

**BREVARD COUNTY
MERIT SYSTEM POLICIES
POLICY XIII**

Title: **EMPLOYEE GRIEVANCES AND APPEALS**

I. OBJECTIVE

To provide a structured process for employees to express their grievances with personnel policies and/or actions that directly affect them.

II. DIRECTIVES

A. MANAGEMENT PREROGATIVES

The following areas of administration are considered prerogatives of management and shall not be a subject of the grievance procedure:

- Scheduling and assignment of work, work hours and work stations.
- Establishing work standards and quality.
- Size of work force and reorganizations.
- Reductions to work force.
- Appropriations and budgets.
- Scope of work within job classification except when an assignment is clearly determined not to be within the job classification.
- Performance evaluations.
- Salary scales and rates of pay falling within officially established ranges.
- The right to discipline.
- The missions of the County.

B. GRIEVANCES OF CAREER SERVICE EMPLOYEES

1. Terms or conditions of employment, or discipline up to a written reprimand:

Any grievance regarding the terms or conditions of employment directly affecting a Career Service employee or disciplinary actions up to a written reprimand shall be discussed first with the employee's supervisor. If the grievance is not settled at the supervisory level, the employee may submit a written grievance to the Administrative Officer IV/V (working title: department/office director), who shall conduct a hearing and render a final decision concerning the grievance that is non-appealable.

2. Suspension without pay:

EMPLOYEE GRIEVANCES AND APPEALS POLICY (continued)

Any grievance regarding a suspension without pay of a Career Service employee shall first go through the levels of supervision listed above. If the grievance is not settled at the Administrative Officer IV/V (working title: department/office director) level, the employee may request in writing for the grievance to be reviewed by the Grievance Committee. The Grievance Committee shall forward its recommendation concerning the grievance to the County Manager for his consideration and decision. When the County Manager disregards the advisory recommendations of the Grievance Committee, he shall provide his reasoning in writing to the grievant.

3. Disciplinary probation, demotion or involuntary reduction in pay:

Any grievance regarding placement on disciplinary probation, demotion or involuntary reduction in pay of a Career Service employee shall first petition the Administrative Officer IV/V (working title: department/office director). If the grievance is not settled at this level, the employee may appeal the grievance in writing to the Grievance Committee. The Grievance Committee shall forward its recommendation concerning the grievance to the County Manager for his consideration and decision. When the County Manager disregards the advisory recommendations of the Grievance Committee, he shall provide his reasoning in writing to the grievant. In the case of placement upon disciplinary probation, if the County Manager disregards the advisory recommendations of the Grievance Committee, the grievant may appeal the County Manager's decision to the Personnel Council.

4. Dismissal:

Any grievance regarding dismissal of a Career Service employee shall be appealed directly to the Personnel Council.

C. GRIEVANCES OF BARGAINING UNIT EMPLOYEES

Any Career Service employee covered by an existing labor agreement who has satisfactorily completed a probationary period shall have the option of utilizing the Brevard County Grievance Procedure or the negotiated grievance procedure but may not use both grievance procedures for the same grievance. Any such employee may appeal a disciplinary or dismissal action in accordance with the grievance procedure set forth in said labor agreement, or utilize the procedure contained in the Merit System Grievance and Appeals Procedure. No bargaining unit employee shall utilize both procedures to appeal the same disciplinary action.

D. APPEALS RELATED TO DISCRIMINATION

Any employee in the County Service who believes he/she has been suspended, demoted, denied promotion or dismissed because of political opinion or affiliation, religious beliefs, race, color, gender, marital status, national origin, ancestry, age or disability which does not preclude the performance of the essential functions of the job, with reasonable accommodations provided as necessary, shall have right of appeal to the Personnel Council.

EMPLOYEE GRIEVANCES AND APPEALS POLICY (continued)

E. PERSONNEL COUNCIL AUTHORITY FOR DECISIONS AND ORDERS

1. The Personnel Council may affirm, modify or reverse the decision of the appointing authority. The decisions and orders of the Personnel Council may include the reinstatement of an employee, with or without lost wages, provided any award of lost wages shall not exceed thirty (30) days. Any period of hearing postponement requested by the appellant would be deducted when calculating any award of lost wages.
2. The Personnel Council may order the reinstatement of a Career Service employee if it appears after a proper public hearing that the action was taken for reasons other than good cause.
3. The Personnel Council shall render a decision by affirmative vote after the hearing. The Personnel Council decision shall be final.
4. In the event of a tie vote by the Council members present and voting, Management's original decision in the matter being appealed will be considered to be upheld since no affirmative action has been taken by the Council to reverse that decision.