

ORDINANCE NO. 92-39 AC CMS

AN ORDINANCE AMENDING CHAPTER 151 OF THE CODIFIED ORDINANCES
BY REPLACEMENT AND ESTABLISHING AN EMPLOYEE GRIEVANCE PROCEDURE

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

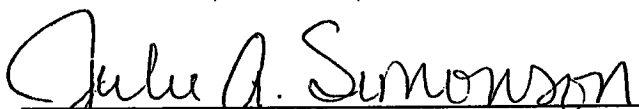
SECTION 1. That Chapter 151 of the Codified Ordinances of the City of Oberlin, Ohio, as enacted by Ordinances 455 AC and 1519 AC, is hereby amended in its entirety and replaced by the Employee Grievance Procedure attached hereto, marked Exhibit A, and incorporated herein by reference.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading - June 1, 1992
2nd Reading - June 15, 1992
3rd Reading - July 6, 1992

ATTEST:


CLERK OF COUNCIL


CHAIRMAN OF COUNCIL

POSTED: July 8, 1992

EFFECTIVE DATE: August 5, 1992

Employee Grievance Procedure

Section 1. Purpose

a. To establish administrative policy and procedures for all full time and part-time employees to register complaints concerning working conditions as set forth in the Oberlin Employee Personnel Manual, Departmental Rules and/or Chapter 145 of the Oberlin Code of Ordinances.

b. To define levels of supervision and supervisor responsibilities in processing employee complaints.

Section 2. General

a. It is a normal matter of courtesy and an expression of loyalty by employees of any operating agency to respect the relative position of their supervisors in the organizational "chain of command". It is, therefore, also an obligation on the part of every employee to keep his immediate superior informed of his activities and intentions and to give him every opportunity to correct any deficiency which the employee feels exists before exercising his rights of escalation as provided for in this regulation.

b. Supervisory Responsibilities.

1. Supervisors at all levels are to continually concern themselves with the morale and welfare of the employees under their supervision.
2. Supervisors are responsible to establish internal operating procedures which will insure that they are aware of all personnel activities within their sphere of responsibility.
3. Supervisors will take prompt and proper action to discipline or to recommend disciplinary action against those personnel who violate any administrative regulations or other established rules and regulations of the municipal service.
4. Supervisors at all levels will insure that all employees under their supervision are aware of the proper procedures for complaints and/or formal grievances and will take no action to intimidate nor to discourage any employee from exercising his rights in these matters.

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5. Supervisors at all levels are encouraged to discuss any complaint with the submitter(s) and to attempt to resolve those which are within their scope of authority.

Section 3.
Complaint
Procedures

a. In those instances where employees feel and need to pursue a matter to a level of supervision above that level which has rendered a decision on the subject, the following procedures will be adhered to:

1. Verbal complaints not answered to the satisfaction of the complainant, may be set forth in writing. A written answer must then be rendered by the immediate supervisor within 3 working days after receipt of the complaint.
2. Answers considered unacceptable by the complainant may be redirected to the next higher level of supervision, but must pass through the lower supervisor who will attach his comments and recommendations and forward to the next higher authority within 5 working days after receipt, with a copy of such endorsement forwarded to the complainant.
3. The procedure in (2) may be continued until the highest level has been reached. If the employee is not satisfied with the decision he/she may appeal to the Employee Peer Review Committee as an intermediate step prior to the final appeal to the City Manager.
4. The membership of the Employee Peer Review Committee shall be one supervisory level employee selected by the City Manager, one hourly employee selected by the complainant, and one person selected by a list striking procedure. (A list of full time employees willing to serve on the Employee Peer Review Committee will be prepared. On a rotating basis, the top three persons on the list will be offered as the third position on the Peer Review

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Committee. Each party will strike one candidate. The remaining candidate will be on the Review Committee for that appeal).

5. The Employee Peer Review Committee shall hold a hearing on the grievance within 7 working days of the selection of the Peer Review Committee hearing the grievance. The Committee shall review the record and receive testimony from both parties and issue a recommendation to the City Manager within 3 days of the hearing. The City Manager shall consider the recommendation and make a final decision concerning the grievance within 5 working days thereafter.

b. This section shall not apply to the civil service rules and regulations, the Official Pay Plan and the dismissal of employees during their probationary period.

Section 4.
Levels of
Supervision

- a. For the purpose of this regulation, the following positions are considered as supervisory, by department:

Director of Public Works
Superintendents of Street, et.al.; Water and
Waste Water Plant and Collection System.

Director of Municipal Light and Power
Superintendents of Distribution and Generation,
Supervisor of Technical Services

Director of Community Services
Chief Caretaker/Supervisor

Chief of Police Department
Captain of Police
Sergeants

Chief of Fire Department

Code Administrator