



City of Brunswick – Human Resources Standards of Practice

SECTION 7

MANAGING PERFORMANCE

- 7.1 Performance Evaluations
- 7.2 Performance Improvement Plans
- 7.3 Code of Conduct and Corrective Action
- 7.4 Informal Hearing and Disciplinary Appeals Process
- 7.5 Conflict Resolution and Grievance Process



City of Brunswick – Human Resources Standards of Practice

SUBJECT: 7.1 Performance Evaluations

EFFECTIVE DATE: 8/23/99

DATE REVISED: 8/21/02; 11/5/03; 8/17/05;
5/8/06

STANDARD

Performance will be managed by communicating clear expectations, providing employees with sufficient training, guidance, and tools to perform the job, and by providing feedback to employees at periodic intervals to ensure optimum performance. Performance evaluations also provide employees with the opportunity to identify goals and plans for professional and job development.

PRACTICE GUIDELINES

1. ***Basis for Performance Evaluation:*** The standard job description, along with additional detailed departmental operating procedures and expectations, will form the basis for performance expectations. Each employee will be provided a copy of the job description at the time he/she enters a new job, or at such time that the current job description substantially changes.
2. ***Performance Evaluation Instrument:*** All department supervisors and managers shall use a standardized, approved instrument to evaluate the performance of all employees on a regular basis. Supplemental performance evaluation materials may be used with the approval of the City Manager, in order to make performance evaluations more meaningful and job-specific. Employees will be provided a copy of the performance evaluation form at the time of hire to help them understand how their performance will be measured.
3. ***Procedure:*** Upon original appointment, upon promotion, transfer, or movement to a different position, each employee's performance shall be evaluated at the end of 3 months, 6 months, and then annually thereafter. When an employee moves to a substantially different position, a new performance evaluation date shall be established. Special evaluations may take place at the request of the employee with the approval of the Department Head. Special evaluations may also be initiated by the supervisor. Special evaluations may be conducted when an employee is uncertain of how well he/she is performing, when substantially new job functions are assigned, or when performance difficulties are detected.

7.1-1 (rev.8/17/05)

- A. **Step 1. Creating a positive atmosphere**
In preparation for performance evaluations, supervisors should help employees understand that performance evaluation is a two-way conversation - and really mean it! Performance evaluation is a good thing, not something to fear. Sometimes employees feel as though this is a time for supervisors to “tell” employees how the supervisor thinks the employee has performed, without understanding how the employee feels about it.
- B. **Step 2. Invite the employee to evaluate his/her own performance.** Before supervisors prepare the evaluation of the employee’s performance, they may wish to give a blank performance evaluation form to the employee and ask him/her to evaluate him/herself. If the employee does not have a copy of the job description, provide one. Also ask the employee to list or discuss things he/she believes he/she has accomplished since the last evaluation. Finally, supervisors should ask the employee to list or discuss goals for the next evaluation period – things he/she wants to learn or areas he/she wants to grow in. Ask the employee to return the self-evaluation to the supervisor before the supervisor meets with the employee to discuss the evaluation. If the employee does not complete the self-evaluation form, ask the employee to think about some goals and accomplishments and be prepared to discuss them. Set a time to meet with the employee to discuss preliminary observations – the employee’s as well as the supervisor’s. Note: If the employee is unable to prepare the written self-evaluation, the supervisor should ask the employee to tell how he/she thinks he/she is performing.
- C. **Step 3. Complete the performance evaluation form.**
- 1) **Review and consider information provided by the employee’s self-evaluation.** If the employee’s self evaluation is substantially different from the supervisor’s observations, the supervisor should meet with the employee to discuss the differences in perception before preparing the final evaluation. The supervisor should tactfully explore the reasons the employee feels so differently from what the supervisor has observed. Supervisors should exercise diplomacy in asking questions, so as not to discourage the employee from future growth or future self-evaluation. This should be a fact-finding mission. When the supervisor has identified the reasons the employee views his/her performance differently, the supervisor should use this information to develop a plan of action for the performance evaluation conference with the employee.
 - 2) **Refer to the job description.** Consider the duties and responsibilities outlined in the job description as you review the Job Functions and Responsibilities described on the evaluation form. The Job Functions and Responsibilities describe what is being evaluated. The Performance Expectations describe behavior that will tell how well the employee is doing. Consider each documented area of job responsibility and reflect upon the employee’s performance during the preceding performance rating period.

Review and consider any documentation prepared by the supervisor during the evaluation period. Any critical incidents (positive things as well as negative things) such as counseling sessions, commendations, or other performance related discussions must be considered.

- 2) **Review and consider the last performance evaluation** conducted with the employee. Identify goals that were set during the last evaluation and determine whether they have been met. If not, consider why not. Consider the things within the employee's control. Look for and comment on trends in the employee's performance and development.
- 3) Be careful to consider **only** the performance that has occurred since the last evaluation.
- 4) **Review the Performance Rating Scale and the definitions provided here. Beside each Performance Expectation, place the corresponding numeric rating** in the box that most closely describes how well the employee is performing the Function or Responsibility. If some Performance Expectations do not apply, simply write "does not apply" and do not rate that item. If you are using the electronic version, simply place a check mark in the appropriate box. Note that all boxes must be checked for the calculation to work properly.

Rating Scale

"1" Below Standards: Means that performance is clearly below the standards established for the job in this particular area of expectation. Performance may sometimes meet expected standards, but not consistently. Performance falls below the standards such that the supervisor does not have confidence that the employee will perform at the standard without close supervision and direction. Employees performing at this level may need guidance and supervision in order to assure that the expectation is met. Even with supervision and guidance, the employee sometimes falls below the standard.

"2" Meets Standards: Performance generally meets the standards established for the job. Performance is acceptable but rarely exceeds the standards. Performance in this area is consistently at a normally expected level. Employees performing at this level generally do "no more and no less" than what is expected.

"3" Exceeds Standards: Performance clearly rises above the minimum expected standards on a fairly consistent basis. Performance frequently exceeds the standard in this area.

"4" Exceptional Performance: Performance consistently exceeds the standards established for the job in this area. Performance is clearly, consistently, and noticeably outstanding. Employees performing at this level demonstrate a high degree of proficiency on a regular and continuing basis.

Note: If the rater believes that the employee is marginal, i.e. between 1 and 2, it is permissible to mark both boxes and the calculator will score at 1.5. The same principle applies to the other scores. Comments must clearly support the reason for the intermediary score.

- 5) **Under Performance Comments**, write notations to support the ratings chosen. **Performance comments are important in order to personalize and make the ratings meaningful to the employee. Comments are required for any ratings below or above standards.** Comments should be written in such a way that they will help the employee to know specifically what behaviors, incidents, examples, or other information was considered. Use specific examples or comments that apply to this individual. Avoid repeating generic phrases. Personalize this report. Performance Comments should follow every rating regardless of whether it meets the standard, is above, or below. The Comments should provide supporting information so that the employee will know why performance is rated at the level it is. **In addition, any area below standards must be accompanied by documented performance improvement plans to help the employee identify what must be done in order to improve performance.** A follow-up time should also indicate when performance will be reviewed again to determine whether the employee has truly improved performance.
 - 6) **Add and average all of the numeric scores**, following completion of the ratings for all Job Functions and Performance Expectations. This is the Overall Evaluation and should be recorded on the last page. (If using the electronic version, the average score will compute automatically.)
 - 7) **List the employee's accomplishments**, according to observed behavior and results obtained. Consider also what the employee has identified as his/her accomplishments.
 - 8) **List goals for the next rating period**. Consider what the employee has identified as his/her goals. These should be things both the supervisor and the employee would like to see the employee improve upon, learn, or do to be promoted.
- D. **Step 4. The supervisor should review the evaluation with his/her manager**, or at a minimum, share general observations and overall rating of the employee **before sharing the observations and final ratings with the employee**. Particularly when pay increases are linked to the evaluation, the department head's support and agreement are critical before sharing the evaluation with the employee.
- E. **Step 5. Conduct the performance evaluation conference**. Meet with the employee at a time and in a place that is quiet and free from interruption. The location should be comfortable, without distractions, and where the employee can be at ease. The supervisor should let the employee know that during this time, the supervisor's

attention is focused on this employee completely. If the employee is not comfortable completing a written self-evaluation, the supervisor may wish to simply talk with the person during the performance evaluation conference to find out what the employee thinks. The supervisor should consider carefully what the employee says. The supervisor should listen first, then carefully and diplomatically share the supervisor's observations, particularly if the supervisor's observations are less favorable than the employee's self evaluation.

When the conference with the employee has been completed, the supervisor should ask the employee to sign and date the form. The employee should be invited to make any comments he/she wishes to make. Close the conference by giving the employee a copy of the completed, signed, and dated performance evaluation form and with supportive, encouraging remarks.

F. Helpful hints to remember:

- 1) This is an evaluation of the person's performance, not the person.
- 2) Keep personal issues out if it, unless they affect job performance.
- 3) Consider only job-related information.
- 4) Make sure numeric ratings are supported by written comments.
- 5) Do not be influenced inappropriately by single events or issues that may overshadow performance over the longer term. Consider performance over the entire rating period, not just things that have happened recently.
- 6) Confront difficult issues with tact and diplomacy.... but confront them. They will not go away by themselves. It is unfair to the supervisor, the employee, co-workers, and customers to allow poor performance to continue.
- 7) End the evaluation discussion on a positive note. Even if the employee is having difficulty, find something good to say and encourage the employee.

4. ***End of Introductory employment period:*** A Performance Evaluation form shall be completed at the end of the introductory employment period (6 months for non-public safety positions and 12 months for public safety) and submitted to the Human Resources Department. If the department head wishes to extend the introductory training period because of marginal performance or a need for further training, a Personnel Action form shall accompany the Performance Evaluation indicating the reasons for the extension.

5. ***Confidentiality:*** Performance evaluations shall be confidential and shall be made available only to the employee evaluated or the employee's assigned representative, supervisor, department head, Human Resources Director, City Manager, or other appropriate individual.

6. ***Custodian of the Record:*** The performance evaluation shall reside in the employee's personnel file in the Human Resources Department.

7. ***Departing Supervisor.***
An employee in a supervisory position who is leaving the position shall be required to submit performance evaluation forms on all the employees under his/her supervision who have not been evaluated within the previous six month period.



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SUBJECT: 7.2 Performance Improvement Plans

EFFECTIVE DATE: 8/23/99

DATE REVISED:

STANDARD

When an employee is performing below the established standard, the employee and the supervisor together will develop and document plans to bring the employee's performance up to the standard.

PRACTICE GUIDELINES

1. **Rating of "Below Standards"**. Following a regularly scheduled or an interim performance evaluation, where the rating is, on the average, "Below Standards" in any area of "Job Function & Responsibility", the supervisor, along with the employee, is required to develop and document plans for bringing performance up to the required standard. The employee will share responsibility for identifying steps needed to improve performance.
2. **Specific Information**. The performance improvement plan will state specifically which performance indicators are below standard and why. The performance improvement plan will also state specifically what is required of the employee in order to be rated "meets standards".
3. **Time Frames**. The performance improvement plan will contain time frames during which the employee must achieve certain levels of improvement. Supervisors shall follow up with the employee and document such follow up including the results of interim evaluations.
4. **Follow up**. At the end of the established performance improvement time period, the supervisor will again evaluate the employee's performance. If satisfactory improvement has not occurred, the supervisor and employee will determine what steps shall be taken in order to achieve satisfactory performance or to remove the employee from the position.



City of Brunswick – Performance Improvement Plan

Employee Name: _____ Department/Division: _____

Area of Job Function & Responsibility: Describe in detail, with examples, the Performance Deficiency (what is employee not doing that he/she should be doing?):

Summary of prior discussion and/or action related to this performance deficiency:

Date: _____ Written _____ Oral _____ Action: _____

Date: _____ Written _____ Oral _____ Action: _____

Action Plan to Bring Performance up to Standard: What action will employee take to meet the standard and when?

What action will supervisor or others take to help employee meet the standard and when? Include follow up date(s).

Failure to achieve immediate and sustained improvement or recurrence of substandard performance may result in disciplinary action, up to and including termination of employment.

Employee comments:

Signatures

Employee*: _____ Date: _____ Supervisor: _____ Date: _____

Dept Head: _____ Date: _____ *Employee's signature indicates that employee participated in this discussion and agrees to take the action planned. If employee disagrees with any part of this plan, employee should write concerns on the back of this page.

Cc: employee; Human Resources; personnel file

(ATTACH ADDITIONAL PAGES IF NEEDED.)



City of Brunswick – Human Resources Standards of Practice

SUBJECT: 7.3 Code of Conduct and Corrective Action

EFFECTIVE DATE: May 1993

DATE REVISED: 6/5/02; 4/2/03; 4/6/05

STANDARD

Customer service is of primary importance to the organization. Employees will conduct themselves in a professional, courteous manner at all times. They will always seek to satisfy the customer while balancing the best interests of the City organization. Conduct on the job will be governed by good judgement and consideration for others. Each employee's conduct and performance will support and advance the City and department goals. All employees of the City of Brunswick are members of a team, working together with the main objective of serving our community. Any employee who fails to follow the necessary rules and regulations governing conduct thereby disservices the public and fellow employees. The Code of Conduct Rules are designed to insure the rights and safety of all City employees and to provide working guidelines to assure business-like efficient service to our community. Corrective action shall be taken when conduct, performance or behavior do not meet established standards.

PRACTICE GUIDELINES

1. In recognition of the fact that each incident differs in many respects from somewhat similar situations, the City retains the right to treat each occurrence on an individual basis without creating a precedent for other cases which may arise in the future. Supervisors will review all violations of the Code of Conduct in light of extenuating circumstances.
2. The City retains the right to suspend any disciplinary action at its exclusive discretion. Examples given in any rule do not limit the generality of the rule. The rules and regulations are merely guidelines which should not be construed as limitations upon the retained rights of the City.
3. In taking corrective action, supervisors will consider the severity of the offense, the cost involved, the time interval between violations, the length and quality of service documented in the employee's personnel file, and the demonstrated ability of the employee

7.3-1
(rev.4/6/05)

concerned. In each case, supervisors should first consider whether the employee knew the expectation. If so, consider how he/she would have been expected to know.

4. In each case, where the action taken is modified from the recommended practice, the reasons for modification shall be noted.
5. Discussions regarding disciplinary or corrective action shall always be conducted in privacy to ensure the dignity and reputation of the employee among co-workers. Disciplinary and corrective action will be shared with others only on a “need to know” basis.
6. Violations of the Code of Conduct may result in the following actions, however, there is no requirement that each action be taken in sequence. Nothing in these guidelines prevents the employer from dismissing the employee immediately, depending upon the severity of the offense, without prior warning. A combination of actions may be appropriate, such as a written warning along with a suspension.
7. **Counseling** may be appropriate when substandard performance has not reach a critical level and the situation does not warrant more severe action. The Supervisor will tell the employee that he/she is being counseled (as appropriate to the situation) and will explain why. The supervisor will describe the specific problem and indicate what actions the employee should take to correct the problem and to prevent recurrence. The supervisor will explain that subsequent failures or violations will result in more further corrective action. The supervisor will also document the counseling, provide a copy to the employee and forward to Human Resources for inclusion in the Personnel File. The employee should be asked to sign the document indicating that he/she was counseled. (Where counseling is the first step taken to correct a deficiency, the supervisor may choose to keep the documentation in a working file and not forward it to Human Resources. At the time the Counseling document becomes the basis for further action, it must be included in the official Personnel File.)
8. **Remedial Training** may be appropriate when the employee’s performance indicates a lack of understanding of standard operating procedures or work methods. Documentation should be maintained by the supervisor and/or forwarded to the Human Resources Department for inclusion in the Personnel File.
9. **An Oral Warning** may be appropriate when prior counseling has not produced the desired results or when the violation or offense is more serious. The supervisor should verbally and privately explain to the employee the deficiency in performance, behavior, or conduct. The supervisor should describes the specific issue, explain what must be done to correct the problem, and establish a time frame for correction. Documentation should be prepared by the supervisor restating the problem and the corrective action plan. The employee

7.3-2 (rev.6/5/02)

should be asked to sign the document, and the document should be forwarded to the Human Resources Department, along with any previous documentation. The discussion and documentation should clearly indicate that failure to achieve immediate and sustained improvement will result in further correction action up to and including dismissal.

10. **A Written Warning** may be appropriate when the conduct or behavior is serious or when previous counseling and warning have not produced the desired result. The supervisor shall describe in writing the specific violation at issue and specifically what the employee is expected to do to correct the problem. The employee should be asked to sign the document indicating that he/she understands the problem and the expectation.

11. **Suspension** may be appropriate when the situation is not sufficiently grave to warrant dismissal or when there is reasonable belief that behavior or performance can be corrected. Suspension is intended to get the employee's attention and to make clear the seriousness of the issue. An employee may be suspended by the appropriate Department Head with the approval of the Human Resources Director. An employee may be suspended with or without pay, pending investigation. The suspension without pay should not exceed 30 calendar days. Documentation should be prepared by the supervisor, signed by the employee, and forwarded to Human Resources for the Personnel File.
12. **Emergency Action** – employee may be removed from the workplace during emergency situations and suspended with or without pay. Examples of emergency situations are: when an employee may be injurious to him/herself, to fellow workers, or the general public, or when the employee may damage public property, or sufficiently disrupt the workforce. The examples are neither mutually exclusive nor collectively exhaustive.
13. **Disciplinary Pay Reduction** – An employee's pay may be reduced for disciplinary reasons. The pay reduction does not constitute a demotion.
14. **Probation** – An employee may be placed in probationary status for up to one year for failure in performance or conduct. This means that the employee's job is in jeopardy and the employee may be dismissed from employment if further infractions occur.
15. **Demotion** – may be appropriate for employees whose work has not been satisfactory but who do not warrant dismissal.
16. **Dismissal** – may be appropriate when the employee has failed to correct behavior or improve performance or when behavior or conduct is so serious that no reasonable person would expect to be warned.

7.3-3
(rev. 4/6/05)

17. **Notice of Adverse Action:** Employees will be provided written notice when adverse action is being recommended. Adverse action means disciplinary suspension (with or without pay), disciplinary demotion, disciplinary pay reduction, or dismissal. *(See Section 7.4 Informal Hearing and Disciplinary Appeals Process.)*

Code of Conduct

The following actions will result in corrective/disciplinary action. These guidelines are intended for safe, efficient operation and are not absolute, inflexible rules, but must be tempered with common sense on the part of our employees. In the absence of a reasonable basis for departure from the guidelines, failure to perform and behave according to the Code of Conduct will result in corrective action, disciplinary action, up to and including discharge from employment.

1. Failure to work assigned hours, including overtime.
2. Quitting work, wasting time, loitering, or leaving assigned work area during working hours without permission.
3. Washing up or changing clothes during working hours without specific permission of supervisor.
4. Taking more than the specified time for meals or rest period.
5. Productivity or workmanship not up to required standard of performance.
6. Mistakes due to carelessness.
7. Disregarding job duties by loafing or neglecting to do assigned work during regular working hours or during overtime hours.
8. Where the operations are continuous, an employee will not leave his/her post at the end of the scheduled shift until relieved by a supervisor or fellow employee on the incoming shift.
9. Habitual tardiness – reporting to assigned work area after scheduled reporting time.
10. Excessive absenteeism.
11. Absence without excuse, permission or leave.
12. Violating a safety rule or safety practice.
13. Failure to immediately report a work-related accident or injury.
14. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, catcalls, demonstrations on the job, or similar types of disorderly conduct.
15. Creating or contributing to unsafe or unsanitary conditions, or poor housekeeping within the department or work area or vehicle.
16. Failure to properly wear a complete City uniform when required by the Department.
17. Failure of drivers or passengers to wear seat belts while driving or riding in City vehicles.
18. Failure to use headlights at all times while driving a City vehicle.
19. Making or publishing false, vicious, or malicious statements concerning any employee, supervisor, the City, or its operations.
20. Posting or removing any matter on bulletin boards on City property at any time unless authorized by the Department Head.

7.3-4
(rev.4/2/03)

21. Violating the City Solicitation policy.
22. Failure to report to the Department Head or City Attorney, a request for information or receipt of a Subpoena from a law firm, court, or attorney.
23. The use or possession of another employee's tools or equipment without that employee's consent.
24. Refusal to cooperate with accident or incident investigations or interference with an investigation.
25. Violating City policies regarding acceptance of gifts and gratuities.
26. Violating City policies regarding use, abuse, and misuse of City supplies, equipment, tools, vehicles, and other resources.
27. Unauthorized personal use of any City vehicle or equipment by any employee.
28. Offensive conduct or use of offensive language or profanity in public, or toward the public, city officials, or co-workers.
29. Political activity that is prohibited by these Standards of Practice.
30. Working at another job in violation of these Standards of Practice.
31. Wanton and willful neglect in the performance of assigned duties.
32. Deliberate misuse, destruction, or damaging of City equipment, property, or property of another employee.
33. Falsification of personal or City records, including employment applications, accident records, purchase orders, time cards, or other reports or work records.

34. Conviction of a felony or other crime involving moral turpitude, or any violation of a City Ordinance.
35. Making false claims or misrepresentations in an attempt to obtain sickness or accident benefits, or Worker's Compensation Insurance benefits.
36. Insubordination by the refusal to perform assigned work or to comply with written or verbal instructions of a supervisor, refusal to sign a performance evaluation or counseling/warning form, or discourtesy to other persons during the performance of City work.
37. Unauthorized possession of firearms, explosives or weapons on City property.
38. Theft or unauthorized removal of any City property or property of any employee.
39. Provoking or instigating a fight, or fighting at any time on City property or while working.
40. Threatening, intimidating, coercing, or interfering with fellow employees or supervisors at any time, including the use of abusive language.
41. Sleeping during working hours, unless otherwise provided in the Fire Service.
42. Gambling or engaging in any other game of chance at City work stations at any time.
43. Immoral, unlawful or improper conduct, or indecency which would tend to affect the employee's relationship with fellow workers, reputation or good will in the community, or ability to perform his/her job duties.
44. Violation of the City's Alcohol and Controlled Substance Policy.
45. Proven incompetence or inefficiency in the performance of assigned duties.
46. Concerted curtailment or restriction of production or interference with work in or about the City's work stations, including but not limited to participating in any walkout, strike, sit-down, stand-in, slowdown, or refusal to return to work at the scheduled time for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligation of City employment.

7.3-5
rev.4/6/05

47. Violating the City's Sexual Harassment policy or any other policy.
48. Failure to maintain required licenses and certifications.
49. Failure to return to work after a leave of absence.
50. Failure to report a traffic violation which may jeopardize the employee's safe driving record.



City of Brunswick – Human Resources Standards of Practice

SUBJECT: 7.4 Informal Hearing and Disciplinary Appeals Process

EFFECTIVE DATE: May 1993

DATE REVISED: 6/5/02; 8/21/02

STANDARD

Regular employees who have completed their introductory employment period will be provided an informal disciplinary hearing and notice of the appeals process in cases where employees are being recommended for disciplinary suspension with or without pay, disciplinary demotion or pay reduction, or dismissal.

PRACTICE GUIDELINES

1. ***Notification of Informal Disciplinary Hearing:*** An employee shall be notified in writing by his/her Department Head of any contemplated disciplinary suspension, demotion, pay reduction, or dismissal. An Informal Disciplinary Hearing Notice shall be prepared by the Department Head and shall state in writing the reasons for such proposed recommendation and the date and time of the hearing. (See form following this

section.) The hearing date shall be held within three (3) business days of the notice is delivered to the employee. If an employee declines the informal hearing, he/she automatically accepts the disciplinary action and waives his/her right to further hearings on the specific action at hand. At the informal hearing, the employee may present to the Department Head any information to indicate why the action should not take place.

2. **Conducting the Informal Disciplinary Hearing:** An evidentiary hearing shall be held between management representative(s), (such as the Department Head) and the employee. The purpose of this conference is to allow the Department Head to tell the employee why he/she is recommending disciplinary action and to allow the employee to tell why he/she believes the action should not be taken. This is primarily a sharing of information. The employee may present new information the Department Head was not aware of. The Department Head may wish to include the manager/supervisor who is recommending disciplinary action, in order to have the benefit of necessary details.
3. **Result of Informal Hearing:** The Department Head shall respond to the employee in writing within three (3) business days after the Informal Hearing. The Department Head shall advise the employee of his/her decision and the reasons for such decision. The

7.4-1 (rev.8/21/02)

employee shall then have three (3) business days in which to make further appeal to the City Manager. The employee's request for an Appeal Hearing with the City Manager must be made in writing and delivered to the Human Resources Director. The employee's failure to make such a request within the 3 business days will cause him/her to forfeit all rights to the appeal.

Note: Employees who have not completed the introductory employment period (those in the first 6 months of employment for non-public safety, and 12 months for public safety) do not have appeal rights. Department Heads are not required to conduct an informal hearing with the employee prior to dismissal or adverse action, however, a conference is recommended in order to help the employee to understand why corrective action is being taken and to gather any additional information which the Department Head may not have had.

4. **Appeal Hearing with City Manager:** The City Manager will respond to the employee within three (3) business days of receipt of the written request from the employee for an appeals hearing. This hearing date must be set within five (5) business days of the date the request was received. The employee will be given adequate time to prepare statements and evidence as to why the proposed action should not be taken. At the Hearing, the employee will have the opportunity to present evidence and testimony supporting his/her position, and will be allowed to confront and cross-examine opposing witnesses. The Human Resources Director shall be present at the hearing to record the proceedings and to answer questions of protocol.
5. **Result of Appeal Hearing:** The City Manager shall notify the employee of his/her final decision within three (3) business days after the hearing. The decision of the City Manager is final.

7.4-2 (rev.8/21/02)



City of Brunswick – Human Resources Standards of Practice

SUBJECT: 7.5 Conflict Resolution and Grievance Process

EFFECTIVE DATE: May 1993

DATE REVISED: 6/5/02; 4/6/05

STANDARD

Differences of opinion are expected in the workplace and can be beneficial when presented in a positive manner. Employees are encouraged to constructively share different views and opinions with co-workers and supervisors for the purpose of increasing efficiency, productivity, and service delivery. Supervisors and employees will make every effort to resolve problems or conflicts as they arise. Conflicts which cannot be resolved within the organizational framework will be resolved through the process outlined here.

PRACTICE GUIDELINES

1. **Purpose:** The purpose of this process is to promote a better understanding of policies, practices, and procedures affecting employees and to improve employee/supervisor communications and relations. Nothing contained herein should be construed so as to restrict open discussion among employees and their supervisors regarding matters of City employment. Instead, this procedure serves as an extension and formalization of that process as needed for the resolution of conflict.
2. **Basis:** Conflict may be based upon 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 conflict may involve alleged safety or health hazards, promotion, training opportunities, or complaints of discrimination or unfair treatment. Performance evaluations, absent a claim of discrimination, may not be the subject of a grievance. However, an employee may submit a written rebuttal to be placed in the Personnel File if he/she disagrees with the performance evaluation.
3. **Process:** Employees are encouraged to use and respect the chain of command. Under special circumstances, in which the employee does not feel that he/she can go to the supervisor, the employee may go directly to the Human Resources Director.

7.5-1(rev. 4/6/05)

A. **Step 1**

The employee will first present the question or complaint, in writing, to the immediate supervisor within 10 business days after the cause for the complaint occurred or became known to the employee. The complaint should state the facts surrounding the grievance, dates on which events occurred, the specific wrongful act and harm done, and the remedy sought. While maintaining appropriate confidentiality, the supervisor should and is encouraged to consult with any employee or appropriate person deemed necessary to investigate the complaint and reach an accurate, impartial, and equitable determination concerning the complaint. The supervisor will then respond in writing to the employee within five (5) complete business days after the receipt of the complaint. The employee will sign a copy of the determination to acknowledge receipt and date of the response.

If the employee is presenting a complaint concerning sexual harassment, the _____ employee may present the complaint directly to the Human Resources Department. (See Sexual Harassment.)

B. Step 2

If the conflict or complaint is not settled with the immediate supervisor in Step 1, the employee may contact the department head within five (5) complete business days after receipt of the determination referred to in Step 1. Within five (5) complete business days, the department head will advise the employee in writing of determination. A copy will be sent by the department head to the City Manager, signed and dated by the employee to acknowledge receipt of the response.

C. Step 3

If the conflict or complaint is not settled in Step 2, the employee may present the issue to the City Manager. The employee must give written notice to the City Manager within five (5) complete business days after receipt of the department head's determination. Within five (5) complete business days, the City Manager will advise the employee in writing of determination. The employee will sign and date a copy of the Manager's response to acknowledge receipt thereof, or the City Manager will make a notation for the employee's file that the employee has been informed of the response. The decision of the City Manager is final.