

# TOWN OF WEAVERVILLE

## GRIEVANCE POLICY AND PROCEDURES

### **Section 1. Policy**

It is the policy of the Town to provide a just procedure for the presentation, consideration, and disposition of grievances of citizens or other non-employees. The purpose of this policy is to outline a grievance procedure and to assure the public that a response to their complaints and grievances will be prompt and fair.

### **Section 2. Definition**

**ADA** – Collectively the Americans with Disabilities Act and the Americans with Disabilities Act Amendment Act

**Grievance** – A grievance is a claim or complaint of a citizen or customer of the Town, or member of the public against the Town or any of its officials or employees, including, but not limited to, claims or complaints alleging discrimination, harassment, retaliation, improper or unlawful activity, Title VI civil rights discrimination, ADA accessibility issues, failure to provide services, or access to services, violations of Town policies, excessive or improper imposition of fees.

**Title VI** – Title VI of the Civil Rights Act of 1964

### **Section 3. Purposes of the Grievance Procedure**

The purposes of the grievance procedure include, but are not limited to:

- (a) Providing the public with a procedure by which their complaints can be considered promptly and fairly;
- (b) Promoting better understanding of the Town's policies, practices, and procedures;
- (c) Increasing confidence that Town services are being delivered in accordance with established, fair, and uniform policies and procedures;
- (d) Encouraging conflicts to be resolved between the Town and the public in order to foster good relationships; and
- (e) Creating an environment free of continuing conflicts, disagreements, and negative feelings about the Town or its leaders in order to allow for better public relations and provision of municipal services.

### **Section 4. Procedure**

When a member of the public has a grievance, the following successive steps are to be taken unless otherwise provided. The number of calendar days indicated for each step should be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent. The last step initiated by the aggrieved person shall be considered to be the step at which the grievance is resolved. In all cases the Town Manager's decision shall be the final decision.

- (a) **Informal Resolution** – Prior to the submission of a formal grievance, the aggrieved person and Town employee should meet to discuss the problem and

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seek to resolve it informally. Either the aggrieved person or Town employee may involve the respective Department Head as a resource to help resolve the grievance.

(b) **Formal Resolution** – If an informal resolution is not achieved then the following procedures shall be utilized with written documentation made at each step. For grievances involving ADA or Title VI civil rights issues, the respective coordinators will serve as the Department Head in the following steps (see Sections 5 and 6 below).

**Step 1** – If no resolution to the grievance is reached informally, the aggrieved person who wishes to pursue a grievance shall present the grievance to the appropriate Department Head in writing. The Department Head shall respond to the grievance within 10 calendar days after receipt of the grievance. The Department Head should, and is encouraged to, consult with any employee of the Town in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the Department Head is required to cooperate to the fullest extent possible. The response shall explain the position of the Town and offer options for substantive resolution of the complaint.

**Step 2** – If the grievance is not resolved to the satisfaction of the citizen at the end of Step 1, the aggrieved person may appeal, in writing, to the Town Manager within 10 calendar days after receipt of the response from Step 1. The Town Manager shall meet with the aggrieved person to discuss the complaint and possible resolutions. Within 10 calendar days of the meeting the Town Manager will respond in writing with a final resolution of the complaint.

The Town reserves the option, but not the requirement, to obtain a neutral outside party to provide mediation between the aggrieved person and the Town. Such parties might consist of attorneys trained in mediation, mediators, or other parties appropriate to the situation.

In all cases the Town Manager's decision shall be the final decision. The Town Manager shall notify the Mayor and Town Council of any impending legal action.

### **Section 5. Grievances Related to the Americans with Disabilities Act (ADA) or Title VI Civil Rights Discrimination**

Complaints concerning discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town should be sent to the ADA Coordinator who shall serve as the Department Head in the formal grievance steps set out herein if an informal resolution cannot be reached. Where appropriate, responses and resolutions shall be provided in a format that is accessible to the aggrieved person.

Complaints concerning discrimination on the basis of race, color, national origin, sex, age, or disability, in the provision of services, activities, programs, or benefits by the Town should be sent to the Civil Rights Coordinator who shall serve as the Department Head in the formal grievance steps set out herein if an informal resolution cannot be reached.

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Complaints involving the ADA Coordinator or the Civil Rights Coordinator can be made directly to the Town Manager.

## **Section 6. Contact Information for Submitting Grievances**

The following contact information can be used to submit a grievance:

<b><u>GENERAL GRIEVANCES</u></b>	<b><u>ADA GRIEVANCES</u></b>	<b><u>TITLE VI CIVIL RIGHTS GRIEVANCES</u></b>
Town Manager 30 South Main Street Weaverville, NC 28787 (828)645-7116 coordinator@weavervillenc.org	ADA Coordinator 30 South Main Street Weaverville, NC 28787 (828)645-7116 coordinator@weavervillenc.org	Civil Rights Coordinator 30 South Main Street Weaverville, NC 28787 (828)645-7116 coordinator@weavervillenc.org

## **Section 7. Adoption and Effective Date**

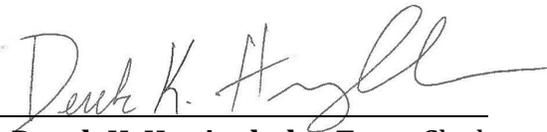
This policy has been amended and restated by Town Council, is effective immediately, and shall be in full force and effect until such time as it is amended or repealed.

**ADOPTED BY** the Weaverville Town Council on the 27th day of April, 2020.

**TOWN OF WEAVERVILLE**

By:   
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**Allan P. Root**, Mayor

**ATTESTED:**

By:   
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**Derek K. Huninghake**, Town Clerk