

## **Appeals Policy For General County Employees**

### **1.0 Purpose**

Bladen County is committed to providing employees an effective and responsive complaint process. The appeals policy provides an adequate and fair means for hearing matters of concern for General County employees.

### **2.0 Applicability**

This procedure applies to all departments and all permanent employees of the County, excluding those positions who are subject to the State Personnel Act unless otherwise specified.

### **3.0 Definitions**

- 3.1 A claim or complaint alleging an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. A complaint may involve allegations of safety or health hazards, unsatisfactory physical facilities, surroundings, materials or equipment, unfair or discriminatory supervisory or disciplinary practices, unjust treatment by fellow workers, unreasonable work quotas, or any other inequity relating to conditions of employment subject to the control of the County.

### **4.0 Policy**

Prior to filing a formal complaint, employees are encouraged to discuss their concerns with their supervisors. Every non-probationary employee shall have the right to present a complaint in accordance with these procedures, with or without a representative at his own expense, free from interference, coercion, restraint, discrimination, penalty, or reprisal.

- 4.1 The purposes of the complaint procedure include, but are not limited to:
- a) Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
  - b) Encouraging employees to express themselves about the conditions of work which affect them as employees;
  - c) Prompting better understanding of policies, practices, and procedures which affect employees;
  - d) Increasing employees confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures;
  - e) Increasing the sense of responsibility exercised by supervisors in dealing with their employees;

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- f) Encouraging conflicts to be resolved between employees and supervisors who must maintain an effective future working relationship, and therefore, encouraging conflicts to be resolved at the lowest level possible in the chain of command; and
- g) Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the County or its leaders, thus freeing up employee motivation, productivity, and creativity.

#### **5.0 Procedure**

When an employee has a complaint, the following successive steps are to be taken. The number of calendar days indicated for each step should be considered the maximum, unless otherwise noted, and every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent. The last step initiated by the employee shall be considered to be the step at which the complaint is resolved. A decision to rescind a disciplinary suspension, demotion or dismissal must be approved by the appointing authority before the decision becomes effective.

- 5.1 *Step One.* An employee must file a complaint in writing, with the immediate supervisor within ten (10) work days of the date of the incident giving rise to the complaint. If the employee alleges sexual harassment by the immediate supervisor, the employee may file the complaint with the Human Resources Director, as set forth in the Unlawful Workplace Harassment policy. If the complaint concerns an appeal of a dismissal, it shall be filed directly with the appointing authority at Step Three. The immediate supervisor shall meet with the employee within five (5) days of receipt of the complaint and attempt to resolve it informally. If informal resolution efforts fail, the immediate supervisor shall issue a written decision on the complaint not later than five (5) work days following the meeting.
- 5.2 *Step Two.* If the complaint is not resolved to the satisfaction of the employee at Step One, the employee may file the complaint in writing with the Department Head within five (5) days of receipt of the immediate supervisor's written decision. The complaint shall state concisely the basis for the complaint and, if based on alleged discrimination, indicate whether the alleged discrimination was based on race, color, religion, gender, national origin, political affiliation, non-disqualifying handicap, or age. The Department Head shall meet with the employee within five (5) work days of receipt of the Step Two complaint, shall review the decision at Step One, and shall make an independent determination of the merits of the complaint. Within ten (10) days of the meeting with the employee, the Department Head

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shall issue a written decision. To ensure compliance with the chain-of-command process, an employee present the grievance as stated in Step 1 and 2, prior to referring the grievance to the county manager, unless pertaining to sexual harassment.

- 5.3 *Step Three.* If the employee is dissatisfied with the response at Step 2, the employee may forward the written complaint to the County Manager, Human Resources Director or the corresponding appointing authority (Sheriff or Register of Deeds) within five (5) days of receipt of the Step 2 decision. The employee may request a decision from the County Manager or other appointing official directly, or may request a hearing before the Personnel Advisory Committee with a recommended decision by the committee. If the employee requests a decision directly, the county manager or other appointing authority will render a written decision within fifteen (15) days of receipt of the grievance. If the employee or the appointing authority requests the service of the Personnel Advisory Committee, the procedures set forth in Section 5.4 of this article will apply.
- 5.4 Personnel Advisory Committee Procedure (See Addendum A for Organization of Advisory Personnel Board)

There is an established Personnel Advisory Committee, with the authority to hear employee grievances and make recommended decisions to the county manager or appointing authority. An employee, the County Manager, or the appointing authority may request the hearing, which shall be transcribed or recorded. All employees are entitled to legal representation but not necessarily by the County Attorney. The County of Bladen is the County Attorney's client. The hearing shall be conducted within thirty (30) days from the date the hearing is requested, during regular working hours of the county.

The Personnel Advisory Committee, the grievor, and any person whose alleged conduct is the cause of the complaint (directly or indirectly), or affected by the grievance, shall have the right to attend the hearing. The hearing shall be closed to the public. The hearing shall be conducted by the Chairperson, vice-chairperson of the Committee, when available. If unavailable, members present shall agree on a Chairman to lead the hearing. The Personnel Advisory Committee shall submit their recommended decision to the County Manager or other appointing authority within fifteen (15) working days of the hearing. The employee will sign and date a copy of the Personnel Advisory Board's response to acknowledge receipt thereof, and a notation will be made in the employees personnel file that the

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employee has been informed of the Personnel Advisory Committee's decision

#### **6.0 Unlawful Workplace Harassment**

- 6.1 When an employee, former employee, or applicant believes that any employment action discriminates illegally (i.e. is based on age, gender, race, color, national origin, religion, creed, political affiliation, or non-disqualifying handicap), he or she has the right to appeal such action using the complaint procedure outlined in this policy. While such persons are encouraged to use the complaint procedure, they shall have the right to appeal directly to the Human Resources Department and/or the County Manager. An employee or applicant should appeal an alleged act of discrimination within thirty (30) calendar days of the alleged discriminatory action. (Refer to the Unlawful Workplace Harassment policy).

#### **7.0 Finality of Decision**

- a) The Committee's written decision must contain the reasons for its determination and a statement of the evidence upon which it relied. Upon receiving the recommended decision of the Personnel Advisory Committee, the County Manager or other appointing authority shall notify the employee and department head, in writing, of the final decision. The final decision will be furnished within ten (10) working days of receipt of the recommended decision of the Personnel Advisory Committee.
- b) If the employee is dissatisfied with Step 3 of the appeals procedure, the employee may appeal their written grievance to the County Commissioners within five working days of receipt of the decision of the County Manager or appointing authority. The County Commissioners may accept the decision of the County Manager or appointing authority, or may arrange a time to hear the grievance and respond to the grievor within ten (10) working days. There will be no appeal from this determination.

#### **8.0 Documentation and Maintenance of Records**

The response from each supervisory level for each step in the formal complaint process shall be documented in writing and

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signed and dated by the supervisor. In addition, the employee shall sign a copy of the document to acknowledge receipt thereof. The responder at each step shall send copies of the complaint and responses to the Human Resources Department.

All documentation, records, and reports will be retained for a minimum of three (3) years and shall be held by the County in the Human Resources office. These records will be subject to review by the complainant, the employee's Department Head, the County Manager or the other appointing authority, and the Board of County Commissioners.

#### **9.0 Other Remedies**

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

### **Addendum A: Organization of Personnel Advisory Board**

The Commissioners may appoint a Personnel Advisory Board to consist of three (3) members. Members of the Personnel Advisory Board shall be appointed by the Commissioners for staggered terms of three years. A member of the Personnel Advisory Board may be removed only by the Commissioners for cause and after being given a written statement of the charges and a public hearing thereon, if so requested. Vacancies in an unexpired term shall be filled by the Commissioners by appointment for the remainder of the term.

Each member of the Personnel Advisory Board shall be a qualified voter of the county and shall be known to be in sympathy with the merit principle of personnel administration. No person who has actively participated in the immediately preceding municipal election by seeking office, soliciting funds or votes, either by letter, telephone, personal contact or speeches, in behalf of any candidate for county office, and no county employee or officer shall be eligible to serve on the Personnel Advisory Board. No lawyer practicing in any of the criminal courts of the county shall serve on the Board. One member of the Personnel Advisory Board shall have had experience in public or private personnel administration. Any member of the Personnel Advisory Board who becomes a candidate for political office, or actively participates in county election, in the manner heretofore set forth, shall be deemed to have vacated his or her position as a member of the Personnel Advisory Committee. Members of the Personnel Advisory Board shall be eligible for two consecutive three year terms on the board and may be extended at the discretion of the County Commissioners.

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The Personnel Advisory Board at the first meeting in each fiscal year shall elect a Chairperson and Vice-Chairperson. Travel expenses to the meetings shall be paid to the Personnel Advisory Board members, whose rate is set the same as all county employees. Meetings shall be held from time to time as necessary, and two (2) members shall constitute a quorum. Members of the Personnel Advisory Board shall appoint a person to serve as ex-officio and secretary to the Board, and shall perform such duties as the Board may direct.

The Personnel Advisory Board shall:

- 1) Advise the Commissioners on county personnel problems.
- 2) Conduct grievance hearings upon the request of discharged, suspended or demoted county employees. The Board shall have all powers necessary to complete investigation of the action taken, including the power to call and examine witnesses and papers. The Board shall inform the employee and the County Manager in writing of its findings and recommendations.
- 3) Keep an adequate record of all of its proceedings, findings and recommendations.
- 4) **Maintain strict confidentiality of all information obtained at hearings.**