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## CHAPTER 8

### GRIEVANCE PROCEDURE

#### Section 8.1 Policy

To support our value of “Communicating openly and constructively and working in a collaborative manner,” James City County provides a process to afford an immediate and impartial method for the resolution of disputes that may arise between the County government and employees.

#### Section 8.2 Legal Basis

James City County hereby provides this Grievance Procedure for all eligible employees in accordance with §15.2-1506 et seq. of the Code of Virginia.

Sworn Police personnel also have access to the Law Enforcement Officers’ Procedural Guarantee Act, in accordance with the Code of Virginia, Chapter 5, Title 9.1 (§ 9.1-500 et. eq.).

#### Section 8.3 Definitions

The following definitions shall apply to this Chapter:

- A. County Administrator - shall be either the County Administrator or his designee.
- B. Human Resource Manager - shall be either the Human Resource Manager or her designee.
- C. Department Manager - shall also include the General Registrar, County Treasurer, Commissioner of the Revenue, Library Director, and Executive Director, Williamsburg Area Medical Assistance Corporation.
- D. Grievant - shall be any employee eligible to use this procedure having a grievance, as defined in Section 8.7 (A).
- E. Management - shall be the Board of Supervisors and its designees who establish policy for James City County.
- F. Days - shall be defined as calendar days, including weekends and holidays.
- G. Workdays - shall be defined as Monday through Friday, excluding weekends and legal holidays, as defined in §2.2-3300 of the Code of Virginia.

Section 8.4    Time Periods

- A.    Computation of Time - For the purpose of the Grievance Procedure, the time period for any action or report shall begin on the day following that on which the action is to be taken or report rendered.

If the time period ends on a weekend or holiday, the last day of the time period shall be the first working day following the weekend or holiday.

In all instances, the deadline for any action or report is 5:00 p.m. on the last day of the time period.

- B.    Failure to Comply with Time Limits - Time limits established under this procedure are intended to be strictly construed and enforced to ensure a timely resolution to the grievance. Failure by either party to comply with the time limits may result in a decision in favor of the other party in accordance with Section 8.5 below.
- C.    Time Limit Extensions - Any time limits may be extended if both parties agree to such extensions in writing.

Section 8.5    Compliance with Procedural Requirements

- A.    Effect of Noncompliance - Failure of either party to comply with all substantial procedural requirements of the Grievance Procedure, including the time limits imposed by this Procedure, without just cause, shall result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five (5) workdays of receipt of written notification of the compliance violation.

- B.    Notification of Noncompliance - Written notification by the Grievant shall be made to the Human Resource Department. The Human Resource Department shall be responsible for providing written notification to the appropriate party.

If the Grievant is not in compliance, the immediate supervisor, Department Manager, or County Administrator shall notify the Human Resource Department. The Human Resource Department shall be responsible for providing written notification to the Grievant.

- C.    Determinations of Noncompliance - The County Administrator shall determine compliance issues. The County Administrator may require a clear written explanation of the basis for just cause extensions or exceptions.

Compliance determinations made by the County Administrator shall be subject to judicial review by filing a petition with the Circuit Court within thirty days of the compliance determination.

Section 8.6 Eligibility to Use the Procedure

- A. Eligible - The Grievance Procedure shall apply to all non-probationary employees in permanent and limited-term positions in the following:
1. James City County, James City Service Authority, Williamsburg Area Transport, Williamsburg Regional Library, and Williamsburg Area Medical Assistance Corporation;
  2. Department of Social Services of James City County, in accordance with Section 15.2-1507(A)(4) of the Code of Virginia;
  3. Office of the General Registrar of James City County;
  4. Office of the Commissioner of the Revenue; and
  5. Office of the Treasurer
- B. Ineligible - The Grievance Procedure shall not apply to the following:
1. Appointees of elected groups or individuals;
  2. Officials and employees who by charter or other law serve at the will or pleasure of an appointing authority;
  3. Deputies and executive assistants to the chief administrative officer of James City County;
  4. Agency heads or chief executive officers of James City County defined as department managers reporting directly to the County Administrator;
  5. Employees whose terms of employment are limited by law;
  6. Employees in temporary or on-call positions, or employees in their probationary period; and
  7. Law-enforcement officers as defined in Chapter 5 (§9.1-500 et seq.) of Title 9.1 of the Code of Virginia whose grievance is subject to the provisions of Chapter 10.1 of the Code of Virginia and who have elected to proceed pursuant to those provisions in the resolution of their grievance, or any other employee electing to proceed pursuant to any other existing procedure in the resolution of his grievance.

- C. Inclusion of Excepted Categories - The Board of Supervisors may include employees in any of the excepted categories, found in Section 8.6(B), within the coverage of this Grievance Procedure.
  
- D. Officers and Employees Excluded from Procedure - The County Administrator shall determine the officers and employees excluded from the Grievance Procedure, pursuant to Subsection (B), and shall be responsible for maintaining an up-to-date list of the affected positions. Accordingly, the County Administrator has determined that the following officers and employees are excluded from the Grievance Procedure:
  - 1. Assistant County Administrator
  - 2. Circuit Court Judge
  - 3. Clerk of Circuit Court and employees of that office
  - 4. Commissioner of Revenue
  - 5. Commonwealth Attorney and employees of that office
  - 6. Community Services Manager
  - 7. County Administrator
  - 8. County Attorney
  - 9. Court Appointed Special Advocate (CASA) Program employees
  - 10. Development Manager
  - 11. Financial and Management Services Manager
  - 12. Fire Chief
  - 13. Fire Marshal
  - 14. General Registrar
  - 15. Human Resource Manager
  - 16. James City Service Authority General Manager
  - 17. Library Director
  - 18. Merrimac Juvenile Detention Center Director and employees
  - 19. Executive Director, Williamsburg Area Medical Assistance Corporation
  - 20. Police Chief
  - 21. Sheriff and employees of that office
  - 22. Treasurer
  - 23. Victim-Witness Assistance Program employees
  - 24. Virginia Peninsula Regional Jail Director and employees

Section 8.7    Grievability

- A. Issues that are Grievable - A grievance shall be a complaint or dispute by an eligible employee relating to her employment, including, but not limited to, the following:
  - 1. Disciplinary actions, including dismissals resulting from formal discipline or unsatisfactory job performance, demotions, and suspensions;

2. The application of personnel policies, procedures, rules and regulations, including the application of policies involving matters referred to in Section 8.7 (B)(3) below;
3. Discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin, sex or sexual orientation;
4. Acts of retaliation as the result of the use of or participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, has sought any change in law before the Congress of the United States or the General Assembly, or has reported an incidence of fraud, abuse, or gross mismanagement. For the purpose of this subsection, there shall be a rebuttable presumption that increasing the penalty that is the subject of the grievance at any level of the grievance shall be an act of retaliation; and,
5. Any additional complaint or dispute by an employee relating to his employment not specifically excluded in Section 8.7 (B) below.

B. Issues That are Not Grievable - In accordance with §15.2-1507 of the Code of Virginia, local governments retain the exclusive right to manage the affairs and operations of government. Accordingly, the following issues are deemed nongrievable:

1. The establishment and revision of wages or salaries including performance evaluations and/or accompanying pay raises, position classifications or general benefits;
2. Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content;
3. The contents of ordinances, statutes or established personnel policies, procedures, rules and regulations;
4. The failure to promote, except where an employee can show established promotional policies or procedures were not followed or fairly applied;
5. The methods, means and personnel by which work activities are to be carried on;
6. Termination, layoff, demotion or suspension from duties because of lack of work, reduction in work force, or job abolition except when such action affects an employee who has been reinstated

within the previous six months as the result of the final determination of a grievance.

In any grievance brought under the exception to this subsection, the action shall be upheld upon a showing by the County that there was a valid business reason for the action and the employee was notified of such reason in writing prior to the effective date of the action;

7. The hiring, promotion, transfer, assignment and retention of employees within the County service; and
8. The relief of employees from duties of the County in emergencies.

Section 8.8    Decisions Regarding Grievability and Employee Eligibility

- A. Who May Raise Issue of Grievability - The Grievant or his Department Manager may raise the issue of grievability or employee eligibility.
- B. Deadline for Raising Issue of Grievability - The issues of grievability and employee eligibility may be raised at any time prior to the Panel Hearing described in Section 8.12 below. Parties are encouraged to raise the issues of grievability and employee eligibility as soon as practicable.

Once raised, the issue shall be resolved before further processing of the grievance. A request that grievability be determined shall suspend the time limits under this procedure. Time limits shall begin to run again the day after the decision on grievability is made by the County Administrator or the Circuit Court.

- C. Procedure for Raising Issue of Grievability - Pursuant to §15.2-1507 (A)(9) of the Code of Virginia, decisions regarding grievability and employee eligibility shall be made by the County Administrator in accordance with the following procedure:

1. The Grievant or her Department Manager shall raise the issue of grievability or employee eligibility by filing Grievance Form B with the County Administrator. The party filing Grievance Form B shall also provide copies to the other party and the Human Resource Department.
2. The other party has, within five (5) days of receipt of Grievance Form B, the option to file a written response with the County Administrator. The other party shall provide copies of the response to all filing parties and the Human Resource Department.
3. The County Administrator shall render his decision on Grievance Form B within five (5) days of receipt of the written response, or

within ten (10) days of the initial request if no response is filed. The County Administrator shall provide copies of his decision to all parties and the Human Resource Department.

- D. Appealing Decision of County Administrator - Decisions by the County Administrator that an issue is not grievable or that an employee is not eligible to file a grievance may be appealed by the Grievant to the Circuit Court of James City County for a hearing on the issue as provided in §15.2-1507(A)(9) of the Code of Virginia:
1. Proceedings for review of the decision of the County Administrator shall begin by the Grievant submitting written notification of intent to appeal on Grievance Form B to the County Administrator within ten (10) days from the date of receipt of his decision. The Grievant shall also provide a copy of Grievance Form B to the Human Resource Department.
  2. Within ten (10) days after receiving Grievance Form B, the County Administrator shall transmit the following to the Clerk of Circuit Court of James City County: a) a copy of his decision; b) a copy of the written notification to appeal; and c) any exhibits the County Administrator used to make the decision. The County Administrator shall provide to the Grievant a list of the exhibits furnished to the Court.
  3. The failure of the County Administrator to transmit the record within the allowed time period shall not prejudice the rights of the Grievant.
  4. If the County Administrator fails to transmit the record within the time allowed, the Circuit Court, on motion of the Grievant, may issue a Writ of Certiorari requiring the County Administrator to transmit the record on or before a certain date.
  5. Within thirty (30) days of receipt by the Clerk of Court, the Court, sitting without a jury, shall hear the appeal on the record and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The Court, in its discretion, may receive such other evidence as the ends of justice may require. The Court may affirm, reverse or modify the decision of the County Administrator. The decision of the Court shall be rendered no later than the fifteenth (15th) day from the date of conclusion of the hearing. The decision of the Court is final and is not appealable.
- E. Resolution of Nongrievable Complaints - The classification of a complaint as nongrievable by either the County Administrator or the Circuit Court of James City County shall not be construed to restrict any employee's right

to seek, or management's right to provide, customary administrative review of complaints outside of the scope of the Grievance Procedure.

Section 8.9    First Step: Immediate Supervisor Level

A.    Informal Process

1.    Time Limit for Notifying Immediate Supervisor of Grievance - No later than twenty (20) days after the occurrence or condition giving rise to the grievance, the employee shall identify the grievance verbally to her immediate supervisor.

The failure of the employee to identify the grievance within the time specified above shall constitute a forfeiture and a waiver of any rights to proceed further and shall terminate the grievance.

2.    Immediate Supervisor's Response - The Grievant's immediate supervisor shall provide a verbal response within seven (7) days of the Grievant's notification.
3.    Resolution - If the parties reach a mutually acceptable resolution to the grievance, the grievance is terminated and no further steps are necessary.

If the Grievant is not satisfied with her immediate supervisor's response, the Grievant may proceed with filing a written grievance, as described below.

B.    Filing Written Grievance

If the parties do not reach a satisfactory resolution through the informal process, the Grievant shall notify the Human Resource Department of the intent to file a written grievance and complete a copy of Grievance Form A.

1.    Time Limit for Filing Written Grievance - The Grievant shall deliver a copy of the written grievance to his immediate supervisor within seven (7) days of the immediate supervisor's verbal response described above. The Grievant shall also provide the Human Resource Department with a copy of the written grievance.
2.    Content of Written Grievance - The Grievant shall identify, in detail, the nature of the grievance, including all facts giving rise to the grievance and the expected remedy.

Grievants shall be entitled, should they prevail in their grievance, only to the relief specifically requested. Relief requested may include reversal of action taken by the County, such as, but not

limited to, reinstatement to a former position; back pay; a lesser disciplinary action, or removal of information contained in the Grievant's personnel files or other files maintained by the County.

3. Immediate Supervisor's Response to Written Grievance - The Grievant's immediate supervisor shall provide a written response to the Grievant within seven (7) days of the supervisor receiving the written grievance. The supervisor shall also provide a copy of the response to the Human Resource Department.
4. Resolution - If the parties reach a mutually acceptable resolution to the grievance at this stage, the parties shall so indicate on Grievance Form A, and shall provide a copy to the Human Resource Department.

If the Grievant is not satisfied with the immediate supervisor's response, the Grievant may proceed to the Second Step – Department Manager level, described in Section 8-10 below.

If the Grievant's immediate supervisor is the Department Manager, the Grievant shall skip the Second Step of the Grievance Procedure and go directly to the Third Step – County Administrator level, described in Section 8.11 below. If the Grievant's immediate supervisor is the County Administrator, the Grievant shall proceed directly to the Fourth Step – Grievance Panel level, described in Section 8.12 below.

#### Section 8.10 Second Step: Department Manager Level

If the parties do not reach a satisfactory resolution of the grievance at the First Step above, the Grievant shall so indicate on Grievance Form A and notify the Human Resource Department.

- A. Time Limit for Proceeding with Grievance - The Grievant shall submit Grievance Form A, including the immediate supervisor's response, to the Department Manager within seven (7) days of receipt of the immediate supervisor's written response.
- B. Meeting with Department Manager - Within seven (7) days of receipt of the written grievance, the Department Manager shall schedule and hold a meeting with the Grievant to review the Grievance. The Department Manager shall notify the Human Resource Department of the time and place of the scheduled meeting.

The only persons who may be present at this meeting are the Department Manager, the Grievant, and appropriate witnesses for each side. Witnesses shall be present only when actually providing testimony.

The parties may adjourn the meeting to another time or place by mutual agreement. The parties shall notify the Human Resource Department of the new dates and places for the meeting.

- C. Department Manager's Response to the Grievance - The Department Manager shall provide a written response to the Grievance within seven (7) days after the conclusion of the meeting. The Department Manager shall provide a copy of the written response to the Grievant and to the Human Resource Department.
- D. Resolution - If the parties reach a mutually acceptable resolution to the grievance at this stage, the parties shall so indicate on Grievance Form A, and shall provide a copy to the Human Resource Department.

If the Grievant is not satisfied with the immediate supervisor's response, the Grievant may proceed to the Third Step – County Administrator Level.

#### Section 8.11 Third Step: County Administrator Level

If the parties do not reach a satisfactory resolution of the grievance at the previous step, the Grievant shall so indicate on Grievance Form A and notify the Human Resource Department.

- A. Time Limit for Proceeding with Grievance - The Grievant shall provide a copy of Grievance Form A, including the responses from all previous steps, to the County Administrator within seven (7) days of receipt of the response.
- B. Meeting with County Administrator - Within seven (7) days of receipt of the written Grievance, the County Administrator shall schedule and hold a meeting with the Grievant to review the grievance. The County Administrator shall notify the Human Resource Department of the time and place of the scheduled meeting.

*At this meeting, the County Administrator, Grievant, and appropriate witnesses for each side may be present.* Witnesses shall be present only when actually providing testimony.

The Grievant, at her option, may have a representative, including legal counsel, present at the meeting. The Grievant shall bear any cost involved in employing representation and in preparing the case. The person representing the Grievant shall not serve as both a witness and a representative.

If the Grievant is represented by legal counsel, the County likewise has the option of being represented by counsel. The Grievant shall notify the County Administrator and the Human Resource Department at least five

(5) days prior to the meeting if the Grievant will have legal counsel present at the meeting.

The parties may adjourn the meeting to another time or place by mutual agreement. The parties shall notify the Human Resource Department of the new dates and places for the meeting.

- C. County Administrator's Response to the Grievance - The County Administrator shall provide a written response to the grievance within seven (7) days after the conclusion of the meeting. The County Administrator shall provide a copy of the written response to the Grievant and to the Human Resource Department.
- D. Resolution - If the parties reach a mutually acceptable resolution to the grievance at this stage, the parties shall so indicate on Grievance Form A, and shall provide a copy to the Human Resource Department.

If the Grievant is not satisfied with the immediate supervisor's response, the Grievant may proceed to the Fourth Step – Grievance Panel Hearing.

#### Section 8.12 Fourth Step: The Grievance Panel Hearing

If a satisfactory resolution to the Grievance is not reached at the Third Step, the Grievant shall notify the Human Resource Department and so indicate on Grievance Form A, and request a hearing before a Grievance Panel (Panel).

- A. Time Limit for Proceeding with Grievance - The Grievant shall submit the request for a hearing to the Human Resource Department within seven (7) days of receipt of the County Administrator's response to the grievance.
- B. Selection of Panel Members - A new impartial Grievance Panel shall be created for each grievance. The Human Resource Manager shall coordinate the Panel selection in accordance with the procedures set forth in Section 8.13, below.

If the Human Resource Manager is a party to the grievance, the Grievant shall submit the request form to the County Administrator and the County Administrator shall make the necessary arrangements.

#### Section 8.13 Composition of the Grievance Panel

- A. The Panel shall be composed of three (3) members who are County employees and who shall be chosen in the following manner: One member shall be appointed by the Grievant, one member shall be appointed by the County Administrator, and the third member shall be selected by the first two members. To ensure objectivity, the Panel shall not be composed of the following persons:

1. The Grievant;
  2. The County Administrator;
  3. The Assistant County Administrator;
  4. The Grievant's Department Manager
  5. The Grievant's immediate supervisor;
  6. Any person directly involved with the grievance being heard or the complaint or dispute giving rise to the grievance;
  7. Persons residing in the same household as the Grievant;
  8. The following relatives of anyone directly involved with the grievance or that person's spouse: spouse, parent, child, descendants of a child, sibling, niece, nephew, and first cousin;
  9. An attorney having direct involvement with the subject matter of the grievance or a partner, associate, employee, or co-employee of the attorney; and
  10. Managers who are in the direct line of supervision of the Grievant.
- B. Both the Grievant and the County Administrator shall make their appointments to the Panel on Grievance Form C. These two members shall select the third member. All appointments shall be made by notifying the Human Resource Manager on Grievance Form C. A complete panel shall be designated on Grievance Form C within ten (10) days of the request for a panel hearing.
- C. In the event the first two members cannot reach an agreement as to the third member within ten (10) days, as provided above, the Human Resource Manager, after confirming such fact, shall immediately notify the County Attorney's Office. The County Attorney shall request the Chief Judge of the Circuit Court to appoint the third member.
- D. The third member of the Panel shall serve as Chairperson. The Chairperson shall set the time for the hearing and notify the Grievant, the County Administrator, and the Human Resource Manager. The Grievant and the County Administrator shall be responsible for arranging the presence of their witnesses. The hearing shall be held as soon as possible after the date of the original request for a hearing, allowing sufficient time for access to records as specified in 8.14(B) below. Either party may have an attorney or a representative of his choice present at this hearing.

Section 8.14 Rules for Grievance Panel Hearing

- A. The Panel is constituted solely for the purpose of determining whether a grievance filed by an employee is merited and what remedy, if any, should be provided. The Panel may not formulate or change policy, rules or procedures. The Panel shall determine whether the Grievant has demonstrated, by a preponderance of the evidence, that the action complained of was without cause, or done in violation of a law, regulation, procedure, or other policy. It shall not otherwise substitute its judgment for that of management.

- B. The Human Resource Manager shall provide the Panel with copies of the Grievance Forms, including any attachments, prior to the hearing, and provide the Grievant with a list of documents furnished to the Grievance Panel.

The Grievant and his attorney shall be allowed access to and copies of all relevant files or materials intended to be used in the proceeding at least ten (10) days prior to the scheduled hearing.

- C. Documents, exhibits, and lists of witnesses are to be exchanged between the parties at least ten (10) days in advance of the hearing.

- D. The Panel shall conduct the hearing as follows:

1. Persons Who May Attend the Hearing - The Grievant, and her attorney or representative and the County Administrator and his attorney or representative, may be present at the hearing. The Grievant shall notify the County Administrator and the Human Resource Department if she intends to have an attorney present at the hearing at least ten (10) working days prior to the hearing. Failure to provide this notice shall preclude the Grievant from having an attorney present at the hearing.

Additionally, the parties may call witnesses to testify on their behalf. Such witnesses may only be present during their own testimony.

2. Issues Covered - The issues presented to the Panel shall be limited to those issues arising out of the grievance and the expected remedy, as identified by the Grievant on Grievance Form A.

Unless the Grievant and the County Administrator shall agree, in writing, the Panel shall consider any Grievance without regard to any proposed disposition at any other steps in the Procedure.

The Panel may at any time ask the parties or their representatives for statements clarifying the issues involved in the grievance.

3. Exhibits and Evidence - The Grievant or the County Administrator may introduce exhibits into evidence. Such exhibits shall be marked and made a part of the record.

The Panel may, at its discretion, exclude any such exhibits or evidence if the party introducing the evidence did not disclose the evidence to the other party at least ten (10) days prior to the hearing.

4. Procedure - The Grievant shall proceed first, and shall bear the ultimate burden of persuasion. At the conclusion of the Grievant's evidence, the County Administrator shall have the opportunity to present his evidence.

The parties may offer evidence and cross examine witnesses and shall produce such additional evidence as the Panel may deem necessary to an understanding and determination of the dispute. There shall be no formal rules of evidence for the Panel; however, the Panel shall be the judge of the relevancy of any evidence offered. All evidence shall be taken in the presence of the Panel and the parties, except by mutual consent of the parties.

At the conclusion of the County Administrator's presentation, the Chairperson shall specifically inquire of all parties whether they have any further proof to offer or witnesses to be heard. If there is none, the Chairperson shall permit the parties to summarize their cases and shall then declare the hearing closed.

5. Reopening Hearing - The hearing may be reopened by the Panel on its own motion or upon application of a party for good cause shown at any time before a final decision is made.
6. Record Retention - Upon the request of the Panel, the County Administrator or the Grievant, the Human Resource Manager shall ensure that a record of the hearing is made and retained for not less than 12 months. The record may be in writing or by a taped recording. The Grievant shall be entitled to a copy of such record ~~upon payment of~~ *and may be charged* a reasonable fee, including the costs of labor, in providing the record.
7. Policy Interpretation - The Human Resource Manager may be called upon by the Panel as a witness at any time to provide specific policy interpretation or clarification of applicable County policy and these procedures.
8. Procedures Not Addressed - In all matters not otherwise covered by this section, the Panel shall determine the procedures to be followed.

#### Section 8.15 Decision of Grievance Panel

- A. Written Decision by Board - The Panel Chairperson shall deliver the decision of the Panel, in writing, on Grievance Form D to the Grievant, and the County Administrator, not later than fifteen (15) days after the completion of the hearing. The decision shall state in full the reasons for the decision, and the remedy to be granted. Decisions shall be by majority

vote of the entire Panel. The decision of the Panel shall be final and binding and shall be consistent with law and written policy.

- B. Consistency with Written Policy - The question of whether the decision of the Panel is consistent with written policy shall be determined by the Human Resource Department Manager, unless she has a direct personal involvement with the event or events giving rise to the grievance, in which case the decision shall be made by the Commonwealth Attorney of James City County. The Commonwealth Attorney shall request the Grievance Panel to reconsider any decision which in his judgment is not consistent with the policies applicable to grievance resolution. He shall not disturb any decision consistent with the written policies.
- C. Remedy - If the Panel determines that the Grievant prevails on any grievable complaint or dispute, it may remedy the complaint by awarding all or some of the relief that the Grievant has specifically requested. The Panel may not award relief beyond that requested by the Grievant, nor may it increase the severity of any action taken by the County.

If the Panel finds procedures governing promotion, demotion, transfer, hiring or layoff were not followed, it shall remand the grievance to that Department Manager with the instruction that the action taken be rescinded, and proper procedures be followed.

#### Section 8.16 Implementation of Remedy

- A. The County Administrator shall implement any remedy that may be ordered by the Grievance Panel, provided that such decision is consistent with law and written policies.
- B. The Grievant or the County Administrator may petition the Circuit Court for an order to implement the decision of the Panel.
- C. The review of the Circuit Court shall be limited to the question of whether the Panel's decision was consistent with provisions of law and written policy.
- D. If the Circuit Court finds the Panel's decision was consistent, the County Administrator will implement the decision.

#### Section 8.17 Human Resource Department Responsibilities

The Human Resource Department shall serve as an impartial administrator of this process. The Human Resource Department shall: Open a file and assign a number to the grievance; ensure that all parties are aware of the process; monitor procedures and time frames; notify either party of noncompliance; be informed of the status of the grievance by both parties at each step; maintain appropriate documentation, and perform all other responsibilities as specified in the

Procedure. In the event that the Grievant is an employee of the Human Resource Department, the Assistant County Administrator shall serve as the impartial administrator of the process.

Section 8.18 Consolidation of Grievances

If more than one grievance is filed arising from the same factual circumstances, the County Administrator may, at any time prior to a panel hearing, consolidate those grievances for joint processing unless one of the Grievants objects. If the grievances are consolidated, all time limits set forth in this Procedure shall thereafter be calculated from the date of the last filed Grievance. Once consolidated, the grievances shall all be processed as a single matter.

Section 8.19 Voluntary Termination of Grievance

A Grievant may voluntarily terminate the Grievance at any time by notifying the Human Resource Department. The Human Resource Department shall notify all parties to the Grievance.

The decision to voluntarily terminate a grievance shall be final and shall preclude the Grievant from filing a grievance arising under the same facts.

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