

TOWN OF LEON
MONROE COUNTY
EMPLOYEE GRIEVANCE PROCEDURE

The Town Board of the Town of Leon, Monroe County, Wisconsin does ordain as follows:

Section 1. Title

This ordinance is entitled the "Town of Leon Employee Grievance Procedure".

Section 2. Purpose

This grievance procedure is adopted pursuant to s. 66.0509(1m), Wisc. Stat., and is intended to provide a timely and orderly review of disputes regarding: a) employee terminations, b) employee discipline, and c) workplace safety.

Section 3. Definition of Terms

"Days": means calendar days, excluding legal holidays as defined in s. 995.2-, Wisc, Stats.

"Discipline": means any employment action that results in disciplinary suspensions without pay, disciplinary reduction in pay or other benefits, disciplinary demotions and terminations. The term "discipline" does not include verbal notices or reminders, written reprimands, performance evaluations, documentation of employee acts and/or omissions in an employment file, non-disciplinary demotions, non-disciplinary adjustments to compensation or benefits, actions taken to address job performance such as establishment of a performance improvement plan or job targets; placing an employee on paid leave pending an internal investigation; or other personnel actions taken by the employer for non-disciplinary reasons.

"Hearing Officer": means the impartial hearing officer required pursuant to s. 66.0509(1m)(d)2, Wisc. Stat. The hearing officer selected by the town board is: Greg Selbrede, Town Chairperson (or replacement). The hearing officer is not an employee of the Town of Leon.

"Termination": means a discharge from employment for rule violations, poor performance, acts detrimental to the employer or other acts of misconduct. The term "termination" does not include: a voluntary quit, completion of seasonal employment, completion of temporary assignment, completion of contract, layoff or failure to be recalled from layoff at the expiration of the recall period; retirement, job abandonment ("no call, no show" or other failure to report to work); or termination of employment due to medical condition, lack of qualification or license, or any other cessation of employment not involving involuntary termination.

"Workplace Safety": means any alleged violation of any standard established under state law or rule or federal law or regulation relating to workplace safety.

Section 4. Process and Timelines

1. The employee must file a written grievance with the town clerk within 10 days of the termination, discipline or actual or reasonable knowledge of the alleged workplace safety issue. So that an earnest effort can be made to resolve the matter informally, the grievant must discuss the issue with his/her immediate supervisor prior to filing the written grievance. However, in case of a termination, such meeting is not required. Grievance forms may be obtained from the clerk. The town clerk shall inform the town chair about receipt of the written grievance as soon as practicable.
2. The town chair will meet with the grievant within 10 days of receipt of the written grievance. The town chair will provide the grievant with a written response within 10 days of the meeting. A copy of the town chair's response shall be filed in the clerk's office.
3. The employee may request an appeal to the town chair by filing a written request with the town clerk within 10 days of receiving the written response. The town clerk shall notify the town chair about the filing of the request for a hearing as soon as practicable. The town will work with the town chair and grievant to schedule a mutually agreeable hearing date.
4. The town chair shall provide the employee with a written decision no later than 30 days after the hearing date. The town chair will also provide the town clerk with a copy of the decision for filing in the clerk's office.
5. The non-prevailing party may file a written request with the town clerk for an appeal to the town board within 10 days of receipt of the town chair's decision. The clerk shall notify the town chair about the request as soon as possible. The town board shall decide the matter and issue a written decision within 45 days of the filing of the appeal. The town board may sustain, deny or modify the recommendation of the hearing officer (town chair). The decision of the town board shall be final and binding. A copy of the town board's decision shall be provided to the employee and filed in the town clerk's office.
6. All timelines may be extended by mutual written agreement of the town board and employee. Without such agreement, a failure of the employee to adhere to any of the specified timelines shall preclude any further consideration of the grievance.
7. If the last day on which an event is to occur is a Saturday, Sunday, or legal holiday, the time limit is extended to the next day which is not a Saturday, Sunday or legal holiday. A grievance or request for an appeal is considered timely if received by the town clerk during normal business hours or if postmarked by 11:50 p.m. on the due date.
8. If the grievance is not answered within the time limits, at any stage, the employee may proceed to the next available step within 7 days.
9. The grievant and town board may mutually agree in writing to waive a step or multiple steps within the procedure.
10. Granting the requested or agreed upon remedy resolves the grievance.

Section 5. Grievance Requirements

The written grievance must contain:

1. A statement of the pertinent facts surrounding the nature of the grievance.

2. The date the incident occurred or the date the alleged workplace safety concern was discovered.
3. The steps taken to informally resolve the grievance, the individuals involved in the attempted resolution, and the results of such discussion.
4. The specific remedy requested; and
5. A description of the workplace safety rule alleged to have been violated, if applicable.

Section 6. Town Chair's Response

The town chair's written response to the employee's written grievance must contain:

1. A statement of the date the meeting between the employee and town chair was held
2. A decision as to whether the grievance is sustained or denied.

Section 7. Procedure Before the Town Chair

The town chair shall define the issues, identifying areas of agreement and identifying the issues in dispute and hear evidence and arguments. The town chair will determine whether the town acted in an arbitrary and capricious manner. A decision will not have been arbitrary or capricious if it was made in the best interest of the town. 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 strictly followed. However, no factual findings may be based solely on hearsay evidence.

The town chair may require the employee and town to submit materials related to the grievance and witness lists in advance of the hearing in order to expedite the hearing. Within 30 days after the hearing, the town chair will issue a decision in writing indicating the findings and reasons for the decision.

If the town chair's decision on any grievance is appealed, only the issues raised in the hearing may be appealed. Issues are not subject to modification in the appeal process.

Section 8. Town Chair Decision

The town chair's written decision must contain:

1. A statement of pertinent facts surrounding the nature of the grievance.
2. A decision as to whether the grievance is sustained or denied, with rationale for the decision.
3. A statement outlining the timeline to appeal the decision.

Section 9. Representation

Both the employee and town may be assisted by a representative of their own choosing in person or by teleconference at any point during the grievance.

Section 10. Consolidation

The employee's hearing officer (town chair) may consolidate grievances where a reasonable basis for consolidation exists.

If more than one employee is grieving the same issue or circumstance, a single grievance form may be used. A group grievance must be signed by all the grieving employees and must indicate that it is a group grievance as the first step in the grievance process.

Section 11. Costs

Any expense incurred by an employee in investigating, preparing, or presenting a grievance shall be the sole responsibility of the employee(s). Each party (employee(s) and employer) shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees.

Now, therefore be it resolved, that the town board of the Town of Leon, Monroe County, Wisconsin adopts this employee grievance procedure pursuant to s. 66.0509(1m), Wisc. Stats.

Adopted this _____ day of _____, 2011

By the Town Board:

Attested by Town Clerk:

Date Posted: _____

TOWN OF LEON
MONROE COUNTY
EMPLOYEE GRIEVANCE FORM

Employee Name: _____

Job Title _____

Employee Contact Information: (provide phone numbers, mailing address, etc.)

Grievance Level (check one): (Step 1) Meeting with Town Chair
(Step 2) Request for Impartial Hearing
(Step 3) Appeal to Town Board

This section to be completed for Step 1 only: Describe the grievance: state all relevant facts, including time, place of incident being grieved, names of persons involved, steps taken to informally resolve the grievance, etc. Attach addition sheets if needed.

Describe relief sought:

Employee's Signature

Date Submitted

Office Use Only: Date Received: _____

Clerk's initials _____

TOWN OF LEON
MONROE COUNTY
GRIEVANCE DECISION FORM

Name of Employee: _____

Job Title: _____

Decision: (Attach addition pages if necessary)

Date Employee Grievance or Request for Hearing/Appeal Received _____

Date of Meeting or Hearing: _____

Date of Decision: _____

Grievance Level (check one): (Step 1) Meeting with Town Chair
(Step 2) Request for Impartial Hearing
(Step 3) Appeal to Town Board

Date The Employee Was Provided Copy Of This Decision: _____

Delivery method: _____ (U.S. mail, hand delivered, etc.)

Employer – Town of Leon

_____ (title)

The employee may request an appeal to the impartial hearing officer (town chair) by filing a written request with the town clerk within 10 days of receiving the town chair's written response. Within 10 days of receipt of the town chair's decision, the non-prevailing party may file a written request for an appeal to the town board with the town clerk.

For office use only:

Date received: _____

Clerk's initials: _____