




POLICY AND PROCEDURE STATEMENT

SUBJECT APPEALS	PAGE 1 OF 2	DATE EFFECTIVE NOVEMBER 1, 2018	
SECTION/POLICY NO. 6.04	APPROVED BY  MAYOR	SUPERSEDES NEW	
PREPARED BY VILLAGE ADMINISTRATOR	 VILLAGE ADMINISTRATOR	APPROVAL DATE	ISSUE DATE 12/31/2017
REFERENCE	 PERSONNEL/BENEFIT COMMITTEE	DISTRIBUTION LIST WEBSITE, MAYOR, COUNCIL CLERK- TREASURER, AND VILLAGE EMPLOYEES	

SCOPE

- I. This Policy applies to Ashville Personnel, Ashville Government, and Contract Staff.

POLICY:

- I. The Village will deal fairly and promptly with employees in resolving complaints through the procedure set forth below. An employee has the right to present a complaint directly to his/her supervisor or through a representative.
- II. Employees Covered
 - A. The procedure shall be applicable to all Village employees not covered by Labor Agreements. (Police Agreement, Fireman Agreement, American Federation of State, County, and Municipal Employees, Local No. 2403, Ohio Council 8, AFL-CIO).
- III. Definition of Complaint
 - A. A complaint is a matter which an employee believes affects his/her employment or position in an unjust or unfair manner. The procedure does not apply to questions concerning Village of Ashville examinations or to disputes concerning the interpretation, application or violation of any agreement between the Village of Ashville and any labor organization.

PURPOSE:

- I. To establish and define a procedure by which an employee may seek satisfactory solution of a work-related problem.

PROCEDURE:

- I. First Level - Discussion of Complaint
Whenever an employee believes he/she has a complaint, he/she shall discuss the matter with his/her supervisor within seven (7) calendar days from the date the complaint occurred. The supervisor shall give an explanation or answer, either orally or in writing, to the employee within seven (7) calendar days after the complaint is discussed. The supervisor should make and retain a brief written record of the complaint, explanation or answer.

II. Second Level - Written Submission of Complaint

If the complaint is not settled to the satisfaction of the employee he/she may prepare a written statement of the complaint and submit the statement to his/her immediate supervisor. Submission of the statement shall be made within seven (7) calendar days from the date the decision of the supervisor was communicated to the employee. The employee may have the assistance of a representative of his/her choice in preparing and presenting the written complaint. Within seven (7) calendar days of receipt of the written complaint, the supervisor and department head shall schedule a meeting to discuss the complaint with the employee and representative (if one has been designated). The supervisor and department head will answer the complaint in writing and return response to the employee within seven (7) calendar days of the date of the meeting.

III. Third Level - Appeal

If the complaint is not settled to the satisfaction of the employee, he/she may appeal to the Village Administrator. This appeal must be made in writing within seven (7) calendar days of the written reply at the second level. The Village Administrator or a designated representative will schedule a meeting to discuss the complaint with the employee and representative (if one has been designated) within seven (7) calendar days of the date the appeal was received. The Village Administrator and the Department Head of Service or Utilities, whichever is applicable, will answer the complaint in writing within seven (7) calendar days of the meeting.

IV. Fourth Level - Final Resolution

If the complaint is not satisfactorily settled in the levels outlined previously, the employee may request that the complaint be heard by the Mayor. This request must be made in writing to the Village Administrator or designated representative within seven (7) calendar days of the written reply at the third level.

Parties to the hearing shall be the employee and representative (if one has been designated), the employee's department head, a Village of Ashville representative and such witnesses as may be called upon to offer oral and written statements concerning the complaint. The Mayor will receive the oral and written statements, including copies of all written documents from previous levels of the complaint.

The Mayor shall reach final decision on the complaint, which shall be communicated in writing to the employee, the Village representative and the hearing officer.

Instructions

1. The Village retains all responsibilities not specifically limited by this procedure. In all cases, the instructions of Village management will be carried out pending final resolution of the complaint.
2. Assignment of Costs
 - a. Any fees or costs involved in the conduct of any levels of this procedure shall be borne by the Village of Ashville, except for costs contracted for by the employee and any fees or costs of the employee's representative which shall be borne by the employee.
3. Ohio Revised Code
 - a. Decisions and recommendations at any point in the complaint procedure shall not conflict with any provision of the Ohio Revised Code.
4. Time Limits
 - a. The time limits specified for submission of complaints and issuing of decisions may be extended by mutual agreement of the parties concerned and shall be extended in case of illness of either of the parties.
5. Working Hours
 - a. So far as practicable, complaints shall be handled during the regularly scheduled working hours of the parties involved. The parties will neither gain nor lose compensation because of the time spent on complaint matters.
6. In General
 - a. All hearings held pursuant to this complaint procedure shall be closed to the news media.
 - b. No disposition at any step shall be in conflict with the Ashville Codified Ordinances or the Ohio Revised Code.
 - c. Time spent by employees pursuing complaints shall be at no gain nor loss in compensation. Wherever practicable, hearings shall be held during regularly scheduled working hours.
 - d. Time limits specified herein may be extended by mutual agreement of the parties. Illness on the part of either party shall be just cause for extension of the time limits.
 - e. All dispositions of complaints above step one shall be in writing and a copy of the disposition forwarded to the responsible individual for the succeeding step.
- f. There shall be no cost incurred against the Village for pursuing complaints unless prior authorization is obtained from the Mayor, Village Administrator, or Solicitor. Heads and supervisors who believe an employee should be suspended, demoted or discharged shall report the reasons therefore, in writing.