
Poudre River Public Library District Revised Policies

Employees are expected to meet the reasonable expectations of their supervisors and perform satisfactorily. Occasionally, employees perform unsatisfactorily, violate a policy, or act inappropriately in the supervisor's judgment.

9.1.1 Employees in Classified Positions on Introductory Status or Unclassified Positions

- A. For classified introductory status employees and unclassified employees, continued employment is at-will and the employee or the Library may terminate the employment relationship with or without cause at any time and without prior discipline or warnings. The Library may, at its discretion, choose alternate forms of discipline less severe than termination including but not limited to: warnings (oral or written), assigned training, suspension, reduced pay level and demotion.
- B. Although one or more of these disciplinary actions may be taken, no formal order or system is necessary. The Library may terminate the employment relationship without prior disciplinary actions whenever it determines, in its discretion, that such action should occur.

9.1.2 Employees in Classified Positions Who Have Completed the Introductory Period

- A. Classified employees, who have completed their initial period of introductory status, may have their employment terminated by the Library only for "cause" as defined herein. The term "cause" means a reason for the termination. "Cause" may relate to the individual employee's conduct or to the Library's operational needs. Examples of "cause" for termination include, but are not limited to, a violation of the law, unsatisfactory job performance, excessive absences, failing to appear for work as scheduled or engaging in any type of misconduct or action inconsistent with the public trust. (Please also refer to the "Conduct and Performance" policy.) Additionally, cause for termination may exist for reasons unrelated to job performance, such as operational need, reorganization, elimination of positions or staff reduction.
- B. Although the Library is not required to follow a formal order or system of discipline, the Library may, in its discretion, impose progressively severe discipline. Supervisors

may, at the Library's discretion, provide coaching or other notice of performance concerns (orally or in writing) before taking more severe action such as suspension, demotion or termination of employment. However, such forms of corrective action need not be used when the Library deems that circumstances warrant more severe action.

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9.1.4 Pre-Decision Hearing Procedure

A. Classified employees who have completed their initial period of introductory status (“eligible employees”) will be given notice and an opportunity to be heard, in accordance with the following procedure, prior to the imposition of:

1. A suspension;
2. A demotion;
3. An involuntary transfer to a position in a lower pay grade;
4. An involuntary temporary reduction in hours (a furlough as described at 3.6.7 of these policies) of three days or more in any 12 month period if the reduction is being imposed on an individual basis;
5. An involuntary reduction in FTE of greater than 25%; or
6. Termination of employment.

B. Written Notice: A memorandum by a supervisor to the employee should generally contain the following types of information:

1. Description of the performance problem, misconduct or reason for recommended action;
2. Related background information, such as previous disciplinary action;

3. Type of discipline or action being recommended;
 4. Date, time and location of a pre-decision hearing for the employee's response to the memo;
 5. Notice that the employee may waive the hearing;
 6. Notice that the employee may have an attorney or representative at the hearing;
 7. Signature line for the employee to acknowledge receipt of the memorandum.
- C. Hearing: Unless waived by the employee, a hearing before the Executive Director or designee will be held to provide the employee with the opportunity to be heard and present information concerning the proposed discipline or action. The hearing typically will be tape recorded and facilitated by a Human Resources representative. Other Library representatives, such as supervisors and attorneys, may attend the hearing.
- Decision Following the Hearing: A decision whether to impose discipline or take action will be made after the hearing within a time period determined by the Executive Director, or designee, not to exceed 10 (ten) business days. If the employee waived the hearing, the decision will be based upon the memorandum and employee's personnel record. The employee will be informed of the decision in writing. Depending on the decision, the employee may appeal the decision in accordance with the appeal process described herein.

9.3 Grievance and Appeal Process

Only Classified employees who have completed their introductory period are eligible to use this grievance and appeal process, hereinafter referenced as "eligible employee" or "eligible employees". This process may only be used to seek review of the events specifically listed below, and may not be used to challenge performance appraisals, classifications, assignments to training, or other actions relating to employment. Employees who wish to challenge events not covered by this policy or employees who are not eligible to use the grievance and appeal process may use the issue resolution process described in these Personnel Policies and Procedures. This grievance and appeal process will serve as the "name clearing" hearing function for the protection of any liberty interests that may be impacted as a result of the actions specifically listed below.

9.3.1 Actions Subject to the Grievance Process

An eligible employee may submit a grievance regarding any of the following actions, or a portion of any such action, regarding said employee. If the action occurs simultaneously

with an appealable issue, the employee must follow the appeal process and may not submit a grievance regarding the action.

1. Written warning or reprimand¹;
2. Suspension without pay of less than three work days;
3. Involuntary lateral transfer to a different position in the same classification or pay grade based on unsatisfactory job performance, corrective or disciplinary action;
4. Involuntary temporary reduction in hours (a furlough as described in these policies) of three days or more in any 12 month period; or
5. An involuntary reduction in FTE of 25% or less as described in these policies.

9.3.2 Actions Subject to the Appeal Process

An eligible employee may appeal any of the following actions, or a portion of any such action, regarding that employee.

1. Suspension without pay of three work days or more;
2. Demotion;

¹ You are not required to provide a grievance process for written warning. I suggest allowing employees to submit a written objection if they disagree with a warning but a grievance process is unnecessary.

3. An involuntary reduction in FTE of more than 25% as described in these policies.
4. Involuntary transfer to a position in a lower pay grade.
5. Termination of employment.

9.3.3 No Retaliation for Use of Grievance or Appeal Process

The Library prohibits any form of retaliation against employees for using this grievance or appeal process. Employees who believe they were retaliated against in violation of this policy should notify the Executive Director in writing, who will take appropriate action to investigate and resolve the complaint.

9.3.4 How to Initiate a Grievance or Appeal

To initiate a grievance or appeal, the employee must file a timely written complaint which describes the following in detail:

1. The action which is the subject of the grievance or appeal;
2. The events upon which the action was based including names of persons involved, dates, times and other important facts;
3. What the employee believes is wrong with the action; and
4. The outcome, remedy or change the employee believes to be appropriate if the action is overturned.

9.3.5 Grievance Process

- A. Within fifteen (15) calendar days after receipt of notice of the action to be imposed, an eligible employee who wishes to file a grievance must file a written complaint with the Deputy Director and must submit a copy to Human Resources.
- B. Within thirty (30) calendar days after receipt of the written complaint, the Deputy Director or designee will present written findings to the employee with a copy to Human Resources. The Deputy Director or designee may, at her or his discretion, meet with the employee to discuss the complaint either before or at the time the written findings are provided to the employee. Additionally, the Deputy Director or designee may conduct any administrative investigation she or he deems appropriate prior to making the written findings. The Human Resources Department may aid in any investigation. The decision of the Deputy Director or designee

shall be final.

9.3.6. Appeal Process

- A. Within fifteen (15) calendar days after receipt of the written notice of the imposition of an action which is subject to the appeal process, an eligible employee who wishes to appeal must file a written request to appeal with the Executive Director and submit a copy to Human Resources.
- B. The Human Resources Director, or his/her designee, shall schedule a time for a hearing before a hearing officer designated by the Library. The Library shall designate a person other than an officer or employee of the Library to serve as hearing officer. Such a person must be licensed to practice law in the State of Colorado.
- C. The hearing officer shall review all relevant evidence, including but not limited to written documents and oral testimony, which is offered by the Library or the employee. The hearing officer may also ask questions of the parties and witnesses during the hearing. The hearing officer shall utilize hearing policies and procedures adopted by the Library. For disciplinary related action, the Library shall have the burden to prove cause by a preponderance of the evidence. For non-disciplinary action, the employee shall have the burden to prove lack of cause by a preponderance of the evidence. The term "cause" shall be as defined at section 10.1.2 B. of these Policies and Procedures.

- D. After the hearing, the hearing officer shall make evidentiary findings of fact, based upon the evidence offered at the hearing, with regard to the events that gave rise to the action taken. He or she shall also recommend for the Library Board President's consideration any ultimate conclusions of fact that the hearing officer may deem appropriate, which shall include, but is not limited to: (1) whether cause existed for the action taken; (2) whether the action taken was reasonable and appropriate in light of the evidentiary findings of fact; and (3) whether the action taken should be upheld, overturned, or modified. The hearing officer's evidentiary findings of fact and recommended ultimate conclusions of fact shall be submitted to the Library Board President within a reasonable period of time after the hearing, with copies to the employee, the Executive Director, the Library's Attorney, and the Human Resources Director.
- E. The findings and recommendations of the hearing officer shall be reviewed by the Library Board President, who shall make the final decision. The hearing officer's evidentiary findings of fact shall not be set aside by the Library Board President unless they are contrary to the weight of the evidence in the record of the hearing. The ultimate conclusions of fact shall be the exclusive prerogative of the Library Board President and the hearing officer's recommended ultimate conclusions of fact may be accepted, rejected, modified or supplemented by the Library Board President as long as the ultimate conclusions of fact, as determined by the Library Board President, are supported by substantial evidence in the record. The Library Board President may remand a matter to the hearing officer for additional evidentiary findings of fact and/or recommended ultimate conclusions of fact. The ultimate determination of cause and the level of action to be imposed will always constitute ultimate conclusions of fact to be determined by the Library Board President. The decision of the Library Board President shall be final.
- F. For purposes of this policy, evidentiary findings of fact are findings regarding the historical events that gave rise to the action taken. Ultimate conclusions of fact are conclusions of law or mixed questions of fact and law that are based on evidentiary findings of fact and that determine the rights and liabilities of the parties.

9.3.7 Time Limits

- A. The Director of Human Resources, or his or her designee, may, at her or his discretion, waive or extend any time limit for good reason upon request by any party to the grievance or appeal or at her or his own initiative. If the Director of Human Resources does not respond to a request for an extension, the employee should presume that the request was denied.
- B. An employee's failure to take an action within any time limit (or extended limit) will terminate the grievance or appeal process. If the Deputy Director or Executive Director, or their designees, fail to respond within any time limit (or extended limit), then the employee may proceed to the next step.
- C. Where there are no time limits for a particular action, the action should be taken as quickly as reasonably possible under the circumstances in light of the complexity and seriousness of the issue raised and the schedules of the persons involved.

9.4 Issue Resolution Process

9.4.1 *Issues Subject to This Policy*

This issue resolution process is designed to allow employees in any category of employment to raise and seek resolution of concerns about the terms or conditions of their employment, such as working conditions, oral warnings or counseling, written counseling, work relationships, performance evaluations, pay, and violation or application of policies and procedures.

Classification issues will be handled exclusively in accordance with the Compensation Administration Policies and are not subject to the issue resolution process. Employees who are not eligible to use the grievance and appeal process may use the issue resolution process to raise any work-related concern. Employees who are eligible to use the grievance and appeal process may only use the issue resolution process for matters which are not grievable or appealable.

9.4.2 *Issue Resolution Process*

- A. Employees wishing to raise or seek resolution of concerns about issues subject to this policy (other than a name clearing hearing) should first discuss the matter informally with their supervisors. Employees may move directly to step two, if they believe that the supervisor cannot satisfactorily address or resolve the issue. Requests for name clearing hearings for employees ineligible for the grievance and appeal process, should be submitted in accordance with subparagraph F. below.
- B. If an issue has not been satisfactorily addressed or resolved after discussion with

the supervisor, the employee should prepare a brief memorandum explaining the issue and recommending how the issues should be addressed or resolved. The memorandum should be sent to the Human Resources Department.

- C. The Human Resources representative will forward the matter to the Department Manager (or if the matter involves the Department Manager, to the Deputy Director or Executive Director). The Human Resources representative then may act as a facilitator, or assign a facilitator from another department, to assist in addressing and resolving the issue.
- D. The Department Manager (or Deputy Director or Executive Director), at her or his discretion, may meet with the employee and others to investigate the issue and may require the employee and others to provide further

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information. The Department Manager (or Deputy Director or Executive Director) will respond to the employee raising the issue orally and/or in writing.

- E. Although there are not formal time limits for raising issues or responding, employees are expected to raise any issue through this process promptly, and not later than six months after the issue arose. Likewise, management will respond as quickly as reasonably possible under the circumstances in light of the complexity and seriousness of the issue raised.
- F. Employees and former employees who are not eligible to participate in the grievance and appeal process may request a name clearing hearing if actions by the Library have seriously impugned the person's reputation and have significantly impaired the person's future employment opportunities. Such employee or former employee may request a name clearing hearing by making a written request to the Library Executive Director not more than thirty (30) calendar days from the date the employee or former employee learns of the Library's actions. Such hearing shall be held before the Executive Director or the Executive Director's designee within thirty (30) calendar days following the person's request for a name clearing hearing. The format of the hearing shall be informal in nature and shall be public. The employee or former employee may call witnesses. No transcript of the hearing shall be required unless arranged and paid for by the employee or former employee. No decision, comment or participation by the Executive Director or disciplinary authority shall be required.