

**TOWN OF DAVIE  
HUMAN RESOURCES DEPARTMENT**



**GRIEVANCE PROCEDURE  
SOP #20-014**

**September 19, 2012**

**SUMMARY OF REVISED, DELETED, OR ADDED MATERIAL**

This operating procedure shall replace the Personnel Rules and Regulations and Policies enacted prior to the effective date of this Operating Procedure.

Revision	Date	Responsible Department	Description of Change
1	September 19, 2012	Human Resources	Initial Release

**APPROVALS:**

  
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Human Resources Director/Grace Garagozzo

2/5/19  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Town Administrator/Richard J. Lemack

2/7/19  
\_\_\_\_\_  
Date

**1-1. POLICY.**

It is the policy of the Town of Davie to provide a fair and systematic procedure for the grievance of a dismissal of employment.

Employees covered by a Collective Bargaining Agreement should refer to their respective CBA for the applicable Grievance Procedure.

**1-2. SCOPE.**

This operating procedure applies to all Regular Service employees who have satisfactorily completed a one year probationary period in their current position.

**1-3. PROCEDURES.**

a. Notice.

Any non-union Town of Davie employee who has been dismissed and wishes to appeal their dismissal, shall have five (5) working days after said dismissal to file a written grievance form with the Town Clerk. Said grievance shall specify: (1) the employee's date of initial employment; (2) his or her job classification; (3) the reasons given for dismissal; and (4) the requested relief. In the event of the dismissal of a Department Director, aide to the Town Administrator, probationary, part-time, seasonal or temporary employee, the grievance procedure shall not be applicable and the decision of the Town Administrator or designee shall be final. In addition, employees who are laid off as a result of a reduction in funding or work load, may not grieve their dismissal.

b. Personnel Board.

A Personnel Board shall be convened for the limited purpose of reviewing the dismissal of the Town of Davie's non-union employees.

1. Membership – A Personnel Board shall consist of four (4) members; one member shall be an employee selected by the dismissed employee, one member shall be selected by the Department Director, one member shall be a member of the Human Resources Department, and the final member who shall serve as the Chair, will be the Town Administrator's designee.
  2. Rules and Regulations – The Personnel Board is authorized to promulgate rules and regulations which shall not be in conflict with the provisions of this policy to more effectively carry out the functions of the board.
  3. Jurisdiction and Duties of the Personnel Board
    - (i) The Personnel Board shall not have the authority to hear any grievance which has
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not been timely filed.

(ii) The Personnel Board shall hear the evidence covering the reasons for dismissal as filed by the Department Director. The Department Director shall present such evidence as he or she may have in support of the reasons for dismissal. Thereafter, such discharged employee who has filed a timely appeal with the board shall then present such evidence, as he or she may wish to offer in his or her defense. Thereafter, the parties to the appeal (i.e., the discharged employee and the Department Director) shall be entitled to present rebuttal testimony. The Personnel Board shall hear oral arguments following presentation of the evidence upon the request of either party.

(iii) After the conclusion of the hearing, the Personnel Board shall deliberate. The Personnel Board shall affirm the employee's dismissal unless it finds, by a majority vote, that the Department Director's action was arbitrary and capricious - defined herein as having no factual basis whatsoever. All findings of the board shall be reduced to writing and transmitted to the parties within ten (10) working days.

#### 4. Authority of Personnel Board

(i) The Personnel Board shall have the power to subpoena witnesses and to require the production of pertinent documents and to administer oaths.

(ii) The Town Clerk or authorized deputies shall serve as clerk to the Personnel Board.

#### c. Disposition.

1. Reinstatement – The employee may be compensated retroactively if he or she is reinstated as a result of the decision of management arising from the grievance procedure.
  2. Records – Upon conclusion of the formal proceeding, all notes, documents, minutes of the procedure and materials shall be forwarded to Human Resources to be included in the grievant's personnel file.
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