

ORDINANCE

WHEREAS, the County of Lake established the Employee Policies and Procedures Ordinance to serve as a clear policy statement, providing for the equitable treatment of employees as the terms, conditions and benefits o the Lake County employment relationship; and

WHEREAS, the County of Lake establishes policies an procedures to resolve disputes as the apply to the administration of disciplinary action, County Board Rules, standards of performance and/or behavior; and

WHEREAS, the County of Lake is committed to establishing grievance policies that are efficient and thus subjects said procedures to modification in order to be responsive to the employment population; and

WHEREAS, the Finance and Administrative Committee of the County Board has reviewed the policy recommended for adoption by the County Administrator and the Director of Human Resources.

NOW, THEREFORE, BE IT ORDAINED, by this the County Board of Lake County, Illinois, that the Lake County Employee Policies and Procedures is hereby amended to include Section 12.1 as attached hereto and made part of this ordinance.

DATED, at WAUKEGAN, LAKE COUNTY, ILLINOIS, on this 8th day of April, A.D., 2008.



12.1 GRIEVANCE PROCEDURE (OPTION 1- HEARING OFFICER STEP IV)

Effective Date: December 13, 1983

Revision Date: February 13, 1990

Revision Date: May 8, 2001

Revision Date: April 8, 2008

Policy

Supervisory and non-supervisory personnel are expected to make every effort to resolve disputes involving the application, meaning or interpretation of Policies and Procedures informally as they arise. It is recognized that there will be occasions when disputes cannot be resolved informally and a more formal review of the circumstances giving rise to the grievance must be undertaken.

Purpose

The purpose of this policy is to provide a process for eligible employees to settle disputes in a prompt, equitable and congenial manner regarding the application, meaning or interpretation of Policies and Procedures. This policy is intended to maintain a harmonious and productive work environment in the settlement of grievances.

Eligibility

This policy pertains to non-introductory employees of Lake County; it does not pertain to introductory employees of Lake County, or to Lake County Department Heads. Eligible employees may utilize the grievance procedure through Step IV if disciplinary action has been taken that resulted in an unpaid suspension of any length, demotion as a result of disciplinary action and a reduction in base pay or the termination of employment. Employees may utilize the grievance procedure through Step III for all other violations to Lake County and Departmental policy and procedures.

Claims or disputes not subject to this procedure at any step shall include those:

- a. Involving performance appraisals (unless the appraisal directly results in suspension demotion, or discharge).
- b. Involving insurance benefits (including a dispute between an employee or the Employee's beneficiary and any insurance carrier(s) or processor of claims).
- c. Involving allegations of discrimination or harassment (unless the alleged conduct directly results in a suspension, demotion or discharge which is being grieved pursuant to this policy). See the Lake County Harassment Policy (Section 2.14) for information on reporting complaints of harassment or discrimination.

Elected officials may choose to adopt this policy and employees of elected officials should consult with the official they serve to determine whether their employer has adopted this policy.

Employees covered by bargaining agreements must utilize the grievance procedures contained in the collective bargaining agreement exclusively.

Procedures

STEP I. Immediate Supervisor

The employee shall raise the grievance with the employee's Immediate Supervisor in writing. In the written document the employee shall inform the Immediate Supervisor that this discussion constitutes the first step of the grievance procedure. The written document describing the grievance must contain the specific policy, procedure and/or work rule that was violated. All grievances must be presented not later than ten

(10) working days from the date of the occurrence-giving rise to the complaint or ten (10) working days from the date the employee became aware of the events giving rise to the complaint. The Immediate Supervisor shall render a written response to the grievance within ten (10) working days after the grievance is presented.

STEP II. Department Head

In the event the grievance is not resolved at Step I, it shall be presented in writing by the Employee to the Department Head or designee within ten (10) working days after the Step I response is issued.

-OR-

If the immediate supervisor is the Department Head the employee should proceed to Step III within ten (10) working days after the Step I response is issued.

Within ten (10) working days after the grievance is presented at Step II, the Department Head or designee shall schedule a meeting and discuss the grievance with the Employee. The Department Head or designee shall render a written answer to the grievance within ten (10) working days following the meeting and provide a copy of such answer to the Employee.

STEP III. Director of the Department of Human Resources

If the grievance is still unresolved, it may be submitted by the Employee to the Director Human Resources or designee, in writing, within ten (10) working days after receipt of the Step II answer. The Human Resources Director shall delegate the responsibility of chairing this grievance step if the disciplinary action involves a direct report or a situation where he/she was directly involved in the investigation and/or making the final decision. Within ten (10) working days after the Human Resources Department receives the grievance the parties shall schedule a meeting. The Director of Human Resources or designee shall give his/her written response within ten (10) working days following the meeting.

STEP IV. Hearing Officer

If the grievance is still unresolved, it may be submitted by the Employee to Director of Human Resources, in writing, within ten (10) working days after the Step III answer is issued. Within twenty (20) working days after the Director Human Resources receives the grievance the parties shall schedule a meeting with a Hearing Officer. The Hearing Officer will be trained in conducting hearings and making decisions related to violations of work rules. The Hearing Officer will be selected by the State's Attorneys Office. The cost of the Hearing Officer shall be borne by the County.

Written notice of time, date and place shall be served by the Director of Human Resources to the parties at least five (5) calendar days before the date of the hearing.

The Hearing Officer shall make written findings of fact, conclusions of law, and a formal determination to affirm or deny the grievance within twenty (20) working days from: the Hearing Officer's receipt of the hearing's transcript, if so ordered, or the day the hearing was held whichever is applicable.

The decision of the Hearing Officer shall be final.

Time Limits

A.) Grievances may be withdrawn at any step of the grievance procedure without-prejudice. Grievances not appealed within the designated time limits will be treated as withdrawn grievances.

B.) The time limits at any step or for any hearing may be extended by mutual agreement of the parties involved at that particular step.

D.) The Employee's failure to advance the grievance to the next step within the specified time limits without a mutually agreed upon extension shall result in the grievance being withdrawn with no further appeal rights.

E.) The Employer's failure to respond within the time limits shall result in the grievance being automatically advanced to the next step unless the parties mutually agree to extend the time limits.