

# CITY OF FRISCO PERSONNEL POLICIES

## APPEALS PROCEDURE

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**Subject:** APPEALS PROCEDURES

**Date:** 12/7/04

**Approved By:** Ordinance No. 04-12-80

**Revision Date:**

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### **I. STATEMENT OF PURPOSE:**

In the interest of employee efficiency and morale, City employees shall have the opportunity to discuss appeals with his or her employer and to find, whenever possible, mutually satisfactory solutions to problems which arise. It is the intent of this policy to settle matters on as low an administrative level as possible within the time frame outlined herein to facilitate an expeditious resolution of an employee's concerns. This policy does not provide, nor guarantee, an employee any rights that would change his or her "AT-WILL" employment status.

### **II. ELIGIBILITY:**

Applies to all employees that have successfully completed his or her New Hire Probationary Period.

### **III. DEFINITION:**

A. Appealable Action – is an allegation that benefits or rights specifically provided by law, policy, and/or personnel rule, have been denied or misapplied.

B. Chain of Command – Supervisory structure within each department up to the director.

### **IV. UNLAWFUL DISCRIMINATION COMPLAINT:**

Any employee who feels that he or she has been unlawfully discriminated against in matters relating to working conditions or other conditions of employment, solely because of the employee's age, sex, color, race, religion, national origin, or disability shall have the right to file an Equal Employment Opportunity (EEO) complaint directly with Human Resources, as set out under the City's DISCRIMINATION COMPLAINTS POLICY OR SEXUAL HARASSMENT POLICY. All other complaints should be filed as outlined herein.

### **V. PROCEDURES:**

Any appeal filed shall refer to the provision or provisions of the Personnel Policies alleged to have been violated, and such appeal shall be limited to an application

or non-application of the Personnel Policies. The Appeal Procedure shall follow the process as outlined:

**Step 1:** The employee shall present his or her appeal in writing to his or her Chain of Command. Discussions will be informal for the purpose of resolving differences in the simplest and most direct manner. The supervisor shall reach a decision and communicate it in writing to the employee within five (5) working days from the date the appeal was received. The Supervisor shall also send a copy of the appeal and decision made to Human Resources for the purpose of record keeping.

In presenting the written appeal the following information must be provided:

1. A complete statement of the appeal and facts upon which it is based; and
  2. The section or sections of the Personnel Policies claimed to have been violated; and
  3. The date of the act or acts of commission or omission; and
  4. The remedy or correction requested; and
  5. Date and signature of the employee.
- A. If the appeal is not resolved, the employee will follow the above procedure for each level of supervision. At each level, the supervisor has five (5) working days from receipt of the appeal to respond and the employee then has five (5) working days from receipt of the response to appeal to the next level on up to the Department Director.
- B. A copy of each response shall be forwarded up through the chain of command to the Department Director and Human Resources.
- C. If Step 1 was addressed with the Department Director or pertains to the Department Director or the employee's Chain of Command, then the aggrieved may proceed to Step 2.

**Step 2:** If the appeal is not resolved at Step 1, the employee shall, within five (5) working days of receiving the response, forward the written appeal to the Human Resources Director. The Human Resources Director shall meet with the employee within five (5) working days after the receipt of the appeal. The Human Resources Director shall obtain the facts and forward a recommendation to the City Manager or designee within five (5) working days after the meeting. The City Manager or designee shall have five (5) working days to consult with any parties involved and render a decision in writing to the employee.

**Step 3:** The decision of the City Manager shall be final and binding on the parties without further appeal.

**VI. RULES OF APPEAL PROCESSING:**

- A. Forms/Formats** – Forms to submit an Appeal are available through Human Resources.
- B. Timely Initiation** – An appeal must be brought forward within fifteen (15) working days of the date the employee knew or should have known of the event or series of events giving rise to his or her appeal.
- C. Right to Representative** – An employee who chooses to exercise the appeal procedure may have one representative assist, accompany, or provide representation at any step during the process.
- D. Extensions of Time Limit** – The time limit at any stage of the appeal procedure may be extended by mutual agreement of the parties involved in the step. Extensions may be approved by the Department Director or the Human Resources Director.
- E. Withdrawn Appeal** – An appeal not advanced to the higher step within the time limit provided shall be deemed permanently withdrawn, and as having been settled on the basis of the decision most recently given. Without an approved extension, failure on the part of the City's representative to answer within the time limit established will entitle the employee to proceed to the next step.

**VII. FREEDOM FROM REPRISAL:**

Employees wishing to file a complaint or appeal under this procedure shall be assured of freedom from restraint, interference, or reprisal from his or her supervisors or other employees.