that the subject of a grievance is not grievable as defined above, the Department notifies the employee in writing before the next applicable deadline.



Galveston County Human Resources Policy Manual

Policy HR021- Grievances

Page 2 of 5

Time limits begin on the first working day after the applicable occurrence, filing, appeal, response, or recommendation. Working days do not include weekends or County Holidays.

- A. An Employee may submit any complaint about non-grievable personnel actions to the County's Director of Human Resources. The Director of Human Resources should review the complaint, determine whether there is a legitimate reason for dissatisfaction by the Employee, and take appropriate actions based on the nature of the complaint. Appropriate actions might be a discussion of the problem with the other persons implicated if it involves Employee relationships, or correction of an error in the recording of benefits or compensation received.
- B. No Employee should ever be discriminated against, harassed, intimidated, or suffer any reprisal as a result of filing a grievance or participating in the investigation of a grievance by providing information, testimony or assistance.
- C. Grievance Panel
 - 1. Commissioners Court. One member will be appointed by United Steelworkers 13-1 (USW). The two appointees will then choose a third member who shall also serve as the Chair of the Panel.
 - 2. Grievance Panel members will serve for a period of one (1) year or until their respective successors are appointed.
- D. A Regular Law Enforcement Employee who has been such for a minimum of 12 consecutive months and who is thereafter suspended or demoted or involuntarily separated based on violation of policy may request the matter be considered by the County Grievance Panel. No person who is disciplined during their introductory period, affected by a Reduction-in-Force or absent from the work place in excess of six (6) months (cumulative) during a period of 12 consecutive months may utilize the grievance system.
- E. The maximum relief which may be obtained by a grievant through the grievance process is reinstatement to their former position and restoration of lost salary and benefits. The Grievance Panel may not recommend transfer to another department, or to another position in the same department.
- F. An Employee must file a grievance within five calendar days after the date of the grievable occurrence. The Employee must submit the request for a grievance to the County Legal Department by no later than 5:00 p.m. of the fifth day. The Employee's request must state why the Employee disagrees with the disciplinary action that was taken and the relief sought.



Galveston County Human Resources Policy Manual

Policy HR021- Grievances

Page 3 of 5

- G. IF AN EMPLOYEE FAILS TO MEET THE FILING TIME LIMITS, THE EMPLOYEE LOSES THEIR RIGHT TO USE THE GRIEVANCE SYSTEM. But, where it has been impossible for the individual to observe the time limits, the grievant may request the County Legal Department to waive the time limits, stating the reasons the time limits should be waived. Failure to grant this request is not a grievable action.
- H. A vacant position created by a dismissal should not be permanently filled until the Grievance Panel has made its recommendation and the Department Head their decision.
- I. The Grievance Panel will conduct the hearing. Grievants may be represented by a Union Representative **or** Attorney. Presentations must be relevant and will be limited to 45 minutes for the grievant and 45 minutes for management unless the Panel decides to grant an extension of time. No cross is permitted. Loud and abusive language by any of the participants in the formal hearing process will not be allowed and will be grounds for removal from the hearing. The grievant will present his case first.
- J. Grievance hearings should be held within thirty (30) days after the grievance is filed. Written notice of the date of the hearing and a copy of the grievance will be sent to all involved persons, including the Grievance Panel, at least five days prior to the date of the hearing, by the County Legal Department.
- K. The grievant and the Department Head will be permitted to present documentary evidence and the testimony of witnesses at the hearing. County Employees named as witnesses by either the grievant or County Legal must attend the hearing. Witnesses shall be limited to testimony relevant to the incident leading to the discipline being grieved. No character witnesses or observers are permitted to attend the hearing. A list of the witnesses and a copy of the documentary evidence must be delivered to the County Legal Department by noon five (5) working days prior to date of the hearing for distribution to all involved persons, including the Grievance Panel. Other witnesses and documents will not be admitted.
- L. Grievants may not contact or communicate with any member of the Grievance Panel during the grievance process except in response to a direct question. A violation of this rule will result in cancellation of the hearing and automatic upholding of disciplinary action.
- M. The Grievance hearing is not to be used as a forum for personal attacks against management and/or coworkers.
- N. The County's Director of Human Resources or her designee should be in attendance or readily available by telephone and should serve as a resource of information to the Grievance Panel. The Director does not have a vote.



Galveston County Human Resources Policy Manual

Policy HR021- Grievances

Page 4 of 5

- O. The formal hearing will be recorded on cassette tape to assist the Grievance Panel in their deliberation and for record-keeping purposes.
- P. At the end of the hearing, the Grievance Panel will deliberate and make a recommendation. Recommendations should be made on the same day the grievance is held. If the Grievance Panel decides it is necessary, the deliberations may be continued as reasonably necessary.
- Q. The recommendation will be given or mailed by the Chair of the Grievance Panel to the County Legal Department for distribution to the Department Head. The Department Head will advise the Grievant of their decision as soon as is reasonably practical.
- R. If either County Legal or Director of Human Resources believes the Department Head is not acting in the best interest of the County, either will have the opportunity to bring the issue to Commissioner's Court in an Executive session.
- S. The following guidelines have been adopted by the County Grievance Panel to help the grievance hearing process move efficiently and effectively.
 - 1. The Grievance Panel will keep each hearing to a maximum of 1 ½ hours.
 - 2. Presentations of testimony should be brief and relevant. Relevant means specifically related to the incident from which the disciplinary action arose or the Grievant's prior work performance which was considered by the Supervisor in taking the disciplinary action.
 - 3. Witnesses should only be called to provide testimony that is relevant to the incident leading to the grieved discipline. Character witnesses will not be permitted.
 - 4. The Grievance Panel may impose sanctions to control the hearing process. This sanction authority includes the power to dismiss witnesses and to terminate the hearing.
 - 5. Loud, abusive or profane language will not be permitted.
 - 6. The Grievant may represent their self or be represented by either an attorney or a Union Representative. The County will be represented by the County Legal Department.



Galveston County Human Resources Policy Manual

Policy HR021- Grievances

Page 5 of 5

7. The Grievant and the Supervisor will be given an opportunity to present documents and witnesses to support their position. Presentations, including openings and closings, are limited to a sequential 45 minutes for the Grievant and 45 minutes for the Supervisor. No cross examination is permitted. The Grievant will begin the process.
8. Grievance Panel members may ask questions of any person in attendance.
9. Witnesses for each party will not be permitted to remain in the room in which the grievance hearing is being conducted. They will be summoned as needed.
10. After the conclusion of closing arguments, the Grievance Panel will deliberate and make a recommendation to the Employer for distribution to all parties.
11. A written copy of the Employer's response to the recommendations will be sent to each Grievance Panel Member.