RESOLUTION NO. 23-10-16

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT MODIFYING *EMPLOYEE GRIEVANCE POLICY AND PROCEDURES*; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on January 14, 2014, at a regularly scheduled meeting, the Board of Commissioners ("Board") of the Key Largo Wastewater Treatment District ("District"), approved and adopted the "*Employee Grievance Policy and Procedures*" ("Grievance Policy"), a copy of which is attached hereto; and

WHEREAS, subsection "1" of "GENERAL PROVISIONS" on page 4 of 6 of that Grievance Policy prohibits the General Manager, the District Counsel, or members of Senior Staff from filing a Grievance under the provisions of that policy; and

WHEREAS, the Board has determined that it would be in the best interest of the District to permit members of Senior Staff to file a Grievance against a Commissioner under the provisions of the Grievance Policy; and

WHEREAS, the District desires, by this resolution, to modify section "1" of the *GENERAL PROVISIONS* of the Grievance Policy to permit members of Senior Staff to file a Grievance against a Commissioner.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are incorporated into this Resolution by reference.

Section 2. Grievance Policy Modification. The District's Grievance Policy, which currently provides, at subsection "1" of "*GENERAL PROVISIONS*" on page 4 of 6, of that:

1. *Under no circumstances can the General Manager, the District Counsel, or other members of Senior Staff file a Grievance under the provisions of this policy.*

is hereby amended to read,

1. ***Senior Staff shall have the right to file a Grievance against a Commissioner under the provisions of this policy.***

Section 3. Effective Date. The Grievance Policy attached hereto, as modified by this resolution, shall go into effect immediately upon the adoption of this resolution by the Board of Commissioners.

Section 4. Ratification. Except for the modification contained in Section "1" above, all of the terms, conditions, provisions, and requirements contained in the Grievance Policy approved and adopted by the Board on January 14, 2014, are hereby ratified and shall remain in full force and effect.

Section 5. Authorization of District Officials. The General Manager and/or his designee(s) and the District General Counsel are authorized to take all actions necessary to implement the terms and conditions of this resolution.

RESOLVED AND ADOPTED THIS 18th DAY OF OCTOBER, 2016

The foregoing RESOLUTION was offered by Commissioner Gibbs, who moved its approval. The motion was seconded by ~~Commissioner~~ Chairman Asdourian, and being put to a vote the result was as follows:

	AYE	NAY
Chairman Asdourian	✓	
Commissioner Gibbs	✓	
Commissioner Higgins	✓	
Commissioner Majeska		✓
Commissioner Tobin		✓

The Chairman thereupon declared this Resolution duly passed and adopted the 18th day of October, 2016.

KEY LARGO WASTEWATER TREATMENT DISTRICT

By: _____
David Asdourian, Chairman

ATTEST:

Katherine Jackson, Clerk

Approved to as to form and legal sufficiency

Ray Giglio, General Counsel

SEAL

Key Largo Wastewater Treatment District
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Employee Grievance Policy and Procedures

Effective Date: (~~01~~10/~~14~~18/~~14~~2016)
Revision Date: (~~01~~10/~~14~~18/~~14~~2016)

It is the policy of the Key Largo Wastewater Treatment District ("District") to maintain a harmonious and hostility-free workplace environment. To that end, the District encourages all employees to express concerns about any work-related issues, including workplace communication, interpersonal conflict, and other working conditions. For the purposes of this policy, any such concern shall be referred to as a "Grievance" and an aggrieved employee who has filed a Formal Grievance shall be referred to as the "Grievant." The following are the steps an aggrieved employee should take to have a Grievance formally addressed by the management of the District.

GRIEVANCE PROCEDURE

Step 1a – Discuss the matter with your immediate supervisor.

Employees who feel that they have a Grievance are first encouraged to discuss their concerns with their immediate supervisor. Grievances can be the product of a lack of communication.

Step 1b – Discuss the matter with your department manager or a representative of Human Resources.

Employees who feel uncomfortable discussing the matter with their immediate supervisor for any reason, or who feel that a discussion with their immediate supervisor has not resulted in a satisfactory resolution, may take their Grievance to their supervisor's manager (Department Manager) or to a representative of Human Resources (HR). In such cases, the Department Manager or HR representative will, as soon as practicable, facilitate an informal meeting with the employee and the employee's immediate supervisor to discuss the Grievance.

Step 2 – File a Formal Grievance with Human Resources

If the matter is not satisfactorily resolved by the informal meeting between the employee and the employee's immediate supervisor using steps 1a or 1b above or, if the employee feels, for any reason, compelled to skip steps 1a and 1b, an aggrieved employee may

submit a Formal Grievance to the District's HR representative. Such Grievance must be in writing and must include:

1. The name of the employee filing the grievance (the "Grievant").
2. The name(s) of any employees against whom the grievance is being filed (if applicable).
3. The name(s) of any witnesses to the incident(s).
4. The date(s) and time(s) of the incident(s) leading to the Grievance.
5. As much detail as possible related to the incident(s) that is (are) the subject of the Grievance.
6. The steps taken by the Grievant to resolve the Grievance, if applicable.
7. The Grievant's desired resolution of the Grievance.
8. The date the Grievance is being filed
9. The signature of the Grievant.

Step 3 – Receipt of Formal Grievance

As soon as practicable after the Formal Grievance has been filed, the HR representative will meet with the Grievant to discuss the Grievance procedure. The HR representative shall verify the proper completion of the Formal Grievance and advise the Grievant of the steps to be taken and estimated time-frame.

Step 4 – Formal Meeting

Within seven (7) working days of filing the Formal grievance, the HR representative shall schedule a Formal Meeting with the following individuals:

1. The Grievant
2. The Grievant's immediate supervisor *
3. The Senior Staff member(s) of the applicable department(s) ("Senior Staff Representative")*
4. The person(s) against whom the grievance is filed
5. Any other employee that the Grievant requests be present*
6. If the grievance includes allegations of sexual harassment, discrimination or other unlawful conduct, the District Counsel
7. The HR representative

**If the HR* representative *shall find it inappropriate or impracticable to include this particular person, a substitute shall be selected by the General Manager.*

The purpose of the Formal Meeting shall be to give employees an opportunity to have their Grievances heard, to discuss the facts presented in the Formal Grievance and to give the members of the Formal Meeting an opportunity to ask questions of the Grievant

regarding the Grievance. The Senior Staff Representative, upon hearing the Grievance may then:

1. Determine that further investigation should be conducted, either by the Senior Staff Representative or by the HR representative under the Senior Staff Representative's direction. In such event, the investigation shall be conducted in a timely fashion and the Formal Meeting will be rescheduled upon the completion of that investigation; or
2. Attempt to resolve the Grievance to the satisfaction of the Grievant and, if applicable, the employee against whom the grievance is filed; or
3. Determine that sufficient evidence exists to take corrective action or disciplinary action against the employee against whom the grievance is filed; or
4. Determine that the Grievance should be declined and explain to the Grievant the reasons for that decision.

Step 5 – Appeal

Upon completion of the Formal Meeting, if the Grievant is unsatisfied with the final outcome, the Grievant may, within five (5) days of notification of the step 4 decision, request an Appeal Hearing. In such event, the HR representative shall facilitate, and document the results of an Appeal Hearing with the following applicable individuals:

1. The General Manager
2. A designated representative of the Board of Commissioners
3. The Senior Staff Representative
4. The District's Counsel
5. The HR representative
6. The Grievant
7. Grievants shall have the right to represent themselves or, upon prior notification to the District, to be represented and/or accompanied by one of the following: an attorney, a co-worker, a friend, or a family member.

The purpose of the Appeal Hearing shall be to give Grievants an opportunity to have their Grievance heard by the General Manager and a representative of the Board of Commissioners. Upon conclusion of the Appeal Hearing, the General Manager will either:

1. Determine that the Grievance was handled improperly and direct that step 4 be repeated; or
2. Determine that the Grievance was handled properly but adjust the findings to facilitate a resolution agreeable to the Grievant; or
3. Determine that the Grievance was handled properly and ratify the decision to decline the Grievance. In such event, the General Manager shall explain to the Grievant the reasons for that decision. The decision of the General Manager shall be final and the Grievant shall have no further right of appeal.

SPECIAL CIRCUMSTANCES

1. If the Grievant, or the party against whom the Grievance has been filed, is the HR representative, the functions and duties of the HR representative shall be performed by the District Clerk.

2. Employees who feel that they have a Grievance that involves a member of the District's Board of Commissioners, may take their Grievance to the District Counsel.
    a. District Counsel shall advise such aggrieved employees of their rights and options and shall conduct an investigation of the matter.
    b. After conducting an investigation, District Counsel shall, if appropriate:
        1) Bring the matter to the attention of the individual commissioner(s) involved.
        2) Bring the matter to the attention of the entire board.
        3) Refer the matter to the appropriate governmental agency for further action.
    c. District Counsel shall also, to the extent possible and practicable:
        1) Keep the matter and communications with the aggrieved employee confidential.
        2) Insure that the aggrieved employee is not subjected to any retaliation or disciplinary action.

GENERAL PROVISIONS

1. ~~Under no circumstances can the General Manager, the District Counsel, or other members of~~ Senior Staff shall have the right to file a Grievance against a Commissioner under the provisions of this policy.

2. Under no circumstances can a former employee file a Grievance under the provisions of this policy. All employees of the District are "at-will" employees and as such, they may be terminated at any time, for any reason or for no reason. Therefore, the termination of a full-time regular employee is not subject to these Grievance procedures.

3. 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 in writing. If key members of the grievance process are unavailable, such consent shall not be unreasonably withheld.

4. Unless both parties have agreed, in writing, to an extension of time, the failure of Grievants to follow the time limits contained herein will result in an automatic, final, and binding denial of their Grievance.

5. The Formal Grievance, any documentation submitted, and all findings will become public records and may be subject to inspection by third parties in accordance with Florida public records laws.

6. Once reduced to writing, the text of a grievance shall remain unaltered as the Grievance progresses through any additional stages.

7. Any discussions and communications with the HR Representative regarding a Grievance whether made on District property or not and whether made while the HR Representative or the employee is on working time or not may be summarized and reduced to a writing that will become a public record and may be subject to inspection by third parties in accordance with Florida public records laws.

8. Notwithstanding any other directives within this policy, certain types of information that are confidential and/or exempt from the Public Records Law shall be protected accordingly and shall not be released or be subject to inspection by third persons.

9. At any time, if any involved party becomes aware of an accusation of unlawful behavior, sexual harassment, discrimination or behavior thought to threaten the safety of any person or persons whomsoever, such party shall immediately report such information to the General Manager, District Counsel and, if appropriate, local law enforcement. Failure to do so may result in disciplinary action, up to and including termination.

10. Complaints involving alleged discriminatory practices shall be processed in accordance with the District's Sexual and other Unlawful Harassment Policy.

11. The Key Largo Wastewater Treatment District ("District") assures that all employees filing a Grievance or complaint can do so without fear of retaliation or reprisal.

DUTIES, FUNCTIONS AND ROLES

1. Grievant: It is the responsibility of the employee(s) who feels aggrieved:
    a. To communicate such Grievance in a timely manner relative to the events leading to the grievance.
    b. To comply with the time limits contained within this policy,
    c. To provide all facts, information and evidence pertaining to the Grievance in their entirety without embellishment, superfluous commentary or assumptions.

2. Immediate supervisor: It is the responsibility of ALL supervisors to support the District's goal of maintaining a harmonious and hostility-free workplace environment. Therefore, immediate supervisors involved in an employee Grievance shall:
    a. Take all measures to ensure that any employee Grievance is handled in a professional manner
    b. Maintain an "open-door" policy related to Grievances
    c. Protect the employee(s) voicing or filing a Grievance from retaliatory action
    d. Promptly address employee(s) Grievances and attempt to avoid the unnecessary escalation of the issue
    e. Handle employee(s) Grievances with compassion and respect

3. Senior Staff Representative, including the General Manager: It is the responsibility of the Senior Staff to:
    a. Reinforce that all employee Grievance be handled in a professional manner
    b. Maintain and encourage immediate supervisors to maintain an "open-door" policy related to Grievances
    c. Protect the employee voicing or filing a Grievance from retaliatory action
    d. Promptly address employee(s) grievances and attempt to avoid the unnecessary escalation of the issue.
    e. Handle employee(s) grievances with compassion and respect
    f. Conduct Formal Meetings facilitated by the HR Representative consequential to a Formal Grievance being filed (as described in Step 4 above)
    g. Conduct independent investigation where applicable to determine the validity of employee grievances.
    h. Prepare written findings of any Formal Meeting conducted pursuant to this policy.

4. The HR representative:
    a. Is not empowered to make any decision with respect to the Grievance or to make any policy decisions.
    b. Shall document all steps and maintain accurate and thorough records throughout the entire grievance process.
    c. Shall facilitate all meetings and hearings between the employee and the management of the District
    d. Shall help guide the employee through the grievance process.