

James
Crosbie
Myers
Gray
Blues
Beard
Henson
Feigel
Lawless
Martin

INTER-GOVERNMENTAL COMMITTEE

April 14, 2009
1:00 P.M.

A G E N D A

1. Construction Apprenticeship Program - James (1-4)
Additional Information May Be Distributed at the Meeting
2. Oath for Commissions/Boards - Beard (4-5)
Additional Information May Be Distributed at the Meeting
3. Grievance Procedures – James (5-17)
4. Update on Committee Items (18)

"Inter-Governmental Committee, to which should be referred matters relating to wages and classification, personnel, government organization, employee relations, government buildings and property maintenance."

Council Rules & Procedures, Section 2.102(2)

URBAN COUNTY COUNCIL

Inter-Governmental Committee

March 10, 2009

CM James called the meeting to order at 1:00 P.M. All committee members were present, except Myers, Gray and Lawless.

I. Construction Apprenticeship Program- James

A group representing construction workers, builders and craft tradesmen were in the audience to speak on a proposed ordinance to adopt this program. Robert Akins, Todd Pancake and Jerry Yates, Indiana/Kentucky Regional Council of Carpenters were available to address the committee. They explained a wage/benefit package and certification by both state and federal government. Graduate of the program can work both in the U.S. and Canada and the only credentials required are either a high school diploma or GED and that graduates do not have any debt to repay after completion of the program. Adding this is a viable option for high school graduates not wishing to attend college. The program is key to encouraging economic development and keeping business local. Mr. Pancake said the program had a \$6.8 million dollar budget last year and invests a great deal in education and training. He said of 2100 workers, approx. 29% are minority and that most workers would be trained to construct buildings in their own community. He also said the program has an "articulation agreement" which spells out criteria a participant should know upon leaving school in order to prepare them for work on a construction site.

Larry Hujo, an independent contractor and Jefferson County school board member also spoke to the committee about benefits of the program and its success in Louisville/Jefferson County. He said this program creates opportunities for employment, and a chance for skilled trades' people to stay while, encouraging investment in the community.

James asked Anthony Wright, Mayor's Office of Economic Development to comment on the ordinance and advise the committee if he views the program as favorable and about economic impact.

Mr. Wright told the committee this was an opportunity for workforce development promoting skills and qualifications especially in light of the recent stimulus efforts to rebuild and revive cities infrastructures.

Crosbie said this opportunity already exist for employers to take advantage of this. She referred to section 1, item 6, 33% of total labor hours. She wanted to

know if this was legal and enforceable. Dave Barbarie, Law Dept. responded about a certain level of program participants residing in Fayette County would be reasonable.

Mr. Wright responded saying 25% is the lowest to use to meet federal requirements. Tied to percentage on a job however the draft calls for 33%. Barabie said based on one existing case law it would be defensible to have a certain number of journeyman in Fayette Co.

Crosbie expressed concern the program might put local construction business at a disadvantage if they could not meet requirements of the ordinance.

Wright said it would work on a bid process which would consider program participation or is part of the criteria and would be considered a preference because awarding bids is not determined on lowest bid alone.

Feigel stated the program was a great idea and wanted to know more about who pays any health insurance and pension plans. She also wanted to know if there are any guarantees of jobs or that the apprentice would stay with the contractor or company. She asked if there was any way to insure apprentice stays in the county. She also wanted to know if UK or the Fayette County School Board has a similar agreement.

Mr. Yates said apprentices are treated as a regular employee and accrue benefits accordingly. He replied ultimately the goal is for the apprentice to stay with the employer. However, there is nothing written to stipulate an apprentice has to stay in the area once they have completed apprenticeship. He said there is no type of agreement with either UK or Fayette Co. schools. He added this program does not cost the employer and nothing is mandated by law either. All this does is give an employer an advantage if they are training apprentices.

Feigel asked if state government had been approached about this and the answer was no. She remarked that would be a natural first step. She suggested changes to the draft ordinance, provision for participate to stay locally and a cap on change orders.

Mr. Hujo said Louisville Metro Government has this ordinance and addressed concerns about placing a cap on change orders.

Crosbie asked about other training programs. Mr. Hujo said KTCTS has one as do most unions. He added all skills are transferable and go towards earning even higher degrees such as engineering.

Henson referred to a decrease in skilled workers. What is required before entering the program and the average wage?

The only requirement is a high school diploma, GED, 18 years of age. The start is around 40% of top wage. There was an observation made that while trying to gear up data-base, technical & computer workers, we have fallen behind in training of skilled trades workers.

Salaries are based on top wage of whatever craft such as, electric, plumbing, building & average length of program which fall in range of 5 years, some are 4 years. There are incremental increases in wages like any other job.

Blues said by passing this ordinance the government would be encouraging and perhaps giving preferences to businesses that had this program. He also expressed concern as did Crosbie, about effecting competition with other contractors/builders, etc. He said he would like to see data on success of this program.

James stated she would arrange for Brian Marcum, Director of Purchasing to be available to answer concerns at another meeting or discussion on this topic.

Mr. Yates responded the most recent data is study of 1997. He has contacted the state for information on apprenticeship programs. He said he would get data to the council.

Blues talked about the government subsidizing an educational program and compared it to council's consideration of the scholarship program wondering if this issue would be somewhat the same. What is the cost of on the job training; he was concerned about inexperienced apprentice on site and if there were cost implication.

Beard referred to 25 to 33% talking about ratio of apprentices to qualified people. He wanted to know if there was a sequence in the training and what steps are taken to insure apprentices have a wide variety of job skills and knowledge. How is knowledge of different building codes handled?

Mr. Akins said employers are encouraged to know level of apprenticeship experience, there are a set of apprenticeship standards, and an agreed upon curriculum and understanding of skill levels. It is encouraged to provide exposure to every level of that craft. A license would be required and would account for knowledge of how to apply different building codes in different areas.

Martin said he also thought this was a good program but did not want to see it burdened with additional government restrictions that would be difficult to oversee and enforce. Recapture penalties are very difficult to enforce. Is the 3% enough of an increase or incentive to have of an impact. He wants the program to be effective and does not want to see change orders later to make up the difference in cost.

The 3% actually came directly from contractors as an average indicator of cost for the apprenticeship training. Mr. Hujo says it's been embraced in Louisville and encourages companies to participate.

Martin confirmed this would be worth a company's time and enough incentive to participate in this program.

Crosbie suggested having local industry people available at the next meeting or discussion. She said the matter might be referred to the Vice Mayor for a list of groups or businesses that might be affected by passing of this ordinance. Crosbie committed to contact Vice Mayor Gray about who to invite to future meetings.

James thanked Crosbie for volunteering to follow up on inviting other construction and/or real estate industry people to join in, saying this discussion was slated for continuation in April, 2009.

Mr. Hujo extended an invitation to visit their training center in Louisville, Kentucky. James asked Paul Schoningher, council staff to get contact information to perhaps set up a date to visit in a group setting with either members of council or business people in Lexington or both.

2. Oath for Commissions/Boards- Beard

CM Beard lead the discussion telling the committee he would like to see the practice of administering an oath much like in the banking business and other industries. He mentioned several boards and commissions that might qualify for the requirement of an oath which were all entities receiving LFUCG funds. He said his intention is perhaps not a cure, but would provide a level of sensitivity, using the incident of the airport board. He wanted to solicit input from other council members on the feasibility of this proposal.

Feigel commented saying everyone certainly needed to learn from the situation with the airport. She reiterated when serving on a board of a public entity there must be full knowledge of the job description and expectations.

Blues commented on taking oaths, saying it's a good idea. He also recommended providing board members with guidelines.

Beard added once an individual signs an oath is notarized and a judge does preside over this process.

Martin said he appreciated the spirit behind this proposal and discussion but wondered if a director of a city affiliated agency might also be subject to the

ethics board. Logan Askew, Law Dept. responded, they are not. Martin added that might be something to consider as a future requirement for commission/boards. He said some will violate rules no matter what and suggested having a director certified; much like IRS rules for a non profit organization to insure they are in compliance with the state and have good financial practices and good governance.

Feigel said we are attempting to communicate the magnitude of responsibility when people accept that role and how serious it should be taken. She added this needs to be clearly understood in the orientation process of a board and its directors.

Beard referred to a copy of an oath included in the meeting packet saying the process in not intended to be a burden, but rather a step to raise awareness for boards/directors and if they are not willing to sign and oath, then are not ready to take responsibility.

James suggested forming a working group to look at language of an oath that would be more specific to government funded entities such as, commissions and boards.

Beard called for a need to act swiftly on this and did not want to over complicate the issue. He asked how the committee felt about moving forward on this matter.

Feigel agreed to work further with Beard on defining requirements and specifics of oath signing and reporting back to the committee later.

Mr. Askew referred to state law regarding commissions/boards saying they are very specific. He also reminded them CM Myers has already approached the law dept. about training, ethics and codes of conduct. He told the committee there would be a memo coming forward to address those questions.

James asked Mr. Askew if the law department might be ready to address the committee on this matter in approximately one month and his reply was yes.

3. Grievance Procedures - James

James told the committee it's been almost a year that issue of the grievance procedure was brought before the Intergovernmental Committee. She referred to an employee survey to be done addressing the effectiveness of the process. She said the issue was lingering and being delayed due to various factors, such as the implementation of the People soft HR module. She said the committee should move forward to show an effort that it is looking into the process. She presented a draft resolution asking committee members to review and comment.

Martin said having to consider a matter such as this takes him off guard and preferred to take it up at a later date since he is not yet familiar with the issue.

Blues agreed with Martin saying acting on the proposed resolution today was not appropriate and suggested forming a task force.

Beard said he's been involved in situations where grievances were resolved and agreed with Martin. In regard to a task force, he stated he felt this issue needed to be addressed sooner.

Feigel said she does not feel she has enough information on the matter at this time to act. She wanted to know how pervasive the problem was and if perhaps this was an issue of personalities versus efficiencies.

James responded saying there needs to be a distinction between person and personalities. She reminded the committee the intention of the survey was to better understand if the process works and if there might be retaliation and personality factors.

James said she needed to bring new council members up to date on the matter.

Feigel wanted to confirm if these are employee or citizen grievances and wanted to know why this matter was before council and feels it should be a matter for the administration.

James said since this involves employees who are also citizens of Lexington-Fayette County and resolutions or ordinances that sometimes come before council, she felt these actions were appropriate.

Feigel said she would like to see a copy of the ordinance dealing with the grievance process before voting on any actions pertaining to it.

Henson also indicated she would be interested in getting the background on this matter and why it was put into committee. She also asked for an estimate of grievance filed, pending and resolved.

Beard mentioned grievances in reference to police and fire. He said he was amazed that level of supervision is being usurped by the council. He mentioned how grievances are handled in the private sector referring to establishing a "grievance committee".

Logan Askew said police and fire issues are a matter of state law and is a different process. He added discipline of an employee is different from a grievance. He said the process is outlined in an ordinance and he felt the question is does the process need to be changed.

Joan Beck, Citizens Advocate suggested looking at how many grievances are filed following a disciplinary action. She agreed the process is problematic. She said feedback of the grievance process indicated there was a trust issue. She encourages the committee to consider misuse of discipline and the grievance procedure.

Blues said this matter should be carried over and reviewed at another Intergovernmental Committee meeting.

4. Update on Committee Items

This item was not covered due to lack of time.

Motion to adjourn by Beard, seconded by Blues, meeting adjourned at 3:00 pm

Legislative Action re: grievance procedure

Whereas, Human Resources Manager Senior of Training & Development/Employee Relations is the originator/creator of the grievance procedure;

Whereas, Human Resources Manager Senior of Training & Development/Employee Relations is the intake personnel for all/most grievances;

Whereas, Human Resources Manager Senior of Training & Development/Employee Relations is the lead investigator for all/most grievances;

Whereas, the Division of Human Resources has been the designated entity for final grievance appeals and the Director of Human Resources is the sole supervisor of Human Resources Manager Senior of Training & Development/Employee Relations;

Whereas, the Intergovernmental Committee has requested actions from Human Resources Manager Senior of Training & Development/Employee Relations regarding changes to the grievance procedure without adequate results,

Let it now be resolved that:

Council requires a draft ordinance with substantial changes to the grievance procedure no later than _____ (about 3 days);

Council requires that Human Resources Manager Senior of Training & Development/Employee Relations immediately cease all aspects of involvement with the grievance process and procedure, including but not limited to : intake, investigation, review of appeals, and staff training until further Council action;

Council requests that Internal Audit review grievances within the last two years to determine that appropriate actions have been taken.



Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

MEMORANDUM

DATE: March 10, 2008

TO: Intergovernmental Committee Members

FROM: Leslie F. Jarvis, Sr. Manager
Division of Human resources

RE: Legislative Action re: grievance procedure

On March 10, 2009, Councilmember Andrea James presented a document to the members of the Intergovernmental Committee titled, ***Legislative Action re: grievance procedures***. I believe that there are several inaccuracies in the document which need to be addressed. I hope you will review the document and consider the information before taking any formal action.

1. ***"Whereas, Human Resources Manager Senior of Training and Development/Employee Relations is the originator/creator of the grievance procedure;"***

Response: This is incorrect. An ordinance enacting chapter 21 of the Code of Ordinances, which is the Comprehensive Plan for the Classified Civil Service System of the Lexington-Fayette Urban County Government, became effective July 3, 1978. A grievance procedure was outlined in that plan. There have been no documented changes to the grievance procedure since 1978.

2. ***"Whereas, Human Resources Manager Senior of Training and Development/Employee Relations is the intake personnel for all/most grievances;"***

Response: This is incorrect. The grievance procedure as outlined in the ordinance is a four (4) step procedure. The grievance does not initiate with the Division of Human Resources but rather with the employee's immediate supervisor within their respective division. There are three (3) opportunities for the grievance to be resolved within the employee's division/department before reaching Step 4. Once at Step 4 the grievance is reviewed by the CAO/Senior Advisor, or his designee. The designee has always been a Division of Human Resources representative. The response from the Senior Advisor is final.

3. "Whereas, Human Resources Manager Senior of Training & Development/Employee Relations is the lead investigator for all/most grievances;"

Response: This is incorrect. Once a grievance is received at Step 4 then it is assigned to an investigator. Currently there are eight (8) people who could be assigned as an investigator (this does not include the Manager Senior). The Manager Senior assigns and reviews work for accuracy but does not conduct the interviews, gather documentation, write the report, or make the recommendations.

The chart below illustrates the number of Step 4 grievances that have been reviewed by the Division of Human Resources for the current and last two (2) calendar years. The allegation has been made by the Citizen's Advocate that the filing of a grievance results in discipline. The last two (2) columns represent discipline that was received by the employee filing the grievance either six (6) months before filing the grievance or six (6) months after the grievance. For example, of the 15 employees who filed a grievance in 2007, three (3) of those employees had been disciplined within the six (6) months before filing a grievance and six (6) were disciplined within the six (6) months after filing the grievance. It is important to note that the number of Step 4 grievances have decreased by 80% over the last 3 years.

Calendar Year	Number of Step 4 Grievances	Number Investigated by Sr. Manager	Discipline 6 months before	Discipline 6 months after
2007	15	2 (13%)	3 (20%)	6 (40%)
2008	6	2 (33%)	1 (17%)	3 (50%)
2009	3	0 (0%)	2 (67%)	1 (33%)

4. "Whereas, the Division of Human Resources has been the designated entity for final grievance appeals and the Director of Human Resources is the sole supervisor of Human Resources Manager Senior of Training & Development/Employee Relations;"

Response: A Division of Human Resources representative has been the designee for the CAO, and now the Senior Advisor, in reviewing Step 4 grievances. The Training & Development/Employee Relations Section of the Division of Human Resources oversees the function. The section is managed by a Manager Senior who does report to the Director of Human Resources.

5. "Whereas, the Intergovernmental Committee has requested actions from Human Resources Manager Senior of Training & Development/Employee Relations regarding changes to the grievance procedure without adequate results;"

Response: This is incorrect. A request was made that the Division of Human Resources survey Classified Civil Service employees concerning their opinions of the current grievance procedure. In response to this request a presentation was made to the Intergovernmental Committee outlining the current grievance procedure; the grievance procedures (if such existed) were requested from ten (10) local businesses and ten (10) U.S. local governments in order to conduct a comparison study of the LFUCG process and that of other business and local governments; and, a survey was completed and provided to the members of the Intergovernmental Committee for review.

In the February 2009 Intergovernmental Committee meeting an update on the status of the survey was requested. At that meeting Commissioner Kyna Koch advised the committee that the request had not been ignored but rather placed on hold due to other more pressing obligations such as the Peoplesoft implementation.

If the request had been merely to provide recommendations concerning "...changes to the grievance procedure..." that could have been accomplished immediately without the need for a survey. To be noted, recommendations were made concerning needed revisions to the grievance procedure dated back to September 2004. In 2005 a new procedure and ordinance change was drafted but there was not an interest from the administration in pursuing those recommendations at that time. Documentation to support such can be produced upon request.

6. "Let it now be resolved that:

Council requires a draft ordinance with substantial changes to the grievance procedure no later than _____ (about 3 days);"

Response: Changes to the current grievance procedure would require an ordinance change.

7. "Council requires that Human Resources Manager Senior of Training & Development/Employee Relations immediately cease all aspects of involvement with the grievance process and procedure, including but not limited to: intake, investigation, review of appeals, and staff training until further Council action."

Response: Asking the Senior Manager to cease all aspects of involvement with grievances, investigations, appeals, and training would require essentially ceasing a function for which this person spends significant time and effort. These tasks are reasons this position exists.

The request to remove the person from those duties implies that a performance issue has occurred in the assigned duties. To date no factual documentation has been presented to show that the Senior Manager has been derelict in the performance of duties.

8. "Council requests that Internal Audit review grievances within the last two years to determine that appropriate actions have been taken"

Response: Full cooperation would be offered.

Businesses and governments do provide a grievance procedure to employee's as a means of disputing inadequacies in the administration of policies and procedures. The LFUCG placed a grievance procedure in ordinance in 1978 and a review and revision to the procedure has not occurred since and thus warranted. However grievance procedures are an administrative function in businesses and governments and not a legislative process. In making recommendations for changes, sound human resources principles should be studied and applied to the newly created process.

I welcome your questions and feedback.

Sec. 21-49. Grievance procedure.

(a) If, at any time, any classified civil service employee considers himself aggrieved (hereinafter "aggrieved employee") by another urban county government employee's alleged abuse of discretion in his treatment of the former (hereinafter "accused employee"), the aggrieved employee may seek to rectify the situation through the following grievance procedure:

(1) The aggrieved employee shall orally discuss his grievance with the accused employee or with the employee designated by his supervisor to handle grievances within ten (10) working days of the event or occurrence giving rise to the grievance. Every effort shall be made to reach a satisfactory settlement by informal adjustment. If the grievance is not settled in the initial discussion, the aggrieved employee may in writing, on the form designated by the chief administrative officer, formally present the grievance to the accused employee within five (5) working days after receiving the accused employee's oral answer. The written grievance shall set forth the nature of the alleged wrong, the date of the occurrence and the remedy sought. An employee who is presented with a written grievance shall give his written answer to the aggrieved employee within five (5) working days after receiving the grievance. If the grievance is not resolved at this stage, a copy of the grievance may be referred by the aggrieved employee in writing within five (5) working days after receipt of the accused employee's answer to his supervisor.

(2) Upon receipt of the written grievance, the supervisor shall notify his own supervisor of the grievance. The aggrieved employee's supervisor or his designated representative shall discuss the grievance with the aggrieved employee within ten (10) working days after receiving the appeal. If no settlement is reached at this meeting, the supervisor or his designated representative shall give a written answer to the employee within ten (10) working days following the meeting; however, this answer shall receive the prior written approval of his own supervisor. If the grievance is not settled at this stage of the proceedings, the aggrieved employee may refer the written grievance to the chief administrative officer within ten (10) working days after receipt of the answer from the supervisor or his designated representative.

(3) The chief administrative officer or his designated representative shall discuss the grievance with the aggrieved employee within ten (10) calendar days after receiving the appeal at a time and place designated by the chief administrative officer or his representative. The chief administrative officer's decision is final and shall be placed in writing within five (5) working days from the date of the meeting. A copy shall be sent to both the aggrieved and accused employees and the appropriate supervisors. If the accused employee is found to have abused his discretion, appropriate action will be taken to correct the error.

(b) The provisions of this section shall apply to all classified civil service employees below the level of division director. However, probationary employees shall have the right to appeal any grievances only through the second stage of this procedure; and in no case shall they have the right of appeal to the chief administrative officer.

(c) If at any time in this procedure the time limit imposed on the appropriate employee or supervisor is exceeded, the aggrieved employee may automatically appeal to the next level.

(d) Disputes concerning matters vested in the director and the commission by KRS 67A.210 et seq. and section 21-3 shall not be heard through the grievance procedure described herein. Employees may first consult the director and, if not satisfied, the commission concerning those matters.

(Ord. No. 139-78, § 1(21-49), 6-29-78)

Cross references: Grievances procedure for unclassified civil service employees, § 22-32; grievance procedure for employees of divisions of fire and emergency services and police, § 23-48.

Sec. 22-32. Grievance procedure.

(1) If at any time, any individual holding a position covered by this chapter considers himself aggrieved (hereinafter "aggrieved individual") by another urban county government officer or employee's alleged abuse of discretion in his treatment of the former (hereinafter "accused individual"), the aggrieved individual may seek to rectify the situation through the following grievance procedure:

(a) The aggrieved individual shall orally discuss his grievance with the accused individual or with the individual designated by his supervisor to handle grievances within ten (10) working days of the event or occurrence giving rise to the grievance. Every effort shall be made to reach a satisfactory settlement by informal adjustment. If the grievance is not settled in the initial discussion, the aggrieved individual may, in writing, on the form designated by the chief administrative officer, formally present the grievance to the accused individual within five (5) working days after receiving the accused individual's oral answer. The written grievance shall set forth the nature of the alleged wrong, the date of the occurrence, and the remedy sought. An individual who is presented with a written grievance shall give his answer to the aggrieved individual within five (5) working days after receiving the grievance. If the grievance is not resolved at this stage, a copy of the grievance may be referred by the aggrieved individual, in writing, within five (5) working days after receipt of the accused individual's answer to his supervisor.

(b) Upon receipt of the written grievances the supervisor shall notify his own supervisor of the grievance. The aggrieved individual's supervisor or his designated representative shall discuss the grievance with the aggrieved individual within ten (10) working days after receiving the appeal. If no settlement is reached at this meeting, the supervisor or his designated representative shall give a written answer to the individual within ten (10) working days following the meeting; however, this answer shall receive the prior written approval of his own supervisor. If the grievance is not settled at this stage of the proceedings, the aggrieved individual may refer the written grievance to the chief administrative officer within ten (10) working days after receipt of the answer from the supervisor or his designated representative.

(c) The chief administrative officer or his designated representative shall discuss the grievance with the aggrieved individual within ten (10) calendar days after receiving the appeal at a time and place designated by the chief administrative officer or his representative. The chief administrative officer's decision is final and shall be placed in writing within five (5) working days from the date of the meeting. A copy shall be sent to both the aggrieved and accused individuals and the appropriate supervisors. If the accused individual is found to have abused his discretion, appropriate action will be taken to correct the error.

(2) The provisions of this section shall apply to all individuals below the level of division director.

(3) If at any time in this procedure the time limit imposed on the appropriate individual or supervisor is exceeded, the aggrieved individual may automatically appeal to the next level.

(Ord. No. 230-83, § 1, 11-22-83)

Charter references: Unclassified civil service, § 9.06.

Cross references: Grievance procedure for classified civil service employees, § 21-49; grievance procedure for employees of division of fire and emergency services and division of police, § 23-48.



Lexington-Fayette Urban County Government EMPLOYEE GRIEVANCE FORM

This form includes qualified applicants with disabilities.

This form is to be filled in by your supervisor at the time he/she is presented with your grievance in verbal form. The supervisor shall retain the original and furnish you with a copy. If your grievance is against your division director, you should submit Step III to the commissioner of your department. (Qualified applicants with disabilities should present any grievance to the Employment Manager of the Division of Human Resources.)

STEP I

Statement of the verbal grievance. This is to be completed by the employee's supervisor or the Director of Human Resources for qualified applicants with disabilities.

Supervisor's Name

Department or Division

Date Grievance Occurred

Date Grievance Stated Verbally to Supervisor
(Within 10 working days of date grievance occurred)

Date Verbal Answer is Given by Supervisor

Employee's Signature

Date

☐

I concur with the answer received and consider the grievance resolved.

☐

I do not concur with the answer received and wish to go on to Step II.

If your grievance is not answered to your satisfaction in Step I, then within five (5) working days from the date of the verbal answer, you must submit your grievance in formal written form, as outlined below. A copy shall be made for your records. (If a qualified disabled applicant does not concur with the verbal reply to his/her grievance in Step I, the grievance is to be submitted to the Director of Human Resources who will respond in Step II.)

STEP II

Date Submitted in Writing to Supervisor

Employee's Signature

Cause of Grievance? (Be specific.)

What should be done to resolve this grievance?

Supervisor's written answer.

The date answered by the Supervisor, or the Director of Human Resources for qualified applicants with disabilities, should be within five (5) working days from receipt.

Supervisor's Signature

Employee's Signature

Date

☐

I concur with the answer received and consider the grievance resolved.

☐

I do not concur with the answer received and wish to go on to Step III.

(1)

STEP III

If your grievance is not settled to your satisfaction in Step II, then the supervisor shall submit the Grievance Form, with Steps I and II completed to the Division Director (Commissioner) within five (5) working days. The Division Director (Commissioner), or his/her designee, shall meet with the aggrieved employee within ten (10) working days after receiving the written appeal. (For qualified disabled applicants for employment whose grievance is not settled at Step II, it shall be submitted in writing, within five (5) working days, to the Civil Service Commission in Step III, who shall review same at its next available meeting, and whose decision shall be final.)

Date Submitted to Division Director (Commissioner)

Meeting Date

Division Director's (Commissioner's) Written Decision

Division Director's (Commissioner's) Signature

Date Answered by Division Director (Commissioner)
(Within 10 working days of meeting.)

Signature Indicates Concurrence of Commissioner

Date

Employee's Signature

Date

☐

I concur with the answer received and consider the grievance resolved.

☐

I do not concur with the answer received and wish to go on to Step IV.

STEP IV

If your grievance is not settled to your satisfaction in Step III, the Division Director (Commissioner) shall submit all previous steps to the Mayor's Designee, the Director of Human Resources, within ten (10) working days of the written answer in Step III. The Director of Human Resources, or his/her designee, shall meet with the employee and other parties, within ten (10) calendar days after receipt, to investigate the complaint and present such facts, as found, to the Chief Administrative Officer (CAO), with a written recommendation, within five (5) working days after the investigation is completed. The CAO's decision is final.

For disabled employees who have a grievance relative to any aspect of the Americans with Disabilities Act, the Director of Human Resources and the EEO Officer/ADA Coordinator will investigate the complaint and present the facts, as found, to the Mayor along with a written recommendation within five (5) working days after the investigation is completed. The Mayor's decision shall be final.

Date Submitted to the Director of Human Resources

Date Report Is Submitted to the Mayor or CAO

Director of Human Resources Recommendations

Signature of Director of Human Resources

Mayor's or CAO's Approval

Mayor's or CAO's Disapproval

Mayor's and CAO's Comments

67A.280 Dismissal, suspension, or reduction.

- (1) No employee in the classified service of urban-county government, after serving a probationary period provided by comprehensive plan or ordinance for his class, which shall not be in excess of six (6) months, shall be dismissed, suspended, or reduced in grade or pay for any reason except inefficiency, misconduct, insubordination, or violation of law involving moral turpitude.
- (2) Any person may prefer charges in writing against any employee by filing them with the appointing authority who shall communicate the charges without delay to the head of the executive unit in charge of personnel matters, and to the civil service commission. The charges must be signed by the person making them and must set out clearly each charge. The appointing authority shall, whenever probable cause appears, prefer charges against any employee whom he believes guilty of conduct justifying his removal or disciplinary action. Upon the filing of charges, the secretary of the civil service commission shall notify its members and serve a copy of the charges upon the accused employee with a statement of the date, place, and hour at which the hearing of charges will begin, this hearing not to be held within three (3) days of the date of the service of charges upon the accused employee. The day on which the charges are served on the accused employee shall count as one of the days of notice. The person accused may in writing waive the service of charges and demand trial within three (3) days after they have been filed with the secretary of the civil service commission.
- (3) Upon the hearing, the charges shall be considered traversed and put in issue, and the trial shall be limited to the issues presented by the written charges, provided, however, that the charges may be amended prior to trial, in which event the notice procedures hereinabove described shall be again complied with, and reasonable opportunity given for the preparation for trial on the amended charges.
- (4) The civil service commission shall have the power to summon and compel attendance of witnesses at all hearings by subpoena issued by the secretary of that body and served upon the witnesses by members of the police department of the urban-county government or any officer authorized to serve subpoenas. If any witness fails to appear in response to a summons or refuses to testify concerning any matter on which he may lawfully be interrogated, any District Judge, on application of the commission, may compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the District Court. The accused employee shall have the right to have subpoenaed any witnesses he may desire, upon furnishing their names to the secretary. Subpoenas may be served on the request of the accused employee without charge. They shall be issued by the secretary and served by the police department. The action and decision of the civil service commission on the charges shall be reduced to writing and kept in a book for that purpose and the written charge shall be attached to the book containing the body's decision.
- (5) In cases where the head of the department or executive unit or the appointing authority has probable cause to believe an employee has been guilty of conduct justifying his removal or punishment, he shall immediately suspend that employee

from duty or from both pay and duty pending trial and the employee shall not be placed on duty or allowed pay thereafter until the charges are heard by the civil service commission.

- (6) The civil service commission shall punish any employee found guilty by reprimand or a suspension for any length of time not to exceed six (6) months, or by reducing the grade, if the employee's classification warrants, or by combining any two (2) or more of these punishments, or by dismissal. No employee shall be reprimanded, removed, suspended, or dismissed except as provided in this section.
- (7) Irrespective of the other provisions of KRS 67A.230 to 67A.310, an employee may be suspended by the head of the executive unit in which he is employed, or by the appointing authority, but only as provided by comprehensive plan or ordinance, for a period not exceeding 30 days in any twelve (12) month period, and may be reprimanded by such head or authority not more than twice in any twelve (12) month period. In such event, the actions of such head or appointing authority shall be subject to appeal to the commission. Such appeal shall be filed with the secretary of the commission within ten (10) days of the action of the unit head or appointing authority, and may be reviewed, reduced, or revoked by the commission after a hearing in which the unit head or appointing authority shall have reasonable opportunity under rules established by the commission, to support his charges. The grounds of suspension or reprimand under this subsection shall be only those set out by comprehensive plan or ordinance. The commission shall further have the power, in the event it finds that the unit head or appointing officer acted in error, to take such action as shall be necessary to compensate the appealing employee for such error. An appeal by an employee shall not suspend the operation of the action of the unit head or appointing authority pending action of the commission.
- (8) Nothing herein shall prevent the comprehensive plan or ordinance from providing additional remedies and rights to employees.

Effective: January 2, 1978

History: Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 51, effective January 2, 1978. -- Created 1974 Ky. Acts ch. 246, sec. 8, effective June 21, 1974.

Intergovernmental Committee Items-Pending

<u>Item</u>	<u>Referred By</u>	<u>Date Referred</u>	<u>Status</u>
Oath for Boards/Commissions	Beard	3-3-05	Apr Meeting
Construction Apprenticeship Program	James	2-17-09	Apr Meeting
Grievance Procedures	James	4-8-08	Apr Meeting
Citizens' Advocate Office Draft Policy & Procedures Manual	Myers/ Ellinger	2-5-08	Law/CA Review
Boards & Commissions That Adhere to Ethics Act Financial Disclosure	Myers	8-14-07	Removed from Items List?
Review Current Boards & Commissions	Myers	6-12-07	Removed from Items List?
Boards/Commissions Reporting	Myers	8-14-07	Removed from Items List?
Council Standing Committees	Myers	1/16/07	COW Discussion
High Risk Pay Supplement	Gorton	2/14/06	Unknown
Proposed New Compensation System	Gorton	1/15/05	Delayed-Finance & HR

PAS 4.9.09