

A. COVERAGE AND EXCLUSIONS:

1. Regular status employees may file a grievance alleging misinterpretation or misapplication of Merit System Rules, division work rules or unsafe or unhealthy work conditions.
2. Nothing in the Merit Rules shall be interpreted to circumscribe, modify or in any way impinge on the right of the Superior Court or of the various divisions of the Court to establish or modify rules or policies; determine levels or means of employee classification or compensation; direct the work of employees; determine the methods, means or personnel by which operations are to be carried out; or to otherwise direct the operation of the Court in a manner consistent with established rules and/or needs of the Court, and no such action may be reviewed through the processes of this Rule. Further, no such action involving performance evaluation or informal disciplinary action may be reviewed; however, the employee may respond, in writing, to a performance evaluation or an informal disciplinary action. Such response shall become part of the master personnel record.

B. INFORMAL GRIEVANCE RESOLUTION:

Prior to filing a formal grievance, the aggrieved employee shall first attempt to resolve the matter informally with his/her immediate supervisor. Within ten (10) working days from the date of the incident giving rise to the complaint, the employee may request a private meeting with his/her immediate supervisor to resolve the matter informally. Within five (5) working days from the date of the meeting with the employee, the supervisor shall respond in writing to the employee's complaint. If, after receiving the immediate supervisor's written response, the employee is dissatisfied, the employee has the right to file a formal grievance as provided in Rule 602(C). The formal grievance must be filed within five (5) working days of receipt of the immediate supervisor's written response. All formal grievances are to be in writing.

C. FORMAL GRIEVANCE PROCEDURE:

1. **STEP I:**
 - a. The employee forwards the formal grievance and the remedy requested on the Employee Grievance Form and presents it to his/her next-level supervisor. For purposes of this Rule, the "next-level supervisor" shall be the management level employee to whom the immediate supervisor of the grievant reports. If there are multiple levels of supervisory personnel prior to reaching the Division Head level, the grievant shall progress through each

level of supervision, according to the timelines established herein, until the Division Head level (Step II) is reached. If the next-level supervisor is the Division Head, the grievant shall immediately progress to Step II. Where questions exist as to who the appropriate next-level supervisor is, such issue shall be resolved by the Presiding Judge or designee. In filing the formal grievance, an employee shall state specifically what action is being grieved, provide a description of the incident from the employee's perspective including persons involved, dates, times and relevant facts; state why the employee feels the grievance is justified; state which merit system rule, divisional work rule or safety or health rule was violated; and state what remedy is sought by defining the action the employee believes should be taken if the grievance is upheld.

- b. Within five (5) working days of receipt of the formal grievance, the next-level supervisor shall discuss the grievance with the employee. The next-level supervisor shall give consideration to the formal grievance and remedy requested, record his/her decision on the grievance form and return the grievance form to the employee within five (5) working days of the date of the meeting with the employee.
- c. The employee may then agree or disagree with the next-level supervisor's response. If the employee disagrees, the employee has the right to take the formal grievance to the next level (Step II) within three (3) working days of receipt of the next-level supervisor's response. The employee shall state on the grievance form the specific reasons why the grievance should continue to the next level of review and the employee must sign the grievance form in the space provided.

2. STEP II:

- a. Within five (5) working days of receipt of the formal grievance stating the reasons why the employee disagrees with the next-level supervisor's decision, the Division Head shall discuss the grievance with the employee. The Division Head shall investigate and give consideration to the formal grievance, the remedy requested, and the recorded responses of the successive levels of supervisory personnel who previously reviewed the grievance. The Division Head shall then record his/her decision on the grievance form and should return the grievance form to the employee within five (5) working days of the date of the meeting with the employee.

- b. The employee may then agree or disagree with the Division Head's response. If the employee disagrees, the employee has the right to take the formal grievance to the next level (Step III) within three (3) working days of receipt of the Division Head's response or if no response has been received from the Division Head. The employee shall state on the grievance form the specific reasons why the grievance should continue to the next level of review and the employee must sign the grievance form in the space provided.

3. STEP III:

- a. The formal grievance form is presented by the employee to the Court Administrator for submittal to the Merit Commission. The grievance shall be placed on the agenda for the next scheduled meeting of the Merit Commission or a date not more than thirty (30) calendar days from the date received by the Court Administrator, whichever is less.
- b. Within ten (10) work days of the date of the Merit Commission hearing at which the grievance is heard, the Merit Commission shall render its findings and recommendations for resolution of the grievance and forward same to the employee, Division Head and Presiding Judge.
- c. Within ten (10) days of the Presiding Judge's receipt of the Merit Commission findings and recommendations, the Presiding Judge shall make a final ruling regarding disposition of the grievance. The Presiding Judge may adopt, modify or overrule the recommendations of the Merit Commission. If the Presiding Judge should modify or overrule the Merit Commission, he/she shall do so in writing, specifying the reason for so doing. The decision of the Presiding Judge shall be final and binding of all parties to the grievance.

D. COMPLIANCE OF DIVISION HEAD: Within ten (10) working days of a notice of decision by the Presiding Judge, the Division Head shall comply with the Presiding Judge's decision, and shall render a report indicating compliance to the Presiding Judge for the file.

E. EMERGENCY REVIEW:

- 1. In the event that an employee believes special circumstances exist with respect to a complaint such that immediate review at a higher level of management is required, the employee may request the Court Administrator review the complaint for

ARTICLE 6. GRIEVANCE SYSTEM
RULE 602. GENERAL GRIEVANCES

EFFECTIVE DATE: 05/04/98
REVISED DATE:

- emergency action.
2. If, after reviewing the complaint, the Court Administrator finds that the request for emergency review is justified, the Court Administrator shall immediately forward the complaint to the Merit Commission.
 3. If, after reviewing the complaint, the Court Administrator finds the request for emergency review to be unjustified, the Court Administrator shall refer the complaint back to the appropriate level in the Grievance Procedure.