A. CALL TO ORDER - PLEASE MUTE CELL PHONES

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. APPROVAL OF AGENDA WITH ANY ADDITIONS, DELETIONS, OR CONTINUANCES

E. PUBLIC COMMENT
   Individual comments have a 3 minute limit; Organizations have a 5 minute limit. General comment (non-agenda items) will be heard at this time; Specific agenda items will be heard right before the item. Speaker cards must be turned in before the meeting starts.
F. ACTION ITEMS
1. Minutes of July 2, 2013

G. DISCUSSION ITEMS
2. Hold Harmless Agreement Time Limit
3. Grievance Policy
4. Government Assessment Inter-Local

H. COMMISSIONER'S ROUNDTABLE

I. ADJOURNMENT
TAB 1
KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: July 9, 2013

[ ] PUBLIC HEARING

[ ] RESOLUTION

[ ] DISCUSSION

[ ] BID/RFP AWARD

[X] ACTION ITEM

[ ] CONSENT AGENDA

[ ] Other:

SUBJECT: Minutes of July 2, 2013

RECOMMENDED MOTION/ACTION: Approval of minutes with any deletion, additions
or corrections.

Approved by General Manager

Date: 7/5/2013

Originating Department: Clerk

Costs: $

Funding Source:

Attachments: Minutes

Department Review: District Counsel

[ ] Engineering

[ ] Clerk

[ ] Operations

General Manager

Funding Source:

Billing:

Date:

Paper:

[X] Not Required

Summary Explanation/Background:

Resulting Board Action:

☐ Approved

☐ Tabled

☐ Disapproved

☐ Recommendation Revised
The Key Largo Wastewater Treatment District Board of Commissioners met for a Commission Meeting at 4:00 PM. Present were Acting Chairman Tobin, Commissioners, Norman Higgins, David Asdourian, and Steve Gibbs. Also present were the General Manager Margaret Blank, General Counsel, Ray Giglio, District Clerk Carol Walker, and other appropriate District Staff.

Acting Chairman Tobin led the Pledge of Allegiance.

APPROVAL OF AGENDA
Commissioner Gibbs added an item under Commissioners Roundtable about customers coming to staff with problems before they come to the Commission.

Motion: Commissioner Gibbs made a motion to approve the agenda as amended. Commissioner Higgins seconded the motion.

Vote on Motion

<table>
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<tr>
<th>Member</th>
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<tr>
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Motion passed 4 to 0

PUBLIC COMMENT

Name & Address          Subject
Ted Blackburn, Islamorada Work being done in Key Largo by Islamorada

ENGINEER REPORT

Report from Wade Trim on Islamorada Construction
Eugene Hoffman, Wade Trim, Construction Manager gave a report on the Islamorada construction (see Exhibit “A”)
BULK ITEMS
Minutes of June 11 and June 18, 2013

Commissioner Gibbs corrected the motion on Resolution 20-06-13 on page five of the June 18 minutes.

**Motion:** Commissioner Gibbs made a motion to approve the minutes of June 11 and Jun3 18, 2013 as corrected. Commissioner Asdourian seconded the motion.

**Vote on Motion**

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Motion passed 4 to 0

**RESOLUTION NO. 22-07-13**

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING DESIGNATION OF FIVE TAX PARCELS AS PARCELS EXCLUDED FROM THE 2009 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE

**Motion:** Commissioner Higgins made a motion to approve the Resolution No. 22-07-13. Commissioner Gibbs seconded the motion.

**Vote on Motion**

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Motion passed 4 to 0

**FINANCIAL REPORT**

**Pending Payments**

Connie Fazio reviewed the Pending Payments and answered Commissioners questions.

**Motion:** Commissioner Higgins made a motion to approve the pending payments of July 2, 2013 contingent of the availability of funds. Commissioner Asdourian seconded the motion.
Vote on Motion

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Motion passed 4 to 0

COMMISSIONER’S ITEMS
The Board discussed how the broken force main, that Redland damaged, was handled.

LEGAL COUNSEL REPORT
Ray Giglio gave an update of the Supreme Court Ruling that removes the Federal Oversight on voting in Monroe County.

COMMISSIONER’S ROUNDTABLE
Commissioner Gibbs would like persons with complaints to go to the Staff with the problem before they come to the Board for answers.

ADJOURNMENT
The KLWTD Board adjourned the Board Meeting at 5:11 PM.

The KLWTD meeting minutes of July 2, 2013 were approved on July 9, 2013.

Chairman Majeska

Carol Walker, CMC District Clerk
## EXHIBIT "A"

### VILLAGE OF ISLAMORADA WASTEWATER PROGRAM

#### KLWTO COORDINATION WORK PROGRESS SUMMARY

<table>
<thead>
<tr>
<th>Project</th>
<th>Phase</th>
<th>Location</th>
<th>Progress</th>
<th>2 Week Look Ahead</th>
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<tr>
<td>CFM1.A</td>
<td>N/A</td>
<td>MM 99.6</td>
<td>MM 100.3</td>
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<tr>
<td>CFM1.B</td>
<td>Phase 1</td>
<td>MM 96.7</td>
<td>MM 95.6</td>
<td>Continued horizontal directional drill pipe installation. Began restoration of the asphalt bike path.</td>
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<tr>
<td>CFM1.C</td>
<td>N/A</td>
<td>MM 89.8</td>
<td>MM 90.9</td>
<td>No current Activities</td>
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No Work Activities 7/4/13 - 7/7/13

Updated 7/2/2013
PROJECT LIMITS KEY LARGO

TRENCHED CFM COMPLETE

DIRECTIONAL BORE IN PROGRESS

DIRECTIONAL BORE CFM COMPLETE

RESTORATION COMPLETE

JUNE 2013
Meeting Date: July 9, 2013

[ ] PUBLIC HEARING
[X] DISCUSSION
[ ] ACTION ITEM
[ ] Other:

SUBJECT: Hold Harmless Time Limit

RECOMMENDED MOTION/ACTION:
Approved by General Manager

Date: 7/5/2013

Originating Department: Commissioner Gibbs
Costs: Unknown
Funding Source:
Attachments: N/A

Department Review:
[ ] District Counsel
[ ] General Manager
[ ] Finance

Engineering
Clerk
[Operations]

Advertised:
Date: 
Paper: 
[X] Not Required

Summary Explanation/Background: Commissioner Gibbs would like to discuss a Hold Harmless Agreement time limit.

Resulting Board Action:

☐ Approved
☐ Tabled
☐ Disapproved
☐ Recommendation Revised
KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: July 9, 2013

[ ] PUBLIC HEARING  [ ] RESOLUTION
[X] DISCUSSION  [ ] BID/RFP AWARD
[ ] ACTION ITEM  [ ] CONSENT AGENDA
[ ] Other:

SUBJECT: Grievance Policy.

RECOMMENDED MOTION/ACTION: Discussion

Approved by General Manager
Date: 7/15/2013

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<tr>
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<td>[ ] District Counsel</td>
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<td>[ ] General Manager</td>
<td>[ ] Clerk</td>
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<tr>
<td>[ ] Finance</td>
<td>[Operations]</td>
</tr>
</tbody>
</table>

| Attachments: Draft Policy |

Advertised:
Date: ____________
Paper: ____________
[X] Not Required

Summary Explanation/Background:
At the last BOC meeting, there was a discussion about the changes that had been made to the original Grievance Policy Memo (#01), which had been sent to the District by our labor attorney, Dale Morgado.

I have taken the liberty of attaching for your review a copy of Dale's original Grievance Policy Memo, along with a copy of my latest Draft Grievance Policy (#35). Please note that this is the same version that was recently presented to the board, but that this copy includes my "comments."

Resulting Board Action:
- [ ] Approved
- [ ] Tabled
- [ ] Disapproved
- [ ] Recommendation Revised
I. Issue Presented

The contents of this memorandum contain a grievance policy for Wastewater District ("Employer" or "Company") that can be used for all general complaints or issues.

II. Outline & Discussion

A. Introduction:

The grievance procedure is intended as the tool by which a member of Employer's staff may formally have a grievance, regarding any condition of their employment, heard by the management of the Company. The aggrieved employee has the right to representation by herself, an attorney, a co-worker, a friend or family member, or a union representative.

In the event of a member of staff wishing to raise a grievance, it is preferable for the grievance to be satisfactorily resolved as close to the individual and their line manager as possible. It is understood however that this is not always possible and that a formal procedure is required to ensure the swift and fair resolution of matters which aggrieve the Company's employees.

Time scales have been fixed to ensure that grievances are dealt with quickly, however these may be extended if it is agreed upon by both parties.

This procedure is not intended to deal with:

*Insert here any specific issues that may require their own procedures*

B. Procedure

1. **Stage 1: Informal and Formal Grievances**

An employee who has a grievance, should raise the matter with his line manager supervisor immediately either verbally or in writing. If the matter itself concerns the employees' immediate manager, then the grievance should be taken to their immediate superior.
If the manager or superior is unable to resolve the matter at that time then a **formal written grievance form** should be submitted by the employee to the manager/superior (see appendix 1). This form should be as detailed as possible, including the names of all individuals involved and any witnesses. These forms shall be available at [desk location] if you wish to use such forms.

The manager should then respond within **3 working days** (i.e. the manager’s normal working days) to the grievance unless an extended period of time is agreed upon by both parties. The response will give a full written explanation of the manager’s decision and to whom the employee should appeal the decision if still aggrieved. If during this time the employee feels retaliated against for filing her grievance, they will file another grievance form indicating the retaliation to the manager (or manager’s superior).

**Stage 2: Appeal of Manager/Supervisor’s Decision**

In most instances the Company would expect the manager’s/supervisor’s decision to be final and for the matter to come to a close. However, in some circumstances the employee may remain aggrieved and can appeal against the decision of the manager concerned.

The appeal, to the manager next in line, must be made within **10 working days** of the original response to the employee’s grievance. The appeal must be in writing (see appendix 2) and contain a copy of the original formal Grievance form. This manager will attempt to resolve the grievance. A formal response and full explanation will be given in writing, and will the name of the person to whom they can appeal if still aggrieved, within **7 days**.

Where the 'next in line' manager at this stage is the Director with responsibility for the employees function, then the grievance should immediately progress to stage 3.

**Stage 3: Further Appeal**

If the employee remains aggrieved there will be a final level of appeal to the Director responsible for the employees function. This appeal must be made in writing (see appendix 3), enclosing a copy of the original Formal Grievance form, to the Director within ten working days of receipt of the Stage 2 response. This Director will arrange and hear the appeal with another management representative (not the subject of any grievances or related to the grievances) and respond formally with a full explanation within **20 working days**.

Where a grievance is raised against a Director then the grievance will be heard by the Chief Executive.

There is no further right of appeal. Where however both parties agree in writing that there would be some merit in referring the matter to a third party for advice, conciliation or arbitration, arrangements will then be made to find a mutually acceptable third party.
C. Other Key Provisions of Plan

i. Mediation

An independent third party or mediator can sometimes help resolve grievance issues before it is necessary to invoke the formal procedure. Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome.

Company will seek to identify employees who have been trained and accredited by an external mediation service who can act as internal mediators in addition to their day jobs. When this is not appropriate the Company will source an external mediation provider. Mediators will work individually or in pairs as co-mediators.

There are no hard-and-fast rules for when mediation is appropriate but it can be used:

- for conflict involving colleagues of a similar job or grade, or between a manager and her staff
- at any stage in the conflict as long as any ongoing formal procedures are put in abeyance
- to rebuild relationships after a formal dispute has been resolved
- to address a range of issues, including relationship breakdown, personality clashes, communication problems and bullying and harassment.

Mediation is not part of Company’s formal grievance procedure. However if both parties agree in writing to mediation, then the grievance procedure can be suspended in an attempt to resolve the grievance through that route. If mediation is not successful, then the grievance procedure can be re-commenced.

ii. No Retaliation

Company prohibits any form of discipline, reprisal, intimidation or retaliation for reporting incidents of workplace violence of any kind, pursuing a workplace violence complaint or cooperating in related investigations.

Company is committed to enforcing this policy against all forms of workplace violence. However, the effectiveness of our efforts depends largely on employees telling us about all incidents of workplace violence, including threats. Employees who witness any workplace violence should report it immediately. In addition, if an employee feels that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately. If employees do not report workplace violence incidents, Company may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.
iii. Employees Covered under a Collective Bargaining Agreement

The employment details set out in this policy work in conjunction with, and do not replace, amend or supplement any terms or conditions of employment stated in any collective bargaining agreement that a union has with Company. Wherever employment details in this policy differ from the terms expressed in your union's collective bargaining agreement with Company, you should refer to the specific terms of the collective bargaining agreement, which will control.

iv. Conduct Not Prohibited By Grievance Policy

This policy is not intended to preclude or dissuade employees from engaging in legally protected activities/activities protected by state or federal law, including the National Labor Relations Act, such as discussing wages, benefits or terms and conditions of employment, forming, joining or supporting labor unions, bargaining collectively through representatives of their choosing, raising complaints about working conditions for their and their fellow employees' mutual aid or protection or legally required activities.

v. Confidentiality of Investigation

Company cannot promise complete confidentiality regarding an employees' grievance because certain people will need to be made aware of the concern to address it. However, Company respects the complaining employee's privacy and Company will make its best good faith efforts to only share information on a need-to-know basis.

vi. Employee Recognition of Procedure

I [EMPLOYEE NAME] acknowledge that on [DATE], I received a copy of Company's Internal Grievance Policy and that I read it, understood it and agree to comply with it. I understand that Company has the maximum discretion permitted by law to interpret, administer, change, modify or delete this policy at any time. Any modification of the policy will be either sent to each employee or posted in a conspicuous location at Company's place of business. No statement or representation by a supervisor or manager or any other employee, whether oral or written, can supplement or modify this policy. Changes can only be made if approved in writing by [POSITION]. I also understand that any delay or failure by Company to enforce any work policy or rule will not constitute a waiver of its right to do so in the future. I understand that neither this policy nor any other communication by a management representative or any other employee, whether oral or written, is intended to in any way create a contract of employment. I understand that, unless I have a written employment agreement signed by an authorized representative of Company, I am employed at will and this policy does not modify my at-will employment status. If I have a written employment agreement signed by an authorized by Company's representative and this policy conflicts with the terms of my employment agreement, I understand that the terms of my employment agreement will prevail.
III. CONCLUSION

The preceding provides a generalized grievance procedure that takes into consideration rights of appeal, the fact that in some circumstances an employee's direct supervisor may not be the appropriate person a complaint should be issued to, and the fact that mediation may be an additional tool used to settle company-wide disputes. As stated herein, an employer is free to create a more specialized procedure for certain types of grievances that may require increased sensitivity, such as complaints of sexual harassment or complaints of physical danger in the workplace. However, that is up to the specific employer and the general procedure outlined above also provides a base to address these types of complaints as well.
To: 

From: 

Dept: 

Date: 

Immediate Superior: 

Dear 

I wish to take a formal grievance out against: 

in line with the Company Grievance Procedure. The details of my grievance are shown below [attach additional pages if necessary]: 

Yours sincerely, 

(Manager should respond to this formal written grievance within 3 working days unless an extended period for response is mutually agreed)
To
From
Dept
Date
Immediate Superior

Dear

On (within 10 days of the response to the initial formal grievance) my grievance against was heard by

----------------------------------

I am not satisfied with the outcome of this meeting and would like to appeal to yourself for a further hearing of my grievance, in line with the Company Grievance Procedure.

I enclose a copy of the original letter regarding this matter and other correspondence and information related to it.

Yours sincerely

(Manager should respond to this formal written grievance within 7 days unless an extended period for response is mutually agreed)
To (Director):

From:

Dept:

Date:

Immediate Superior:

Dear

On (within 10 days of the response to the second stage of the formal grievance) I appealed to

against the decision made at my initial grievance against

I remain dissatisfied with the outcome of this meeting and would like to appeal to you for a further hearing of my grievance, in line with the Company Grievance Procedure.

I enclose a copy of the original letter regarding this matter and other correspondence and information related to it.

Yours sincerely

(Director should respond to this formal written grievance within 20 working days unless an extended period for response is mutually agreed)
KEY LARGO WASTEWATER TREATMENT DISTRICT
GRIEVANCE PROCEDURE

Section A. Introduction

These procedures are intended to be the mechanism by which employees of the Key Largo Wastewater Treatment District ("District") may have a grievance formally addressed by the management of the District.

A full-time, regular Employee ("Employee" or "Employees") of the District must utilize the procedures contained in "Section B.- Procedures for Full-Time, Regular Employees." However, the procedures contained in Section B DO NOT apply to full-time, regular Employees of the District who have been terminated. All Employees of the District are "at-will" employees and as such, they may be terminated at any time for any reason or no for reason. Therefore, the termination of a full-time, regular Employee is not grievable and is not subject to these grievance procedures.

A member of the Senior Staff ("Senior Staff" or "Senior Staffer") of the District who has been terminated, suspended, demoted, or given a reduction in pay, shall have the right to appeal that change in status only in accordance with "Section C.—Procedures for Senior Staff."

Throughout these procedures, time periods have been fixed to ensure that grievances are treated with the highest level of urgency and are dealt with quickly. These time periods may be extended if both the aggrieved party and the District consent to the extension. If key members of grievance process are unavailable, such consent shall not be unreasonably withheld.

However, unless both parties have agreed to an extension, the failure of the aggrieved party to follow the time limits contained herein will result in an automatic, final, and binding denial of that party's grievance. The failure of the District to follow the time limits contained herein, at any Stage, will be deemed a denial of that Stage in the grievance procedure. In such event, the aggrieved party may proceed to the next stage or step, if one is available.

Page 1 of 15
Ray's 05-21-13 version
Section B. Procedures for Regular Employees

This is the Procedure by which full-time, regular Employees of the District may have a grievance regarding any condition their employment, formally heard by the management of the District. If an aggrieved Employee wishes to file a formal grievance, that Employee must utilize the procedure outlined in this section.

When an Employee feels aggrieved by some condition of his or her employment, it is always preferable for the Employee to bring the matter to the attention of his or her immediate supervisor and, through informal discussion, for the Employee's complaint to be quickly addressed to the mutual satisfaction of the parties. However, as a practical matter, not all grievances can be resolved through informal procedures. Therefore, the formal grievance procedure outlined herein is intended to ensure that matters in which an Employee may feel aggrieved can be swiftly and fairly resolved.

At all stages of this procedure, aggrieved Employees shall have the right to represent themselves or to be represented by an attorney, a co-worker, a friend, a family member, or a union representative.

Stage-1: Informal Grievance to Immediate Supervisor

Employees who feel aggrieved regarding any condition their employment, should raise the matter with their immediate supervisor, either orally or in writing, indicating the nature of the complaint, the District policies involved, and the desired resolution. This should be done as soon as possible and must be done within ten (10) working days of the incident to be grieved.

During this Stage-1 procedure, the Employee and his or her immediate supervisor should engage in informal discussions for the purpose of resolving the issue in the simplest and most direct manner. The aggrieved Employee's immediate supervisor must reach a decision and communicate that decision, orally or in writing, to the aggrieved Employee within ten (10) working days from the date the matter was raised with the supervisor. Supervisors are not empowered to make policy decisions.

Stage-2: Filing a Formal Written Grievance

If the matter is not satisfactorily resolved by the informal procedure in Stage-1, the aggrieved Employee may commence the formal grievance process by filing
a Formal Written Grievance Form (the “Grievance Form”) with the District’s Human Resources Coordinator (the “HR Coordinator”). This Grievance Form must be filed within ten (10) working days of the oral or written Stage-1 response of the Employee’s immediate supervisor.

All formal grievances must utilize the Grievance Form shown in Appendix A. The Grievance Form must be signed by the aggrieved Employee and should contain as much detail as possible. If more space is needed, additional pages may be attached. The Grievance Form must include the names of all individuals involved, the names of any witnesses, and any written response to the Employee’s Stage-1 informal grievance from the Employee’s immediate supervisor. Once reduced to writing, the text of the grievance shall remain unaltered as the grievance progresses through any additional stages.

Grievance Forms shall be available from the Human Resources Coordinator for the use of any Employee who wishes to file a grievance. Employees filing a formal grievance are encouraged to keep copies of all documents, as they may be needed later in the grievance process.

Before the Grievance Form has been filed, or as soon as is practicable after it has been filed, the HR Coordinator should meet with the aggrieved Employee to discuss the grievance procedure and to answer any questions the Employee might have about the grievance procedure. The HR Coordinator should verify that the Employee has signed the Grievance Form and has included all necessary information and documentation. In addition, the HR Coordinator should advise the Employee that:

- The HR Coordinator is not empowered to make any decision with respect to the grievance or to make any policy decisions.
- The role of the HR Coordinator is to document all steps in the grievance procedure, to facilitate meetings between the Employee and the management of the District, and to help guide the Employee through the grievance procedure.
- The Grievance Form and any other documentation submitted will become public records and may be subject to inspection by third parties.
- Any discussions with the HR Coordinator may be summarized and reduced to a writing that will become a public record and may be subject to inspection by third parties.
- There are certain types of information that are confidential and/or exempt from the Public Records Law; and such exempt or confidential information will not be released or be subject to inspection by third persons.
Stage-3: Hearing with Employee's Department Head

Within ten (10) working days after receipt of the Grievance Form, the HR Coordinator shall schedule a hearing of the Employee's grievance with the Employee and the Employee's Department Head. At that hearing, the HR Coordinator should attempt to facilitate a resolution of the issue(s) concerning the Employee's grievance. The Employee shall be permitted to introduce relevant evidence, to give testimony, and to call witnesses at the Stage-3 hearing.

At the conclusion of the Stage-3 hearing, the Employee's Department Head shall respond to the Employee's grievance. The response should give a full explanation of the Department Head's decision with respect to the grievance. The Department Head's decision should be summarized and reduced to writing by the HR Coordinator. Copies of that written summary should be given to the Employee and should be included in the grievance file.

Stage-4: Election of Mediation or Final Appeal to General Manager

The District anticipates that in most instances, the Stage-3 decision of the Employee's Department Head would be final and that the matter would come to a close. However, at the conclusion of the Stage-3 hearing, after the Employee's Department Head has made a decision, the aggrieved Employee shall be given the option of electing ONE of the following courses of action:

1) Accept the Stage-3 decision of the Employee's Department Head and forgo any further proceedings with respect to the grievance. In this case, the matter would come to an end.

2) Request a mediation hearing to be presided over by an independent third party or by a certified mediator.

3) Make a Final Appeal of the Stage-3 decision of the Employee's Department Head to the General Manager, in accordance with Stage-6 of the Grievance Procedure.

The Employee shall be advised that he or she may choose only ONE of the above options. The option elected by the Employee shall be reduced to writing by the HR Coordinator and signed by the Employee. A Copy of that writing should be given to the Employee and should be included in the grievance file.
**Stage-5: Mediation**

If, at the conclusion of the Stage-3 hearing, the Employee elects to submit his or her formal grievance to mediation, the District will seek to identify Employees who have been trained and accredited by an external mediation service who can act as internal mediators in addition to their day jobs. When this is not appropriate the District will source an external mediation provider.

An independent third party or mediator can sometimes help resolve Grievance issues to the satisfaction of all parties. Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other is wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome.

If mediation is successful, the resolution agreed to by the parties should be summarized and reduced to writing by the HR Coordinator. The written summary should be signed by both parties and copies should be given to the Employee and included in the grievance file. The matter would then come to a close.

If mediation is not successful, the aggrieved Employee shall, at the conclusion of the mediation hearing, be given the option of electing ONE of the following courses of action:

1) Accept the Stage-3 decision of the Employee’s Department Head and forgo any further proceedings with respect to the grievance. In this case, the matter would come to an end.

2) Make a Final Appeal of the Stage-3 decision of the Employee’s Department Head to the General Manager, in accordance with Stage-6 of this Grievance Procedure.

**Stage-6: Final Appeal to General Manager**

If, at the conclusion of the Stage-5 mediation proceedings, the Employee continues to feel aggrieved, he or she shall have the option of making a Final Appeal to the General Manager in accordance with this section.

Any such Final Appeal shall take the form of a meeting to be held within ten (10) working days of the Employee’s request for a Final Appeal. This meeting shall be attended by the Employee, by the General Manager, and by another
management representative, who is not the subject of any grievances, who is not related to the grievance, and who shall be selected by the General Manager.

At the conclusion of that meeting, the General Manager shall give the Employee a decision. The decision of General Manager shall be final and the Employee shall have no further right of appeal.

If an Employee has been suspended, discharged, received a reduction in pay or demoted, the filing a grievance shall not stay the effect of any such change in status. If, at the conclusion of the grievance procedure, the District rules in the Employee's favor, the Employee may, at the sole discretion of the General Manager, receive any back pay deemed to be due.

Where the General Manager is the subject of the grievance, or is materially related to or is involved in the grievance, or is the person to whom the Employee filing the grievance reports, then the Final Appeal shall go to the District Counsel, who shall act in the place and stead of the General Manager.

Section C. Procedures for Senior Staff

I. DEFINITION OF SENIOR STAFF

Senior Staff is defined as: the General Manager, the District Counsel, the District Clerk, the District Engineer, the Chief Financial Officer, the Finance Director, the Chief Information Officer, and the Plant Operations Manager.

II. POLICY STATEMENT

Senior Staff have responsibilities and functions that require different policies and conditions governing their employment, termination, or change in status.

Senior Staffers who have been discharged, suspended, demoted, or given a reduction in pay, shall have the right to appeal that change in status only in accordance with the GRIEVANCE PROCEDURE FOR SENIOR STAFF described in section IV below.

III. NOTIFICATION MEETING
Before any member of the Senior Staff is discharged, suspended, demoted, or given a reduction in pay, the General Manager shall hold a Notification Meeting with the District Counsel and the Chairperson of the District’s Board of Commissioners or if the Chairperson is for any reason unavailable, another member of the Board designated to take the Chairperson’s place.

At that meeting, the General Manager shall inform the other parties present of the proposed change in the employment status of the Senior Staffer and shall articulate the reasons for that action.

The General Manager shall not be required to obtain the approval or consent of any of the other parties present at the Notification Meeting, or of the Board of Commissioners, in order to make the proposed change in the employment status of the Senior Staffer.

If, in the sole discretion of the General Manager, it is not feasible or practicable to hold such a Notification Meeting prior to changing the employment status of the Senior Staffer, it shall not be necessary to do so. In such event, the Notification Meeting shall be held at the earliest opportunity.

IV. TERMINATION OF SENIOR STAFF

Members of the Senior Staff are “at-will” employees and as such, may be terminated at any time for any reason or for no reason. However, such termination is subject to the GRIEVANCE PROCEDURE FOR SENIOR STAFF described in Section IV. of this section.

Senior Staff receive at least thirty days notice of termination. When pay is given in lieu of notice, the maximum payment period is thirty days. A combination of notice and pay in lieu of notice may be appropriate at the District’s discretion. In such an arrangement, severance pay may be contingent on the Senior Staffer serving out a specified portion of the notice period.

A Senior Staffer who voluntarily resigns or who, in the sole discretion of the District, is terminated for cause, is not entitled to notice or severance pay.

IV. GRIEVANCE PROCEDURE FOR SENIOR STAFF

Step-1: Informal Grievance Procedure

A member of the Senior Staff who feels aggrieved as a result of having been discharged, suspended, demoted, or given a reduction in pay, should raise the
matter with the General Manager, either orally or in writing, indicating the nature of the complaint, the District policies involved, and the desired resolution. If in writing, it shall not be necessary for the Senior Staff member to include any or all of the facts and circumstances surrounding the grievance. The aggrieved Senior Staff member should bring the matter to the attention of the General Manager as soon as possible and must do so within ten (10) working days of the incident to be grieved.

During this Informal Grievance Procedure, the aggrieved Senior Staff member and the General Manager should engage in informal discussions for the purpose of resolving the issue in the simplest and most direct manner. The General Manager must reach a decision and communicate that decision, orally or in writing, to the aggrieved Senior Staff member within ten (10) working days from the date the matter was raised with the General Manager.

Step-2: Filing a Formal Written Grievance

If the Senior Staff member's grievance is not satisfactorily resolved by the informal procedure in Step-1, the aggrieved Senior Staff member may commence the formal grievance process by filing a Formal Written Grievance Form (Appendix C) with the District's HR Coordinator. This Grievance Form must be filed within ten (10) working days of the oral or written Step-1 response of the General Manager.

Senior Staff members must utilize the Grievance Form shown in Appendix C for the filing of formal grievances. The Grievance Form must be signed by the aggrieved Senior Staff member and should contain as much detail as possible. If more space is needed, additional pages may be attached. The Grievance Form should include the names of all individuals involved, the names of any witnesses, and any written response to the Senior Staff member's Step-1 informal grievance from the General Manager. Once reduced to writing, the text of the grievance shall remain unaltered as the grievance progresses through any additional steps.

Step-3: Meeting with General Manager, District Counsel & Chair of BOC

Within ten (10) working days after the filing of the Grievance Form, the General Manager shall schedule a meeting with the Senior Staff member, the District Counsel and the Chairperson of the District's Board of Commissioners. If the Chairperson is for any reason unavailable, another member of the Board can take the Chairperson's place. The Senior Staff member can also request to have another Senior Staff member of his/her choosing present at that meeting.

Comment [RWG15]: How about a lawyer or some other person? Ray
Within ten (10) working days of the Step-3 meeting, the General Manager shall respond in writing to the Senior Staff member's grievance. The General Manager’s response should give a full explanation of the General Manager’s decision with respect to the grievance. Copies of that response should be given to the Employee and should be included in the grievance file.

Step-4: Elect to Accept GM’s Decision or Appeal to BOC

Within ten (10) working days of the General Manager’s Step-3 response to the Senior Staff member’s grievance, the aggrieved Senior Staff member’s must elect ONE of the following courses of action:

1) Accept the Step-3 decision of the General Manager and forgo any further proceedings with respect to the grievance. In this case, the matter would come to an end.

2) Make a Final Appeal of the Step-3 decision of the General Manager to the Key Largo Wastewater Treatment District’s Board of Commissioners.

The option elected by the Senior Staff member shall be reduced to writing by the HR Coordinator and signed by the Senior Staff member. A copy of that writing should be given to the Employee and should be included in the grievance file.

Step-5: Final Appeal to Board of Commissioners

If the Senior Staffer elects to appeal the Step-3 decision of the General Manager to the Key Largo Wastewater Treatment District’s Board of Commissioners, the Senior Staffer shall, within 72 hours of the Step-3 meeting, notify the District Clerk of that fact.

Upon receipt of such notification, the District Clerk shall arrange for the Senior Staff member’s Final Appeal to be heard by the District’s Board of Commissioners. This hearing should be scheduled for the earliest convenient and practicable regular meeting of the Board. At that hearing, the Senior Staff member shall be permitted to address the Board of Commissioners and to give testimony.

Unless the Board of Commissioners takes some action to reverse or modify the Step-3 decision of the General Manager, that Step-3 decision shall stand. There shall be no further appeals available to Senior Staff.
Section D. Special Grievances Procedures

I. NO RETALIATION FOR FILING A GRIEVANCE

If, at any point in the grievance process, the Employee feels that he or she has been retaliated against for filing a grievance, the Employee may file another formal written grievance form in accordance with this procedure. That Grievance Form should be as detailed as possible and should include: the nature of the alleged retaliation; the names of all individuals involved; the names of any witnesses; and a copy of the original grievance that the Employee believes was the basis for the alleged retaliation.

II. NO RETALIATION FOR REPORTING WORKPLACE VIOLENCE

The District prohibits any form of discipline, reprisal, intimidation or retaliation for reporting incidents of workplace violence of any kind, pursuing a workplace violence complaint or cooperating in related investigations. If an Employee is found to have retaliated against another Employee for exercising their rights under this Grievance Policy, the District may, in its sole discretion, discipline that Employee as it sees fit. Such discipline may include, but is not limited to, termination and/or suspension with or without pay. Nothing in this section takes away the District’s status as an at-will employer or its Employees’ status as at-will Employees.

The District is committed to enforcing this policy against all forms of workplace violence. However, the effectiveness of the District’s efforts depends largely on Employees reporting all incidents of workplace violence, including threats. Employees who witness any workplace violence should report it immediately. In addition, if an Employee feels that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately. If Employees do not report workplace violence incidents, the District may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

III. EMPLOYEES COVERED UNDER A COLLECTIVE BARGAINING AGREEMENT

The employment details set out in this policy work in conjunction with, and do not replace, amend or supplement any terms or conditions of employment stated in any collective bargaining agreement that a union may have with the District. Wherever employment details in this policy differ from the terms expressed in a union’s collective bargaining agreement with the District, Employees should refer to the specific terms of the collective bargaining agreement, which will control.

IV. CONDUCT NOT PROHIBITED BY GRIEVANCE PROCEDURE
This Procedure is not intended to preclude or dissuade Employees from engaging in activities protected by state or federal law (including the National Labor Relations Act), such as discussing wages, benefits or terms and conditions of employment, forming, joining or supporting labor unions, bargaining collectively through representatives of their choosing, raising complaints about working conditions for their and their fellow Employees' mutual aid or protection, or legally required activities.

V. NO COMPLETE CONFIDENTIALITY

The District cannot promise complete confidentiality regarding an Employees' Grievance. Various people will need to be made aware of the Employee's concern in order to address it.

In addition, Florida has a very broad public records law, which establishes a right of access to public records in plain and unequivocal terms. Generally speaking, personnel records are considered to be public records and are, therefore, available to be inspected and copied by any person desiring to do so. However, the District respects the privacy of its Employees and will make a good faith effort to only share personnel records on a need-to-know basis.

VI. EMPLOYEE RECOGNITION OF PROCEDURE

I [EMPLOYEE NAME] acknowledge that on [DATE], I received a copy of The KEY LARGO WASTEWATER TREATMENT DISTRICT GRIEVANCE PROCEDURE, and that I read it, I understood it, and I agree to comply with it.

I understand that District has the maximum discretion permitted by law to interpret, administer, change, modify or delete this policy at any time. Any modification of the policy will be: sent to each Employee; or posted in a conspicuous location at District's place of business; or posted on the District's Website.

I understand that no statement or representation by a supervisor or manager or any other Employee, whether oral or written, can supplement or modify this policy. Changes can only be made if formally approved by the Key Largo Wastewater District's Board of Commissioners.

I also understand that any delay or failure by District to enforce any policy, procedure, or rule will not constitute a waiver of its right to do so in the future.

I understand that neither this Procedure nor any other communication by a management representative or any other Employee, whether oral or written, is intended to in any way create a contract of employment.
I understand and acknowledge that I am employed at will and this policy does not modify my at-will employment status. If I have a written employment agreement signed by an authorized representative and this policy conflicts with the terms of my employment agreement, I understand that the terms of my employment agreement will prevail.

(Signature of Employee)  (Date)

(Print Name of Employee)
To:
From:
Dept:
Date:
Immediate Superior:

Dear

I wish to take a formal Grievance out against:

In accordance with the Company Grievance Procedure. The details of my Grievance are shown below [Employee must include the names of all individuals involved, the names of any witnesses, and any written response to the Employee’s Stage-1 Informal grievance from the Employee’s Immediate supervisor. Attach additional pages if necessary.]:

Yours sincerely,
[APPENDIX B]

To
From
Dept
Date
Department Head

Dear

On ______________________ my Grievance against ____________ was heard by

______________.

I am not satisfied with the outcome of this meeting and would like to appeal to you for a further hearing of
my Grievance, in line with the Company Grievance Procedure.

I enclose a copy of the original letter regarding this matter and other correspondence and information
related to it.

Yours sincerely
To General Manager:

From: [APPENDIX C - Senior Staff member]

Date: [APPENDIX C - Senior Staff member]

General Manager

Dear

On [APPENDIX C - Senior Staff member] I appealed to [APPENDIX C - Senior Staff member]

against the decision made at my initial Grievance against [APPENDIX C - Senior Staff member]

I remain dissatisfied with the outcome of this meeting and would like to appeal to you for a further hearing of my Grievance, in line with the Company Grievance Procedure.

I enclose a copy of the original letter regarding this matter and other correspondence and information related to it.

Yours sincerely

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Ray's 05-21-13 version
Summary Explanation/Background:

The District proposes entering into Interlocal Agreements with Governmental entities that cannot be charged through the District's regular assessment process. Pursuant to the proposed ILAs, these Government properties would be assigned EDUs and connections for rate calculation purposes, but would not be put on the assessment rolls.

Resulting Board Action:

☐ Approved    ☐ Tabled    ☐ Disapproved    ☐ Recommendation Revised