

**CITY OF NEW ORLEANS  
CHIEF ADMINISTRATIVE OFFICE**

**POLICY MEMORANDUM NO. 4 (R)**

**September 25, 2019**

**TO:** All Departments, Boards, Agencies and Commissions

**FROM:** Gilbert Montaña, Chief Administrative Officer



**SUBJECT: EMPLOYEE GRIEVANCE PROCEDURE**

**I. PURPOSE.**

The purpose of this revised memorandum is to provide for and set forth a clear, expeditious, efficient and equitable system of processing grievances for the City of New Orleans' employees. Moreover, this procedure provides a prompt and fair opportunity for employees to seek review of legitimate grievances without fear of reprisal, coercion, unequal and unfair treatment. It also encourages managerial and supervisory personnel to eliminate or correct causes of legitimate grievances of employees. Lastly, matters under the jurisdiction of the City Civil Service Commission shall not be addressed under this policy.

**II. DEFINITIONS.**

**A. Grievance** – A formal employee complaint concerning a violation of departmental policy, working conditions, or alleged violations of City Policy, including alleged abuses of discretion by supervisors in the treatment of employees and disputes raised by an employee as to the interpretation, application, or enforcement of specific employee provisions or rights.

**B. Grievant** – An employee who utilizes this process is referred to as the grievant.

**C. Retaliation or reprisal** – An adverse action taken against an aggrieved employee or any employee for exercising their right in filing a grievance or cooperating and assisting in the grievance investigation process.

**D. Work day** – Defined as a 24 hour period during which the employee's agency is on duty. Employees who are absent from work are not exempt from the work day time deadlines in this procedure.

**E. Final and binding resolution** - Final administrative decision by the Chief Administrative Officer. The complainant cannot take the matter any further administratively.

### **III. ELIGIBILITY.**

All classified and unclassified employees regardless of pay grade are eligible to file a grievance under this policy.

### **IV. RESPONSIBILITIES.**

Department heads are responsible for ensuring this policy is posted in a permanent and conspicuous location where all employees have access. This may necessitate posting copies of the policy in multiple locations within the facility or at multiple facilities. This policy is also available in electronic format on the City's intranet system.

Department heads are also responsible for ensuring that new and current supervisors as well as all employees are informed of this policy and procedures, preferably during employee on-boarding.

Employees and supervisors may complete the grievance procedures while on duty, provided that the time used is the most convenient possible for the employee and supervisor. The employee is responsible for arranging this time in advance with the supervisor.

### **V. STEPS IN COMPLETING THE GRIEVANCE PROCESS**

A. The grievance procedure is to be used only for problems with solutions which are within the agency's power to address. Matters not having to do directly with and primarily with the work life of an employee and their relationship with the City of New Orleans shall not be subject to the grievance procedure.

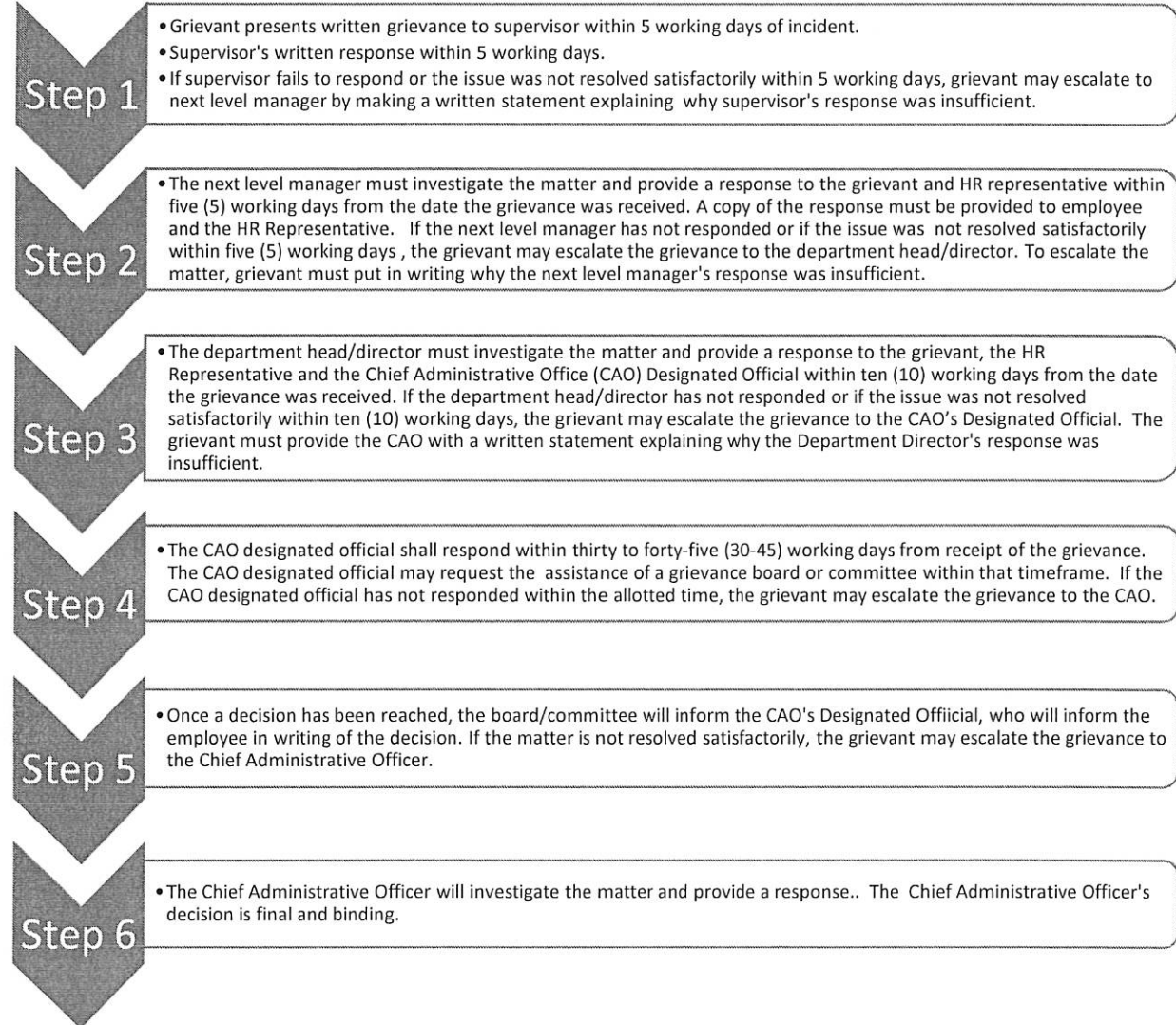
Matters under the authority of the City Civil Service Commission (dismissals, suspensions, demotions, letters of reprimand , and reductions in pay or involuntary retirement) shall not be subject to the grievance procedure but may be appealable to the Civil Service Commission.

Should a question or a need for clarification arise as to whether a particular matter is or is not a grievance as defined under this policy, the matter may be considered through this grievance procedure.

B. Prior to submitting a grievance, employees should compile all pertinent documents and information related to the event to adequately complete the grievance process. Information such as:

- Who was involved?
- What was said or done?
- When did the incident occur?
- Where did the incident take place?
- Why did it happen — what is the underlying cause?

C. Grievant should also acquire the most current organizational structure chart for his or her respective department and or chain of command which will assist with following the steps as set forth below:



**Step 1 – Employee and Supervisor Meeting.** Grievant will initiate the grievance procedure by requesting a meeting with their respective immediate supervisor to discuss the issues giving rise to the grievance. The grievant must identify the meeting as a grievance and will present the grievance in writing along with an expressed desired resolution on an official grievance information form.

The meeting must be conducted within five (5) working days of the most recent incident giving rise to the grievance. The immediate supervisor shall provide a written decision within five (5)

working days of the initial meeting and documented on the grievance information form. A copy must be given to the grievant and the Human Resources (HR) representative. If the immediate supervisor has not responded within five (5) working days, or if the issue was not resolved satisfactorily, the grievant may escalate the grievance to the next level manager. To escalate the matter the grievant must state in writing why the supervisor's response was insufficient.

**Step 2 – Next Level Manager Review.** If the immediate supervisor has not responded within five (5) working days, or if the issue was not resolved satisfactorily, the grievant may escalate the grievance to the next level manager within five (5) working days after receiving the supervisor's response. The immediate supervisor must provide the employee with the contact information for the appropriate next level manager. To escalate the matter the grievant must state in writing why the supervisor's response was insufficient.

The next level manager must provide a response to the grievant and HR representative within five (5) working days from the date the grievance was received. If the next level manager has not responded within five (5) working days, or if the issue was not resolved satisfactorily, the grievant may escalate the grievance to the next step in the grievance process. To escalate the matter the grievant must state in writing why the next level manager's response was insufficient.

**Requirement:** The grievance must be routed through any additional supervisory or management levels in the grievant's chain of command prior to submission to the Department Director/Appointing Authority.

**Step 3 – Department Director/Appointing Authority Review.** If the next level manager has not responded within five (5) working days, or if the issue was not resolved satisfactorily, the grievant may escalate the grievance to the department head/director within five (5) working days after receiving the next level manager's response. The department head/director may conduct an investigation if deemed necessary, including conducting interviews of involved parties and witnesses, if applicable, including interviewing the grievant. The department head/director will provide a response to the grievant, HR representative and the Chief Administrative Office (CAO) Designated Official within ten (10) working days from the date the grievance was received. If the department head/director has not responded within ten (10) working days, or if the issue was not resolved satisfactorily, the grievant may escalate the grievance to the CAO's Designated Official. To escalate the matter the grievant must state in writing why the Department Director's/Appointing Authority's response was insufficient.

**Step 4 – Chief Administrative Office Designated Official review.** If the issue has not been resolved satisfactory, the grievant may escalate grievance to the CAO's Designated Official within five (5) working days from the receipt date of the department director/appointing authority response/decision. The CAO's designated official is responsible for developing a full record related to the grievance and conduct further investigation or interviews. The record shall include



the initial grievance, responses and decisions from immediate supervisor, next level manager, and department director/appointing authority, any existing relevant personnel records, and any other pertinent information concerning the issue. The CAO designated official may present the findings before the grievance board, if deemed necessary. The CAO designated official shall respond within thirty to forty-five (30-45) working days from receipt of the grievance.

**Step 5 – Grievance Board.** If measures; such as policies and procedures, already in place to assist with complaints are not effective at satisfactorily resolving the employee grievance or coming to an agreed upon resolution, the CAO's Designated Official may request the input of a grievance board or committee. Depending on the nature and complexity of the grievance, the board/committee may recommend further investigation, interviews, and data to determine the validity of the grievance. Once a decision has been reached, the CAO's Designated Official will inform the employee in writing of the decision within 30 – 45 day period. If the employee is not satisfied with the decision, the employee may escalate the grievance to the Chief Administrative Officer.

**Step 6 – Chief Administrative Officer Review.** If the issue has not been resolved satisfactorily by the CAO's designated official or board/committee, the grievant may escalate the grievance to the Chief Administrative Officer for review. The Chief Administrative Officer's decision will be final and binding.

**VI. Prohibition of Retaliation or Reprisal.** The City of New Orleans prohibits retaliation against any employee or applicant for having made a good faith complaint or for participating or aiding an investigation. Every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns. Employees who retaliate or take action against any employee for reporting a grievance may be subject to disciplinary action.

**VII. Inquiries.** Questions related to this policy may be addressed to the Chief Administrative Office, Employee Relations Division at (504) 658-8600.

GAM/PMRC/rth

Attachments