

# Issue Analysis Form



**Date:** July 12, 2022  
**Item:** Personnel Policy Revision  
**Lead Department(s):** Human Resources  
**Contact Person(s):** Corrie Hurt

## Description and Current Status

Staff has revised personnel policy entitled Employee Grievance Procedures for the Board's consideration at the July 12, 2022 meeting.

**Employee Grievance Procedures** – Proposed to remove the volunteers from the County's grievance policy. Volunteers are not employees of the county and should not have grievance rights. Other localities were polled and the results are:

Dinwiddie – volunteers have a separate grievance through Fire & EMS, they do not follow the County's.  
Powhatan – volunteers have a separate grievance through Fire & EMS, final step is the Fire Chief  
King William, Chesapeake, Colonial Heights, Va. Beach, Rockingham, Prince William, Chesterfield, Henrico, Hopewell, Petersburg, Fluvanna, Caroline Counties do not allow volunteers to grieve at all. Also revising the current panel process and all current forms are revised.

## Government Path

- |  |   |  |
|--|---|--|
| Does this require IDA action?                  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Does this require BZA action?                  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Does This require Planning Commission Action?  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Does this require Board of Supervisors action? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| Does this require a public hearing?            | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| If so, before what date?                       | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

## Fiscal Impact Statement

None.

## County Impact

## Notes

Board of Supervisors  
County of Prince George, Virginia

Resolution

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia this 12<sup>th</sup> day of July, 2022:

Present:

Vote:

Marlene J. Waymack, Chair  
Donald R. Hunter, Vice Chair  
Floyd M. Brown, Jr.  
Alan R. Carmichael  
T. J. Webb

A-12

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, which carried unanimously, the following Resolution was adopted:

**RESOLUTION; PERSONNEL POLICY REVISION 30.1 THROUGH 30.7 ENTITLED  
*EMPLOYEE GRIEVANCE PROCEDURES***

WHEREAS the Prince George County Personnel Policy Manual has been reviewed by staff and it has been recommended that the policy entitled *Employee Grievance Procedures* be reviewed and considered for revision in the County’s Personnel Policies;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Prince George, this 12<sup>th</sup> day of July, 2022 does hereby amend the Prince George County Personnel Policies by approving a revision to the policy entitled *Employee Grievance Procedures* as requested.

A Copy Teste:

\_\_\_\_\_  
Jeffrey D. Stoke  
County Administrator

<b>COUNTY OF PRINCE GEORGE PERSONNEL POLICIES</b>  Prince George, Virginia	<b>POLICY NUMBER:</b> 30.1 through 30.7 <del>8</del>	Page 1 of 9
	<b>SUPERSEDES:</b> <del>May 28, 2019</del> <b>November 23, 2021</b>	<b>DATE ISSUED:</b> <b>November 23, 2021</b>
<b>SUBJECT:</b>  <b>Employee Grievance Procedures</b>	<b>AUTHORIZATION:</b> Adopted by the Board of Supervisors <del>November 23, 2021</del> ; to become effective <b>November 23, 2021</b>	

### 30.1 Objective

The Prince George grievance procedure establishes the process by which eligible employees can access a grievance procedure to resolve employment disputes.

### 30.2 Coverage of Personnel

All non-probationary, permanent full-time and permanent part-time employees are eligible to file grievances, ~~as well as volunteer members of a Prince George fire and/or EMS company identified in the Coordinated Fire and EMS system who are eligible to file grievances in accordance with § 42.1 et seq. of the Code of the County of Prince George,~~ with the following exceptions:

- (1) Appointees of elected groups or employees of “constitutional” officers, unless agreed to by the constitutional officer;
- (2) Officials and employees who serve at the will or pleasure of an appointing authority;
- (3) Deputies to the County Administrator;
- (4) Department heads;
- (5) Employees whose terms of employment are limited by law;
- (6) Temporary, limited term and seasonal employees;
- (7) Law-enforcement officers, who have elected to proceed pursuant to Virginia Code § 9.1-500 *et seq.*, 1950 as amended.

### 30.3 Grievable Matters

A grievance is a complaint or dispute by an employee relating to:

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- (1) disciplinary action (defined as written reprimand, reinstatement of probationary period, dismissal, disciplinary demotion, and suspension);
- (2) the discriminatory or unlawful application of personnel policies, procedures, rules and regulations;
- (3) discrimination on the basis of race, color, creed, religion, age, disability, genetic information, national origin, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including lactation, military status; and
- (4) acts of retaliation as defined in Virginia Code § 15.2-1507(A)(1), 1950 as amended.

Under state law, Prince George County retains the exclusive right to manage operations of County government and the delivery of services to residents. Accordingly, the following complaints or disputes are not grievable:

- (1) establishment and revision of wages or salaries, position classifications or benefits;
- (2) \_work activity related to a job description;
- (3) the content of ordinances, statutes or personnel policies, procedures, rules and regulations;
- (4) failure to promote;
- (5) the methods, means and personnel by which work activities are to be carried out including oral or written counseling and directing of work activity;
- (6) the termination, layoff, demotion or suspension from duties because of lack of work, reduction in work force, or job abolition (except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance. In any grievance brought under this exception, the action shall be upheld upon a showing by the County that there was a valid reason for the action and the employee was notified of the reason in writing prior to the effective date of the action.);
- (7) the hiring, transfer, assignment and retention of employees;
- (8) the relief of employees from duties in emergencies; and

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(9) mobilization of paid employees for emergency responses of any kind.

#### **30.4 Grievability Determinations**

Determinations regarding whether or not a matter is grievable shall be made by the County Administrator at the request of either the County or the grievant, upon submission of a Request for Determination of Grievability Form at any time prior to the grievance panel hearing. The County Administrator's determination shall be made within ten (10) calendar days after receipt of the Request for Determination of Grievability Form. The County Administrator will notify the grievant, the County Attorney, and the Director of Human Resources of the determination.

The determination of grievability may be made only after the grievance is reduced to writing, but before the day of the grievance panel hearing. However, once raised, the issue of grievability must be resolved before the grievance process may continue. If the issue is determined to be non-grievable, the grievance process is automatically concluded.

The grievability determination of the County Administrator may be appealed by the grievant to the Prince George County Circuit Court for a hearing de novo. Proceedings for review of the grievability determination of the County Administrator shall be instituted by filing a notice of appeal with the County Administrator's office within ten (10) calendar days after the date of the County Administrator's decision and delivering a copy of the notice to the County Attorney and the Director of Human Resources. Within ten (10) calendar days, the County Administrator shall transmit to the Clerk of the Prince George County Circuit Court a record consisting of the following documents:

- (1) A copy of the County Administrator's grievability determination
- (2) A copy of the notice of appeal
- (3) The exhibits

The failure of the County Administrator to transmit the record to the Clerk within the time allowed shall not prejudice the rights of the grievant. The Court, on motion of the grievant, may issue a writ of certiorari requiring the County Administrator to transmit the record on or before a certain date.

Within thirty (30) calendar days of receipt by the Clerk of the record, the Court, sitting without a jury, shall hear the appeal on the record transmitted by the County Administrator and such additional evidence as the Court may deem necessary to resolve any controversy as to the correctness of the record. The Court may affirm the determination of the County Administrator or may reverse or modify the determination. The decision of the court shall be rendered no later

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than the fifteenth (15th) calendar day from the date of the conclusion of the hearing. The decision of the Court is final and not appealable.

### 30.5 Procedural Matters

If a time period ends on a Saturday, Sunday or a County holiday, the time period will be extended to the next regular business/work day.

The only persons who may be present during Steps I through III are the grievant, the appropriate local government official at the level at which the grievance is being heard, and appropriate witnesses for each side during their testimony. Witnesses shall be present only while actually providing testimony. At Step IV, the grievant, at his option, may be represented by counsel. Likewise, the County may elect to be represented by counsel at Step IV.

~~For a grievance involving a volunteer, at Step II, the Chief and the Director shall both be present, unless the Chief is not able to be present. If the Chief is not able to be present, the reason shall be documented in writing. The failure of the Chief to be present shall not constitute a procedural violation, nor shall it result in the grievant prevailing in the grievance.~~

Once an employee reduces his/her grievance to writing, he/she must specify on the appropriate form the specific relief he/she expects to obtain through use of this procedure.

After the filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure, including the grievance panel hearing, without just cause, shall result in a decision in favor of the other party on any grievable issue, provided that the party not in compliance fails to correct the noncompliance within five regular business/work days after receipt of written notice from the other party of the compliance violation. If written notice of a compliance violation is provided by the grievant, the notice shall be provided to the County Administrator with a copy to the Director of Human Resources and the County Attorney. Failure to assert a substantial procedural violation prior to the day of the grievance panel hearing, shall constitute an express waiver as to any procedural violation.

The County Administrator, or his designee, may require a written explanation and documentation of the basis for "just cause" extensions or exceptions. The County Administrator, or his designee, shall determine all compliance issues. Compliance determinations made by the County Administrator shall be subject to judicial review by the filing of a petition with the Circuit Court within 30 calendar days of the date of the compliance determination.

Timeframes may be extended by mutual agreement of the County and the grievant and shall be documented in writing.

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### 30.6 Procedure

#### **Step I:**

Within twenty (20) regular business/work days after the occurrence of or condition giving rise to the grievance, the employee shall identify the grievance in writing to the supervisor using the Step I form.~~explain the basis of the grievance verbally to the employee's immediate supervisor.~~ Within two (2) regular business/work days of ~~this conversation~~such presentation, the supervisor shall give his/her response to the employee with respect to the grievance, or shall advise the employee that additional time for such decision is needed, in which case a decision must be given the employee within an additional three (3) regular business/work days.

If the supervisor is the same person for Steps I and II, these steps may be combined by mutual agreement of the grievant and the county, in writing and signed by both the grievant and the supervisor.

#### **Step II:**

If the grievance is not resolved to the satisfaction of the employee at Step I, the grievant may file a written grievance using the Grievance Step II Form~~Form A~~ with his/her immediate supervisor not more than five (5) regular business/work days following completion of Step I. The original Step I Form should be given to the Human Resources Director and a~~A~~ copy of the written grievance~~Step I Form~~ is given to the Department Director by the grievant. This form reflects the employee's explanation of what has occurred. If additional information is necessary, addenda- may be attached to the Step II Form-A.

The employee's immediate supervisor and the Department Director will then meet with the grievant within two (2) regular business/work days of receipt of Step II Form-A. A written reply by the Department Director is made to the grievant within three (3) regular business/work days of this meeting on the Step II Form-A.

#### **Step III:**

If the grievance is not resolved to the satisfaction of the employee at Step II, the grievant may file the Step III Form~~a written grievance~~ not more than five (5) regular business/work days following completion of Step II with the County Administrator. A copy of the Step I Form~~written grievance~~ is given to the County Administrator by the grievant along with~~using the Step III Form-B~~. The employee's Department Director and the County Administrator will then meet

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with the grievant within two (2) regular business/work days of receipt of the ~~written statement~~ Step III Form.

The County Administrator shall conduct the hearing in a way that emphasizes determining the facts leading to the disciplinary action.

The grievant's immediate Supervisor may also attend if the County Administrator determines that his/her testimony is necessary to fully understand the matter. A written reply by the County Administrator is made to the grievant within three (3) regular business/work days of this meeting on Step III Form-B.

**Step IV:**

If the response of the County Administrator does not resolve the grievance, the grievant may proceed with the grievance by requesting a panel hearing. This request is made in writing on the Step IV Form-G to the ~~County Administrator~~ Director of Human Resources within five (5) regular business/work days of the grievant's receipt of a response from Step III. The Step IV Form will be sent to the County Administrator to begin the panel hearing process.

The panel will consist of one member selected by the grievant, a second member selected by the County Administrator or his/her designee, and the third selected by the first two appointees. Both the grievant and the County Administrator or his/her designee shall select the first and second members of the panel within five (5) business days after the request for a panel hearing has been filed. In the event an agreement cannot be reached as to the final member within five (5) business days after selection of the first two members, the Chief Judge of the Circuit Court of Prince George County shall appoint a third panel member. The entire panel should be selected within fifteen (15) business days of receipt of the grievant's request for a panel hearing. In all cases, the third panel member shall be the chairperson of the panel. Such panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel or with the complaint or dispute giving rise to the grievance.

Managers who are in direct line of supervision of a grievant, persons residing in the same household as the grievant, and the following relatives of a participant in the grievance process are prohibited from serving as panel members: spouse, parent, step-parent, child, step-child, descendants of a child, sibling, step-sibling, niece, nephew, and first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee, or co-employee of such attorney shall serve as a panel member.

The panel chairperson, in consultation with all persons involved, shall set a time for the hearing which shall be as soon as practical, but no more than twenty (20) business days after the panel has been selected, and notify the grievant, the County Administrator and the Director of Human Resources. The parties shall



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not discuss the substance of the grievance or the problem giving rise to the grievance with any panel members prior to the hearing.

No member of the grievance panel will be paid by the County.

~~The grievance panel selects its chairman and sets the time for the hearing which shall be held as soon as practicable, but no more than ten (10) regular business/work days following receipt of letter requesting a grievance panel hearing, unless mutually agreed to in writing by the grievant and the County. The grievance panel hearing shall be conducted as follows:~~

(1) The County shall provide the grievance panel with copies of the grievance record prior to the hearing, and provide the grievant with a list of the documents furnished to the grievance panel. The grievant and his attorney, at least 10 regular business/work days prior to the scheduled hearing, shall be allowed access to, and copies of, all relevant files intended to be used in the grievance proceeding.

(2) All documents, exhibits and lists of witnesses must be exchanged between the parties in advance of the hearing, except for demonstrative exhibits. In addition, those witnesses, documents or exhibits that are used in rebuttal are not required to be exchanged between the parties prior to the hearing.

(3) At the written request of either party, the hearing shall be private. At the hearing, only the grievant and his or her attorney(s) may be present throughout the hearing as well as the appropriate County representative and the attorney(s) for the County.

(4) At the beginning of the hearing, the chairperson shall explain the grievance panel's procedures for hearing the case. Then, each side may make a brief opening statement. The County shall present its evidence first, followed by the grievant's evidence. The County shall be permitted to present rebuttal evidence. The purpose of the hearing is for the grievance panel to hear and consider relevant evidence. For that reason, there shall be no closing argument.

(5) All evidence must be presented at the hearing in the presence of the grievance panel and the parties.

(6) Neither the grievant nor the county has the authority to subpoena witnesses to the grievance panel hearing.

(76) The majority decision of the grievance panel, acting within the scope of its authority, shall be final, subject to existing policies, procedures and

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law; the grievance panel does not have authority to formulate policies or procedures or to alter existing policies or procedures.

(87) The grievance panel's written decision shall be provided within three regular business/work days to the County Administrator~~all parties on the Step IV Form~~ and shall include a summary or brief explanation. The written decision is not required to contain any findings of fact.

(98) The rules of evidence do not apply. Grievance panel hearings are not required to be tape recorded. Failure to make a timely objection to any evidentiary issue shall constitute a waiver.

(109) Exhibits, when offered, may be received in evidence by the grievance panel, and when so received, shall be marked and made part of the record; demonstrative exhibits shall be permitted.

(110) The parties may offer evidence and must produce such additional evidence as the grievance panel may deem necessary to arrive at an understanding and determination of the dispute. The grievance panel is the sole judge of relevancy and materiality of the evidence offered.

(124) The decision of the grievance panel shall be final and binding and shall be consistent with provisions of law and written policy. ~~When the grievance involves a volunteer, the grievance panel may provide the grievant with retroactive volunteer credit for any time that the grievant was suspended from duty.~~ There shall be no appeal of the decision of the grievance panel.

(132) The question of whether the relief granted by a grievance panel is consistent with written policy shall be determined by the County Administrator, or his designee, unless such person has a direct personal involvement with the event or events giving rise to the grievance, in which case the decision shall be made by the Commonwealth's Attorney.

Implementation of final decisions:

Either party may petition the Prince George Circuit Court for an order requiring implementation of the grievance panel decision.

A final grievance panel decision which would result in the reinstatement of any employee of the Sheriff's Office who has been terminated, may be reviewed by the Prince George Circuit Court upon the petition of the County. The review of the Circuit Court shall be limited to the question of whether the decision of the grievance panel was consistent with provisions of law and written policy.

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**~~30.7 Grievance Panel; Members Appointed; Term~~**

~~The grievance panel is composed of three (3) members, each of whom is appointed by and serves at the pleasure of the Board of Supervisors for a three (3) year term. The terms of the grievance panel members are staggered with one member being appointed each year. Members are eligible to serve more than one term. The grievance panel shall not be composed of any persons having direct involvement with the grievance being heard by the grievance panel, or with the complaint or dispute giving rise to the grievance. Supervisors who are in a direct line of supervision of a grievant, and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as grievance panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee or co-employee of such an attorney shall serve as a grievance panel member.~~

**30.8 Pending**

Amendments to the grievance procedure that have not been certified in accordance with State law at the time of initiation of a grievance shall not be effective for that grievance. However, all preexisting procedures of the grievance procedure shall control the process used for that grievance.

*This amended grievance procedure has been certified by the County Attorney and the County Administrator as required by Va. Code § 15.2-1507(A), and the certification has been filed with the Clerk for the Circuit Court of Prince George County on \_\_\_\_\_.*

# Prince George County

## Employee Grievance Form Step I – Supervisor Level

Employee: Within 20 business days after occurrence giving rise to the grievance, complete and submit original form to Supervisor.

Grievant (Employee) Name: \_\_\_\_\_

Department: \_\_\_\_\_ Date of Occurrence: \_\_\_\_\_

Date Occurrence Reported to Supervisor: \_\_\_\_\_

Date the Supervisor Responded to the Employee: \_\_\_\_\_

Nature of Grievance (be specific; attach copies of any relevant documents):

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State specific relief expected by the Employee: \_\_\_\_\_

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Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Prince George County

## Employee Grievance Form Step I – Supervisor Level (Continued)

Supervisor: Within 2 business days of receipt of Step I Form, hold meeting with grievant and give decision below. If additional time is needed for a decision, advise the employee and give decision within an additional 3 business days.

Date of Supervisor Meeting With Employee: \_\_\_\_\_

Supervisor: Provide written response to Employee and send copy of form and any attachments to the Human Resources Director.

Supervisor Response:

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Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Grievant: Within 5 business days of Supervisor response, indicate your response below and forward original to the Human Resources Director with a copy to the Department Director.

The response of my Supervisor is:

Acceptable

Not acceptable and I wish to proceed to Step II

\_\_\_\_\_

\_\_\_\_\_

Employee

Date



DRAFT

# Prince George County

## Employee Grievance Form Step III – County Administrator Level

*To be completed if satisfactory resolution is not reached at the Step II level*

Grievant: Complete immediately and forward to County Administrator along with Grievance Form Step I containing the relief sought

Grievant (Employee): \_\_\_\_\_ Date submitted to County Administrator: \_\_\_\_\_

County Administrator: Within 2 business days of date submitted to County Administrator, meet with the employee and Director if appropriate

Date of County Administrator's Meeting with Employee: \_\_\_\_\_

County Administrator: Within 3 business days of the meeting with the employee, provide written response to Employee and send copy of form and any attachments to the Director of Human Resources.

County Administrator's Response:

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County Administrator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Employee: Within 5 business days of County Administrator's response, indicate your response below and forward original to the Human Resources Director.

The response of the County Administrator is:

Acceptable                       Not acceptable and I wish to proceed to Step IV

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Date





# Prince George County

## Employee Grievance Form Step IV – Panel Hearing

**To be completed if satisfactory resolution is not reached at the Step III level.**

Director of Human Resources: Complete immediately and forward to County Administrator

Grievant (Employee) Name: \_\_\_\_\_ Employee Dept.: \_\_\_\_\_

Date Request Received by County Administrator: \_\_\_\_\_

County Administrator: Within 15 business days insure selection of panel and arrange organizational panel hearing

### Panel Composition

The panel is composed of three (3) members. One member chosen by the grievant, one member chosen by the County Administrator and the third member chosen by the first two.

Panel Member selected by Grievant

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Panel Member selected by County Administrator:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Panel Chairman

*(Member selected by first two, or Judge of the Circuit Court, if first two cannot agree on third member)*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

# Prince George County

## Employee Grievance Form Step IV – Panel Hearing (Continued)

Reason for Requesting Panel Hearing \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Panel Chairman: Within 20 business days of selecting the panel, hold hearing*

Date of Hearing: \_\_\_\_\_ Place of Hearing: \_\_\_\_\_

Time Hearing will start: \_\_\_\_\_

*Panel Chairman: Within 3 business days after hearing, file panel decision with County Administrator*

Decision of Panel: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date of Decision: \_\_\_\_\_

Signed:

\_\_\_\_\_

Panel Chairman

\_\_\_\_\_

Panel Member

\_\_\_\_\_

Panel Member

Human Resources Director: *Notify the employee, their supervisor, and the Director of the panel's decision.*

**Title: Grievance Procedure (replacing administration policy section 1.14 dated August 1, 2016) OPTION 2**

**I. PURPOSE:**

The purpose of this procedure is to afford an immediate and fair method for volunteer members of a fire company identified in the Coordinated Fire and EMS ordinance (“Volunteer”) for the resolution of disputes.

**II. GENERAL PROVISIONS:**

- A. All non-probationary Volunteers may utilize the Fire & EMS Grievance Procedure outlined in this policy and shall not follow the County’s employee grievance procedures. Volunteers who are placed on probation for non-compliance due to membership requirements will be covered by this grievance policy.
- B. All Full-Time non-probationary employees may only utilize the County’s Grievance Procedures as outlined in the County Personnel policies.
- C. A grievance shall be a complaint or dispute relative to a Volunteer involving (but not necessarily limited to):
1. Disciplinary action (defined as written reprimand, dismissal, disciplinary demotion, and suspension);
  2. The discriminatory or unlawful application of policies, procedures, rules and regulations;
  3. Acts of retaliation for using the grievance procedure or of participation in the grievance of another Volunteer,
  4. Complaints of discrimination on the basis of race, color, creed, religion, age, disability, genetic information, national origin, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including lactation, military status;
  5. Acts of retaliation (as defined in Virginia Code § 15.2-1507(A)(1), 1950 as amended); and
  6. Any other actions outlined in the Prince George Fire and EMS policy and procedure manual as a grievable matter.
- D. Under state law, Prince George County retains the exclusive right to manage operations of County government and the delivery of services to residents. Accordingly, the following complaints or disputes are not grievable:
1. Establishment and revision of incentives or benefits;
  2. Work activity;
  3. The content of ordinances, statutes or department policies, procedures, rules and regulations;
  4. Failure to promote;

5. The methods, means and personnel by which work activities are to be carried out including oral or written counseling and directing of work activity;
  6. The relief of a volunteer from duties in emergencies.
- E. All stages of the grievance shall be in writing.
- F. Once a Volunteer reduces his/her grievance to writing, he/she must specify the relief he/she expects to obtain through the use of this procedure.
- G. After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure without just cause will result in a decision in favor of the other party on any grievable issue, provided the party is not in compliance fails to correct the noncompliance within five (5) business days of written notice from the other party.
- H. All time periods listed in this procedure may be extended by mutual agreement in writing by the grievant and the county.

### III. PROCEDURE:

#### Step I:

Within twenty (20) business days after the occurrence of or condition giving rise to the grievance, the Volunteer affected shall identify the grievance in writing to the member's Company Chief and the Chief of Fire and Emergency Services Department. This document should reflect the grievant's explanation of issues sought to be grieved and the relief they are seeking. Within two (2) business days of such presentation, the Company Chief and the Chief of Fire and Emergency Services Department shall give their response to the Volunteer with respect to the grievance, or shall advise the Volunteer that additional time for such decision is needed, in which case a decision must be given to the Volunteer within an additional three (3) business days. If the Company Chief and the Chief of Fire and Emergency Services Department cannot agree on the decision, the Chief of Fire and Emergency Services Department shall have the ultimate authority to make a decision.

If the Company Chief is not able to be present, the reason shall be documented in writing. The failure of the Company Chief to be present shall not constitute a procedural violation, nor shall it result in the grievant automatically prevailing in the grievance.

If the Company Chief is the grievant, skip this step and begin with step II.

#### Step II:

If the Company Chief is the grievant, the Company Chief may file a written grievance with the Chief of Fire and Emergency Services and the County Administrator not more than twenty (20) business days after the occurrence of or condition giving rise to the grievance.

If a Volunteer is the grievant and the grievance is not resolved to the satisfaction of the Volunteer at Step I, the grievant may file a written grievance with the Chief of Fire and Emergency Services and the County Administrator not more than five (5) business days of the grievant's receipt of a response from Step I.

This document should reflect the grievant's explanation of what the grievance is and the relief that they are seeking. The County Administrator and the Chief of Fire and Emergency Services will meet with the grievant within five (5) business days of receipt of the written statement.

The County Administrator shall conduct the hearing in a way that emphasizes determining the facts leading to the disciplinary action. A written reply by the County Administrator is made to the grievant within three (3) business days of this meeting.

**Step III:**

If the response of the County Administrator does not resolve this grievance, the grievant may proceed with the grievance by requesting a panel hearing. This request is made in writing to the appropriate Fire & EMS personnel within five (5) business days of the grievant's receipt of a response from Step II.

The panel will consist of one member selected by the grievant, a second member selected by the County Administrator or his/her designee, and the third selected by the first two appointees. Both the grievant and the County Administrator or his designee shall select the first and second members of the panel within five (5) business days after the request for a panel hearing has been filed. In the event an agreement cannot be reached as to the final member within five (5) business days after selection of the first two members, the Chief Judge of the Circuit Court of Prince George County shall appoint a third panel member. The entire panel should be selected within fifteen (15) business days of receipt of the grievant's request for a panel hearing. In all cases, the third panel member shall be the chairperson of the panel. Such panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel or with the complaint or dispute giving rise to the grievance.

Managers who are in direct line of supervision of a grievant, persons residing in the same household as the grievant, and the following relatives of a participant in the grievance process are prohibited from serving as panel members: spouse, parent, step-parent, child, step-child, descendants of a child, sibling, step-sibling, niece, nephew, and first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee, or co-employee of such an attorney shall serve as a panel member.

The panel chairperson, in consultation with all persons involved, shall set a time for the hearing which shall be as soon as practical, but no more than twenty (20) business days after the panel has been selected, and notify the grievant and the County Administrator.

The parties shall not discuss the substance of the grievance or the problem giving rise to the grievance with any panel members prior to the hearing.

No member of the grievance panel will be paid by the County.

#### **IV. RULES FOR PANEL HEARINGS:**

Panel hearings are intended to be informal, administrative proceedings, not judicial proceedings with the formalities of court proceedings.

Panels do have the discretion to determine the propriety of attendance of the hearing of persons not having direct interest in the hearing, and, at the request of either party, the hearing shall be private. Neither the grievant nor the county has the authority to subpoena witnesses to the grievance panel hearing.

The grievance panel hearing shall be conducted as follows:

1. Prior to the hearing, copies of the grievance record shall be provided to the panel by the County. At the same time, a list of the documents furnished to the panel shall be provided to the grievant and the administration. At least ten (10) calendar days prior to the scheduled panel hearing, the grievant and his or her attorney and the administration and his or her attorney shall, upon request, be allowed access to and copies of all relevant files each intends to use in the panel hearing.
2. Documents, exhibits, and lists of witnesses shall be exchanged between the grievant and administration at least ten (10) calendar days in advance of the panel hearing, except for demonstrative exhibits. In addition, those witnesses, documents or exhibits that are used in rebuttal are not required to be exchanged between the parties prior to the hearing.
3. At the written request of either party, the hearing shall be private. At the hearing, only the grievant and his or her attorney(s) may be present throughout the hearing as well as the appropriate representative(s) and the attorney(s) for the County.
4. At the beginning of the hearing, the chairperson shall explain the grievance panel's procedures for hearing the case. Then, each side may make a brief opening statement. The County shall present its evidence first, followed by the grievant's evidence. The County shall be permitted to present rebuttal evidence. The purpose of the hearing is for the grievance panel to hear and consider relevant evidence. For that reason, there shall be no closing argument.
5. All evidence must be presented at the hearing in the presence of the grievance panel and the parties.
6. The majority decision of the grievance panel, acting within the scope of its authority, shall be final, subject to existing policies, procedures and law; the grievance panel

does not have authority to formulate policies or procedures or to alter existing policies or procedures.

7. The grievance panel's written decision shall be provided within three regular business/work days using the Step III Form to all parties and shall include a summary or brief explanation. The written decision is not required to contain any findings of fact.
8. The rules of evidence do not apply. Grievance panel hearings are not required to be tape recorded. Failure to make a timely objection to any evidentiary issue shall constitute a waiver.
9. Exhibits, when offered, may be received in evidence by the grievance panel, and when so received, shall be marked and made part of the record; demonstrative exhibits shall be permitted.
10. The parties may offer evidence and must produce such additional evidence as the grievance panel may deem necessary to arrive at an understanding and determination of the dispute. The grievance panel is the sole judge of relevancy and materiality of the evidence offered.
11. The decision of the grievance panel shall be final and binding and shall be consistent with provisions of law and written policy. The grievance panel may provide the grievant with retroactive volunteer credit for any time that the grievant was suspended from duty. There shall be no appeal of the decision of the grievance panel.
12. The question of whether the relief granted by a grievance panel is consistent with written policy shall be determined by the County Administrator, or his designee, unless such person has a direct personal involvement with the event or events giving rise to the grievance, in which case the decision shall be made by the Commonwealth's Attorney.

**V. IMPLEMENTATION OF FINAL DECISIONS:**

Either party may petition the Prince George Circuit Court for an order requiring implementation of the grievance panel decision.



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# Prince George County

## Volunteer Grievance Form Step I – Company Chief & Chief of Fire & EMS

Volunteer: Within 20 business days after occurrence giving rise to the grievance, complete and submit original form to Company Chief and Chief of Fire & EMS

Grievant Name: \_\_\_\_\_

Station #: \_\_\_\_\_ Date of Occurrence: \_\_\_\_\_

Date Occurrence Reported to Company Chief and Chief of Fire & EMS: \_\_\_\_\_

Date the Company Chief and Chief of Fire & EMS Responded to the Volunteer: \_\_\_\_\_

Nature of Grievance (be specific; attach copies of any relevant documents):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

State specific relief expected by the Volunteer: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Volunteer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Prince George County

## Volunteer Grievance Form Step I – Company Chief & Chief of Fire & EMS (Continued)

Company Chief and Chief of Fire & EMS: Within 2 business days of receipt hold meeting with appropriate parties.

Date of Company Chief and Chief of Fire & EMS Meeting With Volunteer: \_\_\_\_\_

Company Chief and Chief of Fire & EMS: Within 3 business days of meeting, provide written response to Volunteer and send copy of form and any attachments to the appropriate Fire Administration Personnel.

Company Chief and Chief of Fire & EMS Response:

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Company Chief Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Chief of Fire & EMS Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Grievant: Within 5 business days of Company Chief and Chief of Fire & EMS response, indicate your response below and forward original to the appropriate Fire Administration Personnel.

The response of the Company Chief and Chief of Fire & EMS is:

Acceptable

Not acceptable and I wish to proceed to Step II

\_\_\_\_\_

Volunteer

\_\_\_\_\_

Date



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# Prince George County

## Volunteer Grievance Form Step III – Panel Hearing

**To be completed if satisfactory resolution is not reached at the Step II level.**

Fire & EMS Administrative Personnel: Complete immediately and forward to County Administrator

Grievant Name: \_\_\_\_\_ Volunteer Grievant station #: \_\_\_\_\_

Date Request Received by County Administrator: \_\_\_\_\_

Fire & EMS Administrative Personnel: Within 15 business days insure selection of panel and arrange organizational panel hearing

### Panel Composition

The panel is composed of three (3) members. One member chosen by the grievant, one member chosen by the County Administrator and the third member chosen by the first two.

Panel Member selected by Grievant

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Panel Member selected by County Administrator:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Panel Chairman

*(Member selected by first two, or Judge of the Circuit Court, if first two cannot agree on third member)*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

# Prince George County

## Volunteer Grievance Form Step III – Panel Hearing (Continued)

Reason for Requesting Panel Hearing \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

*Panel Chairman: Within 20 business days of selecting the panel, hold hearing*

Date of Hearing: \_\_\_\_\_ Place of Hearing: \_\_\_\_\_

Time Hearing will start: \_\_\_\_\_

*Panel Chairman: Within 3 business days after hearing, file panel decision to Fire & EMS administrative personnel*

Decision of Panel: \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of Decision: \_\_\_\_\_

Signed:

\_\_\_\_\_

Panel Chairman

\_\_\_\_\_

Panel Member

\_\_\_\_\_

Panel Member

*Fire & EMS Administrative Personnel: Notify the grievant and the Chief of Fire & EMS of panel's decision immediately.*