

EMPLOYEE CONDUCT, DISCIPLINE, AND GRIEVANCE PROCEDURES

SECTION 1 Definition and Objective of Discipline

Discipline is the enforcement of conformity to policies, rules and regulations and other administrative or legal requirements or practices designed to maintain standards of cooperation and conduct necessary to successfully carry out the service mission of the City organization. The terms “Discipline” and “Disciplinary action” as used herein are intended to be consistent with the term “punitive action” as defined in Government Code section 3303, “any action that may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment.” Nothing in this section is intended to waive or in any way diminish an employee’s rights under the law, including, but not limited to the Public Safety Officers Procedural Bill of Rights Act (Government Code section 3300 *et seq.*, “POBRA”) and any conflict between these procedures and POBRA shall be resolved in favor of POBRA. Self-discipline or self-conformity is the goal of this section. Where self-discipline fails, disciplinary action is authorized and shall be accomplished in such a manner as to be just, equitable, consistent, and suited to the situation. The disciplinary action, when taken shall be documented in such a manner as to be defensible on appeal and/or review.

In all instances where disciplinary action is contemplated, with the exception of a written reprimand or probationary rejections, permanent full-time employees shall be afforded a reasonable opportunity to present, in person, their view of the incident(s) resulting in the disciplinary action to the supervisor charged with disciplinary authority prior to a decision to impose disciplinary action.

Any employee having supervisory authority and responsibility shall discuss deficiencies in performance, conduct, and other matters with subordinates at the time they are observed or become aware of such conduct, pointing out corrective action the employee should take. Whenever possible, sufficient time for improvement shall precede formal disciplinary action.

Types of disciplinary actions, which may be taken in order of severity, are: dismissal, demotion, reduction in pay steps within a pay range, suspension and written reprimand, or an appropriate combination of these disciplinary actions. The aforementioned types of disciplinary actions are defined as follows:

- A. Dismissal: The discharge of an employee from the City service in accordance with these provisions.
- B. Non-Probationary Demotion: The movement of an employee from a position in one classification to a position in another classification having a lower maximum rate of pay.
- C. Reduction in Pay: The temporary or permanent decrease of the employee's pay rate within the pay range established for the employee's classification.

- D. Suspension: The temporary separation from the City service of an employee without compensation for a period not to exceed thirty (30) working days in any one (1) calendar year.
- E. Written Reprimand: An official notification in writing by the Police Chief or designee to the employee that the employee has committed conduct which is in conflict with a Department standard and that further disciplinary measures may be taken if the employee commits similar misconduct.

SECTION 2 Disciplinary Procedures

- A. Purpose: The purpose of the Disciplinary Procedures is to afford the affected permanent full-time employee an opportunity to present such employee's view of the factual situation leading to the proposed disciplinary action and to afford independent administrative review of any disciplinary action which is taken. With the exception of written reprimands and probationary rejections, the Disciplinary Procedures set forth herein shall be followed in all instances where disciplinary action is contemplated for any permanent, full-time employee in the classified service.
- B. Initial Notice and Right to Respond: Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Assistant Chief for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the employee with a pre-disciplinary procedural due process meeting (Skelly) by providing written notice of the charges, proposed action, and reasons for the proposed action.

Except as provided below, no punitive action, nor denial of promotion on grounds other than merit, shall be undertaken for any act, omission, or other allegation of misconduct if the investigation of the allegation is not completed within one year of the public agency's discovery by a person authorized to initiate an investigation of the allegation of an act, omission, or other misconduct. In the event that the public agency determines that discipline may be taken, it shall complete its investigation and notify the public safety officer of its proposed discipline by a Letter of Intent or Notice of Adverse Action articulating the discipline that year, except as provided below. The public agency shall not be required to impose the discipline within that one-year period.

- a) If the act, omission, or other allegation of misconduct is also the subject of a criminal investigation or criminal prosecution, the time during which the criminal investigation or criminal prosecution is pending shall toll the one-year time period.
- b) If the public safety officer waives the one-year time period in writing, the time period shall be tolled for the period of time specified in the written waiver.

- c) If the investigation is a multijurisdictional investigation that requires a reasonable extension for coordination of the involved agencies.
- d) If the investigation involves more than one employee and requires a reasonable extension.
- e) If the investigation involves an employee who is incapacitated or otherwise unavailable.
- f) If the investigation involves a matter in civil litigation where the public safety officer is named as a party defendant, the one-year time period shall be tolled while that civil action is pending.
- g) If the investigation involves a matter in criminal litigation where the complainant is a criminal defendant, the one-year time period shall be tolled during the period of that defendant's criminal investigation and prosecution.
- h) If the investigation involves an allegation of workers' compensation fraud on the part of the public safety officer. (Government Code Section 3304(d))

At the time of the service of the Notice of Intent to Discipline, the Chief of Police shall also provide the employee with

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
 1. Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.
 2. If the employee elects to respond orally, the presentation may be recorded by the Department and/or the employee. Upon request, the employee shall be provided with the Department's copy of the recording.

Once the employee has completed his/her response or if the employee has elected to waive any such response, the Chief of Police shall consider all information received in response to the recommended discipline. The Chief of Police shall render a timely written decision to the employee and specify the grounds and reasons for discipline and the effective date of the discipline, within 30 days of its decision, except if the public safety officer is unavailable for discipline. Once the Chief of Police has issued a written decision and served that decision on the employee, the discipline shall become effective.

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity

to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline. The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

C. Implementation of Disciplinary Action: Upon the completion of the procedures set forth above, the affected employee shall be informed by the initiator of the disciplinary action, in writing, of the action taken, with a copy to the Human Resources Division.

D. Appeal Procedure:

Upon receipt of the final disciplinary action from the Police Chief, the employee shall have the right to appeal the decision in writing to the City Manager. The filing of an appeal will not stay the disciplinary action. Said appeal shall be delivered to the Human Resources Division within ten (10) working days of the employee's receipt of the Police Chief's action. Otherwise, the Police Chief's action shall be final and binding.

The City Manager shall not conduct a de novo evidentiary hearing, but shall meet with the employee and his/her representative. The meeting shall be recorded. Within twenty (20) working days of the conclusion of the meeting, the City Manager shall issue his/her final decision and advise the employee of his/her appeal rights pursuant to this Policy.

Except with respect to written reprimands, suspensions equal to or less than forty (40) hours, and promotional probationary rejections, upon receipt of notice of final disciplinary action from the City Manager, the employee shall have the right to appeal the decision in writing to a third party arbitrator whose decision shall be binding. Said appeal shall be delivered to the Human Resources Division within ten (10) working days of the employee's receipt of the City Manager's action. Otherwise, the City Manager's action shall be final and binding.

Persons who have been rejected from probationary status in an entry level position shall have no right to appeal such action. However, if the reason or reasons behind the discharge would tend to stigmatize the employee's reputation and negatively impact on future employment, and are publicized, the employee is entitled to a liberty interest hearing to clear his or her name.

SECTION 3 Disciplinary Authority

The Police Chief or designee shall have the power and duty to determine and implement disciplinary actions pursuant to these provisions. Disciplinary actions shall be final unless modified by the City Manager or an arbitrator, as determined in accordance with these provisions.

All persons holding positions in the classified service shall be subject to suspension, demotion, reduction in pay or dismissal from employment for misconduct, incompetency, inefficiency, or failure to perform duties or to observe the rules and regulations of the City, department or division, but subject to the right of appeal in the manner and to the extent set forth in these provisions.

- A. Written Reprimand: The Police Chief or designee may prepare a written reprimand on a subordinate for cause. Such reprimand shall be addressed to the employee and shall be acknowledged in writing by the employee. A signed copy shall be forwarded to the Human Resources Division along with a narrative report of the case. Written reprimands shall only be appealable pursuant to the provisions set forth in this side letter agreement or any successor agreements. In addition to pursuing any appeal, an employee shall also have the right to attach a response to a disputed written reprimand.
- B. Suspension: An employee may be suspended without pay by the Police Chief or designee for a period up to, but not exceeding, thirty (30) working days. Before the effective date of any suspension, the employee shall be furnished with written notice setting forth such reasons for such suspension pursuant to Section 2 of these provisions. The employee will also be advised of the right to appeal under these provisions, and informed of the regulations and procedures governing such appeals.
- C. Reduction in Pay: The Police Chief or designee may temporarily, or permanently, reduce an employee's pay range and/or salary up to fifteen percent (15%). Before the effective date of said reduction, the employee shall be advised of the action and the reasons therefor pursuant to Section 2 of these provisions. The employee reduced by such action shall be assigned a new anniversary date for merit review purposes; such date shall coincide with the effective date of the reduction action. Such action will be subject to appeal under the appeal procedure set out in these provisions. The Police Chief or designee may, after six (6) months from the effective date of the reduction, reinstate all or any portion of the reduction in pay.
- D. Non-Probationary Demotion: Before the effective date of a non-probationary demotion, the employee shall be advised of the action and the reasons therefor pursuant to Section 2 of these provisions. The employee demoted by such action shall be assigned a new anniversary date for merit review purposes; such date shall coincide with the effective date of the demotion. Such action will be subject to appeal under the appeal procedure set out in these provisions.
- E. Dismissal: The Police Chief or designee may terminate without cause any employee who lacks permanent status. The Police Chief or designee may terminate a permanent employee

on any ground(s) designated in Section 4 of these provisions, subject to Section 2 of these provisions. The Police Chief or designee shall provide the terminated permanent employee with a written statement of the reason for the action including the ground or grounds involved pursuant to Section 2 of these provisions. Such termination action shall be subject to appeal under the appeal procedure set out in these provisions.

SECTION 4 Grounds for Disciplinary Action

The grounds for disciplinary action are set forth in Policy No. 322, Standards of Conduct, in the Redlands Police Department Policy Manual.

SECTION 5 Records

Original copies of all written records pertaining to disciplinary actions shall be maintained in the employee's personnel file.

THIRD PARTY ARBITRATION PROCESS FOR DISCIPLINARY APPEALS AND GRIEVANCE APPEALS

SECTION 1 Right of Binding Arbitration for Appeals of Disciplinary Actions

Any permanent employee shall have the right to appeal to binding arbitration disciplinary actions involving termination, suspensions greater than forty (40) hours, reduction in salary/pay, and non-probationary demotion.

SECTION 1A Right of Binding Arbitration for Grievances

Any grievant(s) shall have the right to have grievances determined at binding arbitration.

SECTION 2 Process for Requesting Binding Arbitration

The employee's or grievant(s)' request for binding arbitration must be addressed to the Human Resources Division and received in the Human Resources offices within the time periods set forth in this side letter agreement or in any successor agreements. The Human Resources Office has a ministerial duty to timestamp any request presented to it via email, facsimile or in person on the date received.

If within the appeal period, the employee involved files such notice of appeal by giving written notice of appeal to the Human Resources Division, an appeal hearing shall be established as follows:

- A. If a single third party arbitrator cannot be agreed upon by the Human Resources Division and the employee's representative (or employee alone if unrepresented), the California State Mediation and Conciliation Service shall be requested to submit to the City and the employee a list of seven (7) persons qualified to act as arbitrators. Within ten (10) calendar days following receipt of the list of arbitrators, the parties shall meet, or confer by telephone, to select the arbitrator. The parties shall alternately strike one (1) name from the list of arbitrators (the right to strike the first name to be determined by lot) until one (1) name remains, and that person shall be the arbitrator.
- B. Subject to the arbitrator's availability, the date for a hearing shall not be less than twenty (20) calendar days, nor more than sixty (60) calendar days, from the date of the filing of the appeal with the Human Resources Division unless the parties stipulate to a longer or shorter period of time in which to hear the appeal. All interested parties shall be notified in writing of the date, time and place of hearing.
- C. All hearings shall be private, however, the arbitrator shall, at the request of the employee, open the hearing to the public.
- D. Subpoenas and subpoenas duces tecums pertaining to a hearing shall be issued at the request of either party, not less than five (5) calendar days, prior to the commencement of

such hearing. The city agrees to reasonably produce City employees. After the commencement of such hearing, subpoenas shall be issued only at the discretion of the arbitrator.

- E. The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil and criminal actions, and irrelevant and unduly repetitious evidence shall be excluded. The arbitrator shall not be bound by technical rules of evidence. The arbitrator shall rule on the admission or exclusion of evidence.

- F. Each party shall have these rights: To be represented by legal counsel or other person of his/her choice; to call and examine witnesses; to introduce evidence; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him/her to testify; and to rebut the evidence against him/her. In the case of an appeal of discipline, if the employee does not testify in his/her own behalf, he/she may be called and examined as if under cross-examination. Oral evidence shall be taken only on oath or affirmation. A court reporter will be engaged to record the hearing, unless the parties (City, employee/employer representative) mutually agree that same is not necessary. In the event that both parties mutually agree that a court reporter is not necessary the hearing shall be electronically recorded. If either party requests a transcript of the electronic recording, the parties shall have the recording transcribed by a court reporter, and the costs shall be shared equally by the parties.

- G. A binding arbitration hearing appealing discipline shall proceed in the following manner, unless the arbitrator, for special reason, otherwise directs:
 - 1. The party imposing discipline shall be permitted to make an opening statement;
 - 2. The appealing party shall then be permitted to make an opening statement;
 - 3. The party imposing disciplinary action shall produce the evidence on his/her part; the City bears the burden of proof and burden of producing evidence of the misconduct;
 - 4. The party appealing from such disciplinary action may then open his/her defense and offer his/her evidence in support thereof; the employee bears the burden of proof and the burden of producing evidence for any affirmative defenses asserted;

5. The parties may then, in order, respectively offer rebutting evidence only, unless the arbitrator for good reason, permits them to offer evidence upon their original case;
 6. Closing arguments shall be permitted and written briefs may be permitted at the discretion of the arbitrator.
- H. A binding arbitration for a grievance shall proceed in the following manner, unless the arbitrator, for special reason, otherwise directs:
1. The grievant(s) shall be permitted to make an opening statement;
 2. The City shall then be permitted to make an opening statement;
 3. The grievant(s) shall present the evidence on his/her/their parts; the grievant(s) bear the burden of proof and burden of producing evidence supporting their claim(s);
 4. The City may then open its defense and offer evidence in support thereof; the City bears the burden of proof and the burden of producing evidence for any affirmative defenses asserted;
 5. The parties may then, in order, respectively offer rebutting evidence only, unless the arbitrator for good reason, permits them to offer evidence upon their original case;
 6. Closing arguments shall be permitted and written briefs may be permitted at the discretion of the arbitrator.
- I. The arbitrator shall determine relevancy, weight, and credibility of testimony and evidence. He/she shall base his/her findings on the preponderance of evidence. During the examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing unless the arbitrator, in his/her discretion, for good cause, otherwise directs. No still photographs, moving pictures or television pictures shall be taken in the hearing chamber during a hearing. The arbitrator, prior to or during a hearing, may grant a continuance for any reason he/she believes to be important to reaching a fair and proper decision. The arbitrator shall render his/her judgment as soon after the conclusion of the hearing as reasonably possible and in no event later than thirty (30) calendar days after conducting the hearing. In the case of an appeal of discipline, the arbitrator's decision shall set forth which charges, if any, are sustained and the reasons therefor. In the case of a grievance, the arbitrator's decision shall set forth the relief, if any, provided to grievant(s) and the reasons therefore. The opinion shall set forth findings of fact and conclusions. The opinion shall be binding.
- J. In the case of an appeal of discipline, the arbitrator may recommend sustaining or rejecting any or all of the charges filed against the employee. He/she may recommend sustaining,

rejecting or modifying the disciplinary action invoked against the employee. He/she may not increase the level of discipline imposed by the City Manager.

- K. The arbitrator's opinion shall be filed with the City Manager, with a copy sent to the all parties, and the Human Resources Division, and shall set forth his/her findings and decision.
- L. In the case of a dismissal hearing where a dismissal is not the arbitrator's decision, the opinion shall set forth the date the employee is to be reinstated and/or other required action(s). The reinstatement date, if appropriate, may be any time on or after the date of disciplinary action.
- M. In the case of an appeal of discipline, if the discipline imposed resulted in loss of pay, and the arbitrator's decision results in reduction or elimination of loss of pay and/or other benefits, the pay and/or benefits loss shall be restored to the employee based on the number of regularly scheduled work hours lost computed at his/her then base hourly rate.
- N. The costs of the arbitration and the court reporter shall be shared equally by the parties.
- O. The provisions of Section 1285 et. seq. of the Code of Civil Procedure shall be applicable to all proceedings under this Section.

APPEALS OF SUSPENSIONS OF FORTY (40) HOURS OR LESS AND PROMOTIONAL PROBATIONARY REJECTIONS

A permanent employee shall have the right to appeal a suspension of forty (40) hours or less or promotional probationary rejection in the following manner:

1. The Police Chief shall cause to be served on the employee affected, by registered mail or personal delivery, a statement signed by the Police Chief of the specific action against the employee. This statement shall clearly inform the employee that he/she has the right, within ten (10) working days after receipt of this notice, to request an informal hearing on the action by filing the request with the Police Chief.
2. If within the ten day appeal period the employee involved does not file said appeal, unless good cause for the failure is shown, the action of the City shall be considered conclusive and shall take effect as prescribed.
3. If within the ten day appeal period the employee involved files such notice of appeal by giving written notice of appeal to the Police Chief, a time for an appeal hearing before the City Manager or the Police Chief (at the employee's discretion) shall be established. The date for a hearing shall not be less than ten (10) calendar days, nor more than thirty (30) calendar days, from the date of the filing of the appeal, unless the parties stipulate to a different date. All interested parties shall be notified in writing of the date, time, and place of the hearing at least seven (7) calendar days prior to the hearing.
4. The City Manager, or Police Chief, shall conduct an informal hearing on the appeal. Each party shall have the opportunity to present all relevant information in support of its respective position. These proceedings may be electronically recorded and either party shall have the right to cause them to be reported by a certified shorthand reporter at the party's expense.

Within ten (10) calendar days after the conclusion of the hearing, the City Manager, or Police Chief, shall deliver to the employee a written decision which shall either (a) affirm the decision, (b) modify it by (1) holding that certain charges were not established by a preponderance of the evidence and/or (2) reducing the penalty or (3) overturn the decision in its entirety. Said decision shall be final and binding on the parties, subject to their right to seek judicial review pursuant to 1094.5 and 1094.6 of the California Code of Civil Procedure.

Persons who have been rejected from probationary status in an entry level position shall have no right to appeal such action under these provisions.

APPEALS OF WRITTEN REPRIMANDS

Any employee wishing to formally appeal a written reprimand must submit a written request to his/her Bureau Lieutenant within ten days of receipt of the written reprimand. The Bureau Lieutenant will then assign the appeal to an uninvolved supervisor of at least one rank above the rank of the supervisor issuing the original written reprimand. Absent a written stipulation to the contrary, the employee will be provided with an evidentiary hearing before the assigned, uninvolved supervisor within 30 days. The decision of the assigned, uninvolved supervisor to sustain, modify or dismiss the written reprimand shall be considered final.

GRIEVANCE PROCEDURES

SECTION 1 Purpose of Rule

- A. To promote improved employer-employee relations by establishing grievance procedures on matters for which appeal or hearing is not provided by other regulations.
- B. To afford employees individually or through qualified employee organizations a systematic means of obtaining further consideration of problems after every reasonable effort has failed to resolve them through discussions.
- C. To provide that grievances shall be settled as near as possible to the point of origin.
- D. To provide that grievances shall be conducted as informally as possible.

SECTION 2 Matters Subject to Grievance Procedure

An employee or recognized employee organization shall have the right to file a grievance concerning an alleged violation of expressed terms of a memorandum of understanding provision, City policy, City Rules and Regulations, administrative orders and/or procedures, except that the following subjects are excluded from the scope of the grievance procedure:

- A. Disciplinary action.
- B. Matters which are within the exclusive jurisdiction of another agency, and for which a means of appeal is provided.
- C. Performance evaluations.

SECTION 3 Informal Grievance Procedure

An employee or recognized employee organization who has a problem or complaint should first attempt to settle same through discussion with the immediate supervisor within fifteen (15) calendar days that the employee knew, or by the exercise of reasonable diligence should have known, of the circumstances giving rise to the grievance. In the case of a recognized employee organization, it shall attempt to settle such problem with the Human Resources Division. If, after this discussion, the employee does not believe the problem has been satisfactorily resolved, the employee shall have the right to discuss it with the supervisor's immediate supervisor, if any. Every effort shall be made to find an acceptable solution by informal means at the lowest possible level of supervision.

If the employee or recognized employee organization is not in agreement with the decision reached by discussion, the employee or recognized employee organization shall then have the right to file a

formal grievance in writing within ten (10) calendar days after receiving the informal decision of the immediate supervisor or Human Resources Division. Formal written grievances shall specifically identify to the employee(s) affected, shall specifically identify the action being grieved, and shall include a statement of the action(s) desired by the grievant and the reasons therefor.

SECTION 4 Formal Grievance Procedure (Levels of Review Through Chain of Command)

- A. First Level of Review: For a grievance by an individual employee only, such grievance shall be presented in writing to the employee's immediate management supervisor (Bureau Manager), who shall render a decision and comments in writing and return them to the employee within ten (10) calendar days after receipt of the grievance. If the employee does not agree with the supervisor's decision, or if no answer has been received within ten (10) calendar days, the employee may present the grievance, in writing, to the Police Chief. Failure of the employee to take further action within ten (10) calendar days after receipt of the written decision of the management supervisor, or within fifteen (15) calendar days if no decision is rendered, shall constitute a waiver of the grievance. For a grievance filed by the recognized employee organization on its own behalf, or on behalf of more than one individual employee, the initial formal filing of the grievance shall be with the Police Chief as set forth in Paragraph B below and shall be filed within ten (10) calendar days after receiving the informal decision of the Human Resources Division.
- B. Police Chief Review: The Police Chief, or designee, shall discuss the grievance with the grievant(s), the grievant(s)'s representative(s), if any, and with other appropriate persons. The Police Chief shall render a decision and comments in writing, and return them to the grievant(s) within ten (10) calendar days after receiving the grievance. If the grievant(s) does not agree with the decision reached, or if no answer has been received within ten (10) calendar days, the grievant(s) may present the grievance in writing to the City Manager. Failure of the grievant(s) to take further action within ten (10) calendar days after receipt of the Police Chief's written decision, or within fifteen (15) calendar days if no decision is rendered, shall constitute waiver of the grievance.
- C. City Manager: The City Manager, or designee, upon receipt of the grievance, shall discuss the grievance with the grievant(s), or the grievant(s)'s designated representative(s), and with other appropriate persons. The City Manager shall render a decision in writing to the grievant(s) within twenty (20) calendar days after receiving the grievance. If the grievant(s) do(es) not agree with the decision reached, or if no answer has been received within twenty (20) calendar days, the grievant(s) shall have a right to have the matter decided at binding arbitration pursuant this side letter agreement or any successor agreements . Failure of the employee to take further action within ten (10) calendar days after receipt of the City Manager's written decision, or within twenty (20) calendar days if no decision is rendered, shall constitute waiver of arbitration.

SECTION 5 Conduct of Grievance Procedure

- A. The time limits specified above may be extended to a definite date by mutual agreement of the grievant(s) and a representative of the City or the reviewer concerned.
- B. The grievant(s) may request the assistance of another person of his/her own choosing in preparing and presenting the grievance at any level of review.
- C. Grievants shall be assured freedom from reprisal for using the Grievance Procedures.