

APPEAL PROCEDURE

Coverage

All Permanent employees not subject to collective bargaining agreements with the Town

Policy.

Employees shall have the right to appeal to the Personnel Board on matters noted below:

(a). An alleged violation, misinterpretation, or misapplication of the provisions of the Personnel Policies or any other departmental or Town-wide rules and regulations, which govern personnel practices including the employee performance evaluation and working conditions, or

(b). Any disciplinary action taken against the employee.

The Personnel Board shall have the power to adjudicate appeals. An employee may be represented by any individual(s) of his/her choice at any and all stages of this appeal process, upon a three day prior notice to the personnel director. No employee shall be subjected to reprisal as a result of filing an appeal under this procedure.

Appeals Procedure.

It is the responsibility of the Personnel Director to make a copy of this Grievance Procedure and the proper applicable form (Appendix "B") available to any aggrieved employee.

Every attempt will be made to settle an issue at the lowest possible level of this process. Only upon mutual agreement between the employee and the Town may any stage of this process be waived. Failure of the employee to file an appeal within the required time periods specified for any level of this procedure shall constitute an abandonment of the appeal action. Failure of the Town to act within the required time periods shall result in an automatic advancement of the appeal to the next step. Time limits specified in this procedure may be extended by mutual agreement between the employee and the Town.

Step 1- Action By Supervisory Board:

Within fifteen (15) working days following knowledge of the event of action on which the appeal is based, the employee shall notify his/her Supervisory Board in writing of the nature of the issue being appealed. Within twenty (20) working days of being notified of the issue, the

Supervisory Board shall meet with the employee, investigate the issue and provide the employee a written response.

Step 2- Action By Personnel Board:

If the issue is not resolved with the Supervisory Board, the employee may appeal the action further by notifying the Personnel Board of the issue, in writing within the (10) working days of receiving the Supervisory Board's answer. Within twenty (20) working days of being notified of the issue, the Personnel Board shall meet with the employee, investigate the issue, and provide the employee a written response.

All non-disciplinary appeals shall be heard and considered at an open meeting of the Personnel Board. All disciplinary appeals shall be heard and considered during executive sessions of the Personnel Board unless the concerned employee requests that such appeal be considered in an open meeting.

The employee and/or his/her designated representative may present any written or verbal testimony to the Personnel Board that they believe relevant to the issues involved and to cross examine any witness presented. The meeting need not be conducted in accordance with technical rules relating to evidence and witnesses, but shall be conducted by the personnel board in a manner most conducive to determining the facts.

The Board may choose to carry over its deliberations to a future meeting, if necessary. Within 30 days of the conclusion of the meeting(s), the Personnel Board shall issue a written decision on the matter. The Personnel Board's decision shall be final and binding on all parties and no subject to appeal.

Replaces section 24.0 in Personnel Manual adopted 11/6/06