

City of Yuma, Arizona  
**ADMINISTRATIVE REGULATION**

Issued by: **Greg Wilkinson**  
Authority: City Administrator

SUBJECT:

**WORKPLACE RESOLUTION PROCESS**

Issued: July 1, 2000

- 1.0** **PURPOSE:** This Administrative Regulation is issued to set forth the City's policy to provide a two-part process to consider employee complaints without adverse action to the employee. The object is to resolve the complaint by determining what is right rather than who is right.
- 2.0** **APPLICABILITY:** This Administrative Regulation shall apply to all employees.
- 3.0** **COMPLAINTS WHICH MAY BE PURSUED THROUGH THE PROCESS:** Employees may utilize the workplace resolution process on any complaint regarding the interpretation or application of a specific provision of the Personnel Rules, Administrative Regulations, department work rules, City operating policies, safety regulations or rules, State or Federal law which the employee believes has personally and adversely affected his/her working conditions.
- 4.0** **COMPLAINTS WHICH ARE NOT APPLICABLE TO THIS PROCESS:** This process is not available for:
- (a) Decisions made in regard to compensation and benefits;
  - (b) Challenging rules and regulations;
  - (c) Matters of performance evaluation;
  - (d) Disciplinary action.
- 5.0** **PROCESS:** All employees involved in participating in the Workplace Resolution Process will work diligently to insure that all complaints are handled fairly and expeditiously and that all required deadlines are met. Every effort shall be made to resolve complaints at the lowest possible level in the City organization. Complaints shall be resolved by making decisions that are best for the organization and the employee. The City cannot promise that every complaint will be resolved to the employee's satisfaction; but the City can promise that the complaint will be reviewed and the employee will receive a response.
- 5.1** Employees must file a written complaint with their immediate supervisor (on a form available from Human Resources) within fourteen (14) calendar days from the date the issue occurs which is the basis for the complaint. The supervisor shall arrange a meeting time convenient to both parties to discuss the complaint and arrive at an amicable solution if possible.

- 5.2 Supervisors must document their response to the complaint within seven (7) calendar days from the date it was received and return it to the employee, with a copy to Human Resources and the Department Director, if different from the immediate supervisor.
- 5.3 If the complaint is not settled, then Steps 5.1 and 5.2 are repeated through the employee's chain-of-command until the response and determination of the Department Director has been received.
- 5.4 If at any point in the process, it is determined that the complaint is outside the Department Director's authority, the Director shall indicate this on the form and the form will be forwarded to Human Resources who will determine whether the process is ended, or the complaint should be submitted to the City Administrator for determination.
- 6.0 **PROCESSING COMPLAINT BEYOND THE DEPARTMENT:** If the complaint is not resolved at the Department level, the Department Director will forward the complaint form and all responses to Human Resources within seven (7) calendar days. Human Resources will deliver all paperwork to the City Administrator who will select one of the following actions:
- 6.1 Review the complaint and response forms, make any inquiries and/or investigation as she deems appropriate, and issue her determination; or
- 6.2 Assign the complaint to a Fact-Finding Committee, who will make a recommendation to the City Administrator. The City Administrator can accept, modify or reject the committee's recommendation.
- 6.3 The decision of the City Administrator is final. There is no further appeal of the complaint beyond the City Administrator.
- 7.0 **FACT-FINDING COMMITTEE:** If the City Administrator exercises the option of Section 6.2 above, a committee will be selected by the City Administrator. It will consist of five members, all employed by the City; three of whom shall be non-supervisory employees. Committee members may be from any Department. The committee will investigate the complaint, and has the option of interviewing the employee and any supervisor in the chain-of-command. The majority vote by the committee members shall prevail in any committee action, report and recommendation. The committee will meet and make its written summary of findings and recommendation to the City Administrator within fourteen calendar days from the date the committee is selected and notified.
- 8.0 **TIME LIMITATIONS:**
- 8.1 Since it is important that complaints be resolved as rapidly as possible, any time limitation in this process shall be considered a maximum and every effort shall be made to expedite the process.
- 8.2 Any time limitations in the process may be waived by mutual consent of the employee and the supervisor, Personnel Officer, Fact-Finding Committee or City Administrator.
- 8.3 If the employee does not appeal the matter to the next step in the process in the prescribed period of time, the complaint shall be considered resolved.

- 8.4 If the supervisor does not comply within the time limitation, the employee may go to the next level of review.
- 8.5 When extenuating circumstances exist (such as absence due to illness or general leave), the time limitation may be extended to offset the time the employee or supervisor was on leave. If either the employee or supervisor believes that additional time is needed to conduct further investigation into the complaint, and the parties involved are mutually unable to agree on an exception, the determination of whether or not to extend the time limits will be made by the Personnel Officer.
- 9.0 **GENERAL PROVISIONS:**
- 9.1 Only the employee concerned may initiate this process.
- 9.2 Filing of complaints concerning the same issue which has been denied will not be considered.
- 9.3 The process is normally intended for the use of individual employees. Should a number of employees file separate complaints on the same matter, those may be combined. A final determination on a combined complaint shall be binding on all such similar complaints and a copy of the final decision shall be provided to all complainants.
- 9.4 Any complaint shall be considered resolved at the completion of any step if all parties are satisfied or if neither party appeals the matter to the next step of the process within the prescribed period of time.
- 9.5 No employee shall be restrained from or retaliated against in any way as a result of using this process.
- 9.6 The employee will be given a reasonable amount of City time to orally present the complaint. In scheduling meetings, both the employee and the supervisor will give consideration to the duties each has in the performance of essential operations of the department.
- 9.7 The employee has the right to choose a coworker to assist them in the process. The coworkers must obtain the permission of his/her immediate supervisor to be absent from regular work duties, and must give the supervisor reasonable advance notice to ensure that department operations are not unduly disrupted.
- 9.8 Any time spent by the employee and/or coworker representative will not be considered as compensable time by the City except when occurring during on-duty hours and with prior supervisory approval.
- 9.9 The employee and any coworker representative wishing to enter a work area for the purpose of investigating a complaint must first obtain the approval of the work area supervisor who shall accompany them. This approval may not be unreasonably withheld, giving proper consideration to the essential work of the department and the occupational safety of the employee, coworker, department employees and the need to protect confidentiality of records.