

## Exhibit A – New Grievance Procedures

1. Pursuant to Act 10, public employers were required, by October 1, 2011, to establish a civil service procedure or an internal Grievance Procedure for all employees that governs termination, discipline and workplace safety concerns.
2. At a minimum, the procedure must cover:
  - a. Employee Discipline,
  - b. Employee Termination, and
  - c. Workplace Safety
    - i. None of these terms are defined by current legislation.
3. The Grievance Procedure must apply to *all* municipal employees
  - a. Public Safety Employees may be exempted, as they will continue to have a grievance procedure offered through their CBA and/or be subject to Wis. Stat. § 62.13.
4. Little direction is given regarding what elements a municipality must satisfy in processing a grievance, other than:
  - a. A written document must specify the process that a grievant and the employer must follow;
  - b. A hearing before an impartial hearing officer (IHO); and
  - c. An appeal process in which the highest level of appeal is the governing body of the local unit.
5. A municipality has discretion to determine:
  - a. the number of steps of the grievance procedure,
  - b. the content of the grievance form,
  - c. the timelines for filing and processing the grievance, and
  - d. the supervisors or managers that will be included at different steps in the grievance process
    - i. However, a municipality cannot make the process so difficult for employees that they are not afforded due process.

1. Loser pays costs of IHO?

6. Essential Elements of Grievance Policy:

- a. Details to be included in the written grievance; such as a factual summary, time and date of alleged incident, attempts at informal resolution, and the desired remedy.
- b. The timeline/limits for processing the grievance through each step and a waiver of appeal rights if not satisfied
- c. The steps of the process, with an eye towards resolving grievances at the lowest possible level, and without the need for an IHO.
- d. How the hearings will be conducted
- e. IHO selection process
- f. Evidentiary standard and standard of review
- g. Whether the grievant is entitled to an attorney or similar representation
- h. Recognition that the highest level of review will not hear new evidence or testimony