



Regional Transit Authority

Grievance Process

(HC13)

POLICY STATEMENT

The New Orleans Regional Transit Authority (RTA) seeks to facilitate the resolution of employee grievances, complaints, and disputes and discipline issues arising from employment with the RTA. Employees are encouraged to utilize the chain of command process through informal discussions with their management/supervisory leadership, without the assistance of a third party, agency or court, prior to filing a formal grievance.

PURPOSE

The purpose of this policy is to establish RTA procedures for a consistent, fair and objective dispute resolution process.

APPLICATION

This policy applies to all regular full time, non-represented employees who have completed their initial probationary period as well as project employees. At-will employees and employees on initial probation are not covered by this policy. Represented employees are directed to utilize their respective collective bargaining agreements for the applicable grievance procedure.

APPROVED:

ADOPTED: Board Chair

Chief Executive Officer

Effective Date: _____

Date of Last Review: _____



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1.0 PROCEDURES

The grievance procedure is designed to address and resolve complaints and disputes involving interpretation or application of RTA policies, procedures, and rules and regulations, harassment, and formal discipline which includes written reprimands, suspensions, demotions, transfers; and discharge.

This policy should not be construed as preventing, limiting, or delaying the RTA from assessing appropriate disciplinary action of any employee, up to and including discharge, where the RTA, in its sole discretion, deems such action appropriate.

When an employee is unable to resolve a dispute through the chain of command, employee may file formal grievance(s) in an attempt to resolve the dispute.

All material relating to the grievance process, including subsequent responses, will be retained in a departmental grievance file maintained by the Human Capital Department, separate from the employee's personnel file maintained by the Human Capital Department.

A discharged employee who wishes to appeal employee discharge may begin at Step Three of the process (Section 1.2.3 below).

1.1 Informal Grievance Process

Employees are encouraged to discuss and attempt to resolve a dispute internally, in a timely manner with their immediate manager/supervisor, or at the lowest level possible. During the informal meeting(s), the manager/supervisor and employee will review and discuss the issue(s), making a good faith effort to resolve the matter.

When employees cannot discuss issues with their immediate manager/ supervisor, employees are encouraged to request a meeting with the next highest level of management. If the dispute cannot be resolved through informal discussion, the employee may pursue the formal grievance process.

1.2 Formal Grievance Process

Employees who file a formal grievance may represent themselves, or have another RTA employee assist in preparing or presenting a grievance at the initial and subsequent levels of review. Management/supervisory or Confidential Employees (see §2.0) may not represent an employee.



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Extension of time limits at each step in the formal grievance process may only be granted upon authorization by the Chief Executive Officer, Chief Human Capital Officer, Employee and Labor Relations Coordinator or designee.

1.2.1 Step One

Employees must file an RTA Grievance Form (Attachment 1) within ten (10) working days from the date of the grieved incident or from the date of the informal discussion with the manager/supervisor or department head, whichever is later. The employee (grievant) must provide a copy of the Grievance Form to employee immediate manager/supervisor and the Employee and Labor Relations Coordinator with the following information:

- a) the specific act(s) to be reviewed;
- b) how the grievant was adversely affected;
- c) any individual with knowledge of the alleged adverse action;
- d) the remedy requested; and
- e) date(s) of informal resolution attempts, and the name of the persons contacted.

The Employee and Labor Relations Coordinator will notify the managed supervisor when they have received a copy of the Grievance Form.

Upon receiving the Grievance Form, the immediate manager/supervisor presents a memo documenting employee decision to the grievant within twenty (20) working days from receipt of the grievance.

1.2.2 Step Two

If the grievance is not resolved at Step One, the grievant may appeal to the appropriate Department Head in writing (Attachment 2) within ten (10) working days of the date of the manager/ supervisor's Step One response. If the Department Head is also the immediate manager/supervisor, the grievance shall be presented to the next higher level of authority in the chain of command.



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The Department Head shall respond to the grievant's appeal in writing within twenty (20) working days after the date the formal grievance is provided to the Department Head and the H/C Employee and Labor Relations Department for processing.

1.2.3 Step Three

A grievance that is not resolved at Step Two may be appealed in writing (Attachment 3) to the Employee and Labor Relations Coordinator. Only grievances involving discharge will be arbitrated.

The Step Three appeal must be received by the Employee and Labor Relations Coordinator within ten (10) working days of the date on which the written response to Step Two was issued. The Employee and Labor Relations Coordinator will provide a written decision to the grievant within twenty (20) working days following receipt of the Step Three appeal.

Only issues accepted for review in the initial formal grievance may be introduced. The decision of the Employee and Labor Relations Coordinator will be final, with no other levels of appeal.

1.2.4 Step Four

A grievance involving discharge that is not satisfactorily resolved at Step Three may be appealed to arbitration. The appeal must be submitted in writing to the Employee and Labor Relations Coordinator within ten (10) working days of the date of the Step Three decision.

1.3 Arbitration

The arbitrator will convene a hearing in which each party will have the opportunity to present evidence, verbal or written, and cross-examine witnesses. The arbitrator will have broad discretion regarding the admissibility and weight of evidence, guided by generally accepted standards regarding admissibility and weight of evidence. Grievance settlement offers or statements made in the course of settlement discussions will be inadmissible as evidence.

Upon request, each party will provide the other with copies of all material to be introduced at the hearing, including the names of witnesses who will test' on the party's behalf. To the extent possible, such materials and names of witnesses will be exchanged no later than ten (10) calendar days prior to the hearing.



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The hearing will be closed, unless both parties agree in writing to an open hearing. In the absence of such an agreement, the hearing will be closed to all persons other than the principal parties to the grievance (i.e. the manager, supervisor or Department Head, the grievant and one RTA representative and one employee representative). A representative from the Employee and Labor Relations Coordinator may be present to facilitate the process.

Guidelines for a formal hearing are as follows:

1.3.1 Selection of Arbitrator

The arbitrator will be selected from a panel of external, neutral arbitrators (minimum of four). The terminated employee and RTA must mutually agree upon the selected arbitrator. The arbitrator selected under this section will serve as the arbitration proceeding's Chairperson.

1.3.2 Arbitrator's Decision

The arbitrator will provide a written decision to the parties within thirty (30) calendar days of the close of the hearing. The arbitrator will not add to, delete from, or otherwise modify the provisions of RTA Human Capital Policies or legislative/regulatory mandates. The hearing representative will have the authority to issue subpoenas. The decision of the arbitrator will be advisory only. The Chief Executive Officer (CEO) reserves the right to adopt or reject the arbitrator's recommendation.

1.3.3 Cost of arbitration

RTA will pay the arbitrator's fee and all fees incurred in obtaining a list of arbitrators, as well as court reporter costs. If the employee requests a copy of the transcript, employee must pay the cost of the copy.

1.4 Pay status

Upon advance request, the grievant who filed the formal grievance, and the grievant's representative, if any, will be granted leave without loss of straight time pay to attend hearings and meetings convened by the RTA to consider grievances. Such leave with pay shall be considered time worked.

Time spent by RTA employee witnesses in meetings and hearings convened by RTA, within or outside the witnesses' regularly scheduled hours, will be classified as leave with pay and considered as time worked.



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1.5 Remedy

If the grievance is sustained in whole or part, the remedy will not exceed restoring the following to the employee: pay, benefits or rights lost as a result of the violation of the policy(s), less compensation from outside employment or other sources of income (e.g. Worker's Comp, disability or retirement).

Workers' Compensation payments for permanent disability is not considered compensation when determining the amount of the grievance remedy. Interest will not be earned or paid on any amount restored to the employee. Compensation will not be granted for any period of time resulting from an extension of time requested by, or on behalf of the employee.

2.0 DEFINITION OF TERMS

Grievance - A real or imagined wrong or other cause for complaint or protest, especially unfair treatment.

At-Will Employees - intermittent employees; temporary employees; interns; or emergency employees.

Confidential Employees - Persons responsible for negotiating, processing, handling and reviewing the grievance process, or who assist and act in a confidential capacity to those who formulate, determine, and effectuate labor/management relations policies. For the purposes of this policy, Confidential Employees include employees from the Employee and Labor Relations Department.

3.0 RESPONSIBILITIES

Department Heads receive, review and decide grievances at Step Two of the formal grievance process and respond within specified time frames.

Employee (Grievant) seeks the resolution of employee complaint or dispute with employee immediate manager/supervisor, or the lowest level possible, first, then files a formal grievance (if necessary) within specified time frames.

Employee & Labor Relations Coordinator assists and advises employees (upon request) regarding grievance procedures.

Employee & Labor Relations Manager receives, reviews and decides grievances at Step Three of the formal grievance process.



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Chief Human Capital Officer and Employee and Labor Relations, or designee will approve all requests for time extension, as appropriate.

4.0 REFERENCES

- Progressive Discipline (HC25)

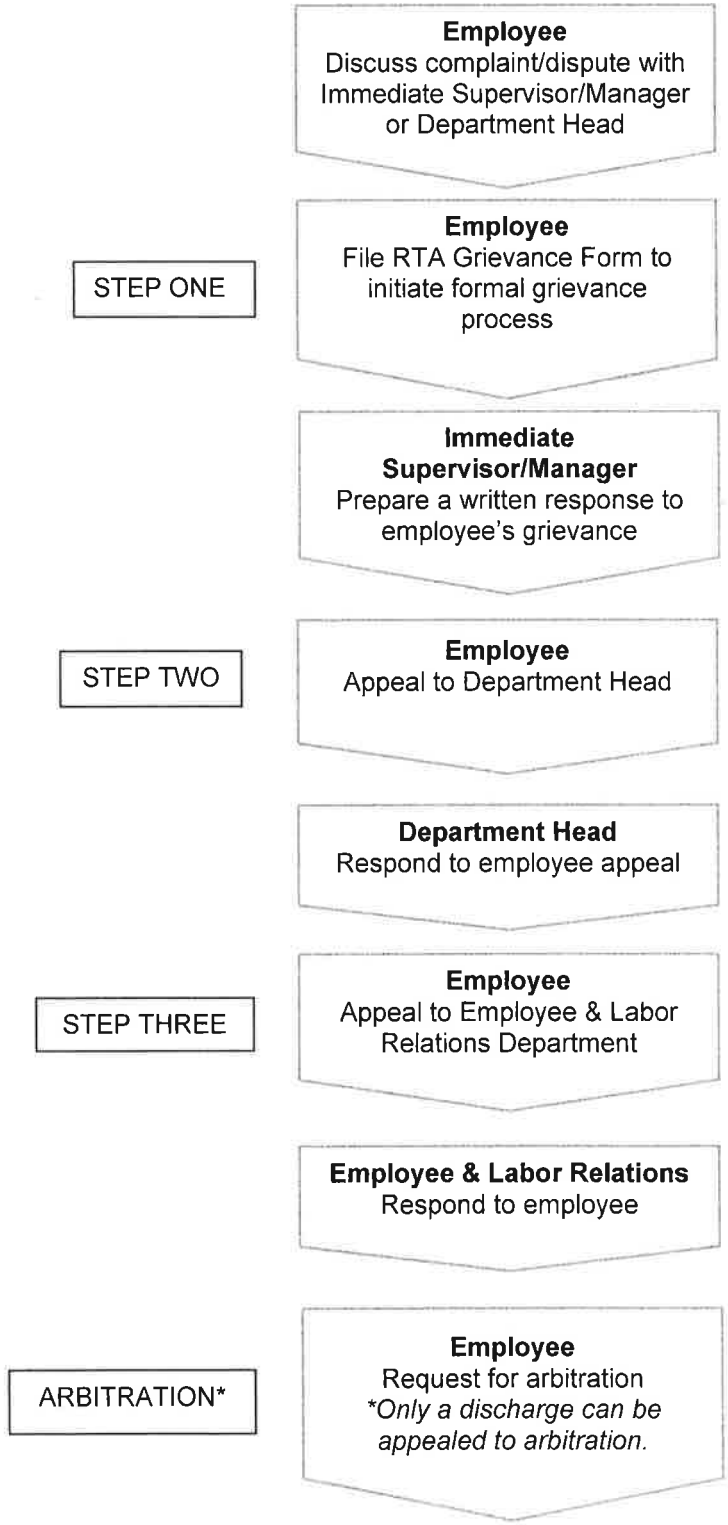
5.0 ATTACHMENT(S)

1. RTA Grievance Form - Step I
2. RTA Grievance Appeal Form - Step II
3. RTA Grievance Appeal Form - Step III



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6.0 FLOW CHART





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7.0 PROCEDURE HISTORY

N/A

8.0 SPONSOR DEPARTMENT

Human Capital



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Attachment 1

RTA Grievance Form - Step I

Name of Grievant (Print): _____ Badge #: _____

Job Title: _____ Dept./Div.: _____

Hire Date: _____

Summary of Complaint. (State what occurred when and all relevant parties involved.)

Remedy/Resolution Requested:

Grievant Signature: _____ Date: _____

Date of informal meeting with Manager/Supervisor: _____

Step I – Formal Appeal to Manager/Supervisor

Date Completed Grievance Form was received by Manager/Supervisor: _____

Manager/Supervisor Response:

Manager/Supervisor Signature _____ Date: _____



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Attachment 2

RTA Grievance Appeal Form: Step II

Name of Grievant (Print): _____ Badge #: _____

Job Title: _____ Dept./Div.: _____

Hire Date: _____

Summary of Complaint. (State what occurred when and all relevant parties involved.)

Remedy/Resolution Requested:

Grievant Signature: _____ Date: _____

Date of informal meeting with Manager/Supervisor: _____

Step II - Formal Appeal to Department Head:

Date Received by Department Head: _____

Manager/Supervisor Response:

Manager/Supervisor Signature _____ Date: _____



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Attachment 3

RTA Grievance Appeal Form: Step III

Name of Grievant (Print): _____ Badge #: _____

Job Title: _____ Dept./Div.: _____

Hire Date: _____

Summary of Complaint. (State what occurred when and all relevant parties involved.)

Remedy/Resolution Requested:

Grievant Signature: _____ Date: _____

Date of informal meeting with Manager/Supervisor: _____

Step III – Formal Appeal to the Office of Employee & Labor Relations:

Grievant Address:

Acknowledgement of Receipt by _____

Date _____

Employee & Labor Relations Department

The response by the Employee & Labor Relations Department will be mailed to the grievant within twenty (20) working days of the date the Employee & Labor Relations Manger received the grievance.