

## GENERAL EMPLOYMENT POLICIES FOR DUBUQUE COUNTY, IOWA

Adopted October 15, 1984 Revised June 16, 1986, Revised July 20, 1987, Revised April 24, 1989, Revised June 11, 1990, Revised June 10, 1991, Revised June 1, 1992, Revised May 24, 1993, Revised December 19, 1994, Revised September 11, 1995, Revised March 24, 1997, Revised October 19, 1998, Revised January 4, 2000, Revised August 12, 2002, Revised October 6, 2008, Revised July 27, 2015, Revised April 18, 2017.

Dubuque County Government is a multifaceted organization which serves the citizens in many ways. It includes the offices of the elected county officials--The Board of Supervisors, County Attorney, Auditor, Recorder, Sheriff, and Treasurer--and it also includes the Secondary Road Department, directed by the County Engineer who is appointed by the Board of Supervisors.

Dubuque County also provides health care through Sunnycrest Manor, a nursing home with a unit for geriatric care, a residential unit for mental health, and an intermediate care for the developmentally disabled.

The County also has an extensive system of parks, under the direction of the County Conservation Board, and a Health Department directed by the Dubuque County Board of Health. The County Library is directed by the County Library Board of Trustees. The Zoning Department is under the control of the Board of Supervisors.

Dubuque County also provides services to Veterans, administered by the Veterans' Affairs Commission and services to the poor through the General Relief Department.

This general employment policy will distinguish between the various authorities that elected officials and autonomous bodies may have in determining conditions of employment in their various jurisdictions. However, it will also reflect the commitment that all county department heads have made to Equal Employment Opportunity and Affirmative Action.

### SECTION I - BARGAINING UNITS

Dubuque County employees are represented by the following collective bargaining units. For employees in these units, the collective bargaining agreements specify conditions of employment per Iowa Code Chapter 20.

Sunnycrest Manor - American Federation of State, County and Municipal employees,  
Local 2843

Dubuque County Courthouse, CPC, Health and Zoning employees – Teamster Local 120

Secondary Road Department employees– Teamsters Local 120

Sheriff's Department employees- Dubuque County Deputy Sheriff's Association

Dubuque County Administrative Sheriff's Deputies- Teamsters Local 120

Assistant County Attorneys - Dubuque County Assistant County Attorneys' Association.

## SECTION II - EMPLOYMENT PROCESS

Dubuque County elected officials, Boards and Commissions and department heads have pledged that no employee nor prospective employee shall be favored or discriminated against in the hiring and placement process because of race, religion, color, sex, national origin, age, physical or mental disability, political affiliation, sexual preference or other non-merit factors through the Equal Opportunity Policy adopted February 1, 1977 and amended January 19, 1983; through the Affirmative Action Program adopted July 8, 1981 and through the Americans With Disabilities Act of 1991.

In compliance with a resolution adopted by the Board of Supervisors on February 23, 1977, all job openings are presented for approval to the Board of Supervisors through a Personnel Requisition Form, at a formal meeting of the Board of Supervisors.

### A. RECRUITMENT

Following approval of the filling of the position by the Board of Supervisors, the Personnel Director:

1. Posts all positions in collective bargaining units in compliance with the appropriate collective bargaining agreement.
2. Posts all positions to other county employees if they are not filled through the requirements of a collective bargaining unit, or if positions are not covered through collective bargaining agreements and simultaneously posts the positions at the Iowa Works for members of the public.
3. Posts all positions to employees who are officially on "lay off" status through regular mail. Laid off employees have the opportunity to make application for available positions three days prior to be positions being made available to the general public through the Iowa Works. It is the responsibility of laid off employees to contact the Personnel director within 24 hours of receipt of the job posting. Laid off employees who are hired to positions in county government outside their current bargaining units will retain their county seniority for purposes of vacation and sick leave calculation only.
4. Posts all positions to Modified Duty Employees through regular mail. Modified Duty Employees have the opportunity to make application for available positions three days prior to the positions being sent to the Iowa Works.

It is the responsibility of the Modified Duty Employee to contact the Personnel Department and make application within 24 hours of receiving the job posting. Modified Duty employees who are hired to positions within County Government outside their original bargaining units will retain seniority for purposes of vacation and sick leave only.

5. Notifies Affirmative Action Agencies and Agencies that advocate for the disabled of job openings.
6. Advertises selected positions in official newspapers of the County, using the slogan "Equal Opportunity Employer".
7. Posts job openings at institutions of higher learning when appropriate.
8. Follows procedures prescribed by the Dubuque County Civil Service Commission when appropriate.
9. All applications except those from county employees will be received only through Iowa Works. County employees may apply either at the Iowa Works or at the Personnel Department in the Courthouse.

## B. INTERVIEW AND SELECTION

Department Heads, working with the Personnel Director, develop interview questions prior to conducting interviews, using job descriptions as a basis for the questions.

Any pre-screening is done by the Personnel Director working with the Department Head, using the job description, education, experience, training and qualifications as criteria.

All candidates are asked the same basic questions, and the notes of interviewers are kept in confidential files for at least six months.

The permanent record of each personnel transaction includes the dates the position was posted; the dates it was listed at the Iowa Works, the dates it was advertised, if applicable; the number of applicants; the date of interview and identity of interviewers; the number of applicants interviewed; and the name of the applicant who was selected.

If the position is one that will necessitate interviews in compliance with the Iowa Open Meetings Law, the Personnel Director notifies the candidates of the provisions of that law, as well as the Iowa Freedom of Information Act.

C. COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT

Dubuque County recognizes its affirmative obligation to make reasonable accommodation to the known physical or mental disability of an otherwise qualified disabled applicant or employee, unless the accommodation would impose an undue hardship. Employees having a complaint or unresolved problem with compliance with the Americans with Disabilities Act within Dubuque County Government may utilize the grievance procedure attached to this document.

D. CIVIL SERVICE

Employees in positions classified as Civil Service are appointed through procedures proscribed by Chapter 314A of the Code of Iowa, and the Rules of the Dubuque County Civil Service Commission.

E. BONA FIDE OCCUPATIONAL QUALIFICATIONS

In instances involving Jail personnel, there is necessity to differentiate between sexes. This occupational qualification is reviewed at least annually by the Personnel Director.

F. NEPOTISM

Chapter 71 of the Code of Iowa prohibits nepotism within the third degree of consanguinity.

G. PROMOTIONS

All job openings are posted in-house to encourage qualified current County employees to advance to higher level positions. Posting for all positions is done at all county facilities, if jobs are not filled in accordance with provisions of collective bargaining agreements.

County employees may make application for available positions in the Personnel Department.

H. IMMIGRATION REFORM & CONTROL ACT

Upon employment, all employees hired after November 6, 1986, shall provide information and documents to the Personnel Director to comply with the Immigration Reform and Control Act of 1986. Said records shall become a part of the permanent employment record of the employee.

## I. CONTINUATION OF HEALTH INSURANCE BENEFITS

Upon termination eligible employees shall be entitled to continue health insurance benefits at the expense of the employee under the conditions of and in compliance with Title X of the Consolidated Omnibus Budget Reconciliation Act of 1986 Chapter 509B. Should an employee who separates from employment continue health insurance with the County, that employee must notify the Personnel Department within 60 days of the effective date of the resignation or retirement, and must pay the entire cost of the premium by the first of every month, payable to the County Treasurer.

It is the policy of Dubuque County that employees who are eligible for health insurance at the determined expense of Dubuque County and retire before attaining sixty-five years of age may continue participation in the group plan or under the group contract at the employee's expense until the employee attains sixty-five years per Iowa Code Section 509A.13 and must pay the entire cost of the premium by the first of every month, payable to the County Treasurer. Iowa Code 509A.13 only applies to the employee.

When a county employee is no longer eligible for health insurance benefits, at this time the employee's spouse or eligible dependents may elect health insurance benefits through COBRA for up to 36 months.

## J. DRUG FREE WORKPLACE

All Dubuque County employees have the right to work in a drug-free environment. Substance abuse can interfere with productivity and the quality of work.

Dubuque County has implemented this policy to support and maintain a drug-free environment for all employees. Every effort will be made to eliminate drug use and the unlawful possession of controlled substances on the Dubuque County premises. The policy is as follows:

1. Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is the County's intent and obligation to provide a drug-free, healthful, safe and secure work environment.
2. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on Dubuque County premises or while conducting Dubuque County business is strictly prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.
3. Dubuque County recognizes drug dependency as an illness and a major health problem. Employees needing help in dealing with such problems are encouraged to contact agencies that provide assistance and treatment for drug and alcohol dependency.

4. Employees are required to report any convictions under a criminal drug statute for violations occurring on or off the Dubuque County premises while conducting Dubuque County business. The Drug-Free Workplace Act of 1988 mandates a report of conviction must be made within five (5) days after the conviction. Notification to the Federal contracting or granting agency of any criminal conviction of employees for illegal drug activity in the workplace must be provided within ten (10) days of learning of the conviction.

### SECTION III - HARASSMENT

It is the policy of Dubuque County to assure a work environment free of all types of religious, gender, racial and ethnic harassment. Harassment includes using derogatory or degrading jokes, comments, labels, and creates a perception of discouraging a person's continued employment. It is the policy of Dubuque County to ensure a work environment for all of its employees that is totally free from all types of harassment. Harassment is a form of misconduct which undermines the integrity of the employment relationship and interferes with work effectiveness. Harassment unfairly interferes with work performance and as such is a barrier to equality in the workplace.

#### A. POLICY STATEMENT

Sexual harassment constitutes a violation of Section 703 of Title VII of the Civil Rights Act of 1964, as amended. Dubuque County affirms its intent to maintain a work environment free of sexual discrimination and/or sexual intimidation. Sexual discrimination will be found when any of the following conditions of sexual harassment exist:

1. Submission to the conduct is either an implicit or explicit term or condition of employment.
2. Submission or rejection is used as a basis for employment.
3. The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

#### B. PROCEDURES

An employee may file a sexual harassment complaint within three working days of the incident utilizing the Grievance Procedure for Sexual Harassment, attached to this policy.

### SECTION IV - FAMILY LEAVE ACT OF 1993

Effective August 5, 1993, the County will comply with the provisions of the Family Leave Act of 1993. Accordingly, employees who have at least one year of service and

have worked at least 1,250 hours, are entitled to 12 weeks of unpaid leave during any twelve month period for the birth of a child, adoption, care of a child, spouse or parent with a serious health condition, or the employee's own health condition. The County will maintain health insurance at the same level as would be provided if the employee continued working.

Employees are required to utilize available and accrued sick leave, personal days and vacation as part of the 12 weeks prior to going on the unpaid leave.

## SECTION V - CONDITIONS OF EMPLOYMENT

### A. PROBATIONARY PERIOD

Employees who are covered by this policy and are unrepresented by a collective bargaining unit have a six (6) month probationary period. Employees are required to satisfactorily complete the probationary period before becoming eligible for benefits of a full-time permanent employee, except for health insurance, which becomes effective on the first of the month following the first full month of employment and holiday pay eligibility after three (3) months of satisfactory service.

### B. SALARIES

Because of the complex nature of County Government, salary levels are determined by the authority responsible under Iowa law. This includes the County Compensation Board, which recommends salaries for elected officials and, as a consequence, their deputies, subject to approval of or revision by the Board of Supervisors.

For employees under the administrative control of the Board of Supervisors, the Board of Supervisors is responsible for setting salaries.

Other responsible authorities include the County Conservation Board, the County Board of Health, and the Veterans' Affairs Commission.

Annual salaries are certified to the County Auditor at the beginning of each fiscal year by the Board of Supervisors.

### C. HOLIDAYS, PERSONAL DAYS, FUNERAL LEAVE, SICK LEAVE, VACATION

The below-mentioned provisions for holidays, personal days, funeral leave, sick leave and vacation do not apply to elected officials. Elected officials perform their duties in compliance with the Code of Iowa. In order to maintain orderly county offices and institutions, vacation days, personal days, funeral leave and sick leave for non-represented county employees shall be calculated in accordance as listed below;

#### 1. HOLIDAYS

For non-represented full-time employees of the Board of Supervisors, Auditor, County Attorney, CPC, Conservation Board, Board of Health, Recorder, Sheriff, Sunnycrest Manor, Treasurer and the Commission of Veterans' Affairs:

New Year's Day, Presidents' Day, Spring Holiday, Memorial Day, Independence Day, , Labor Day, Veterans' Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve Day, Christmas Day, New Year's Eve Day.

## 2. PERSONAL DAYS

For non-represented full-time employees of the Board of Supervisors, Auditor, County Attorney, CPC, Conservation Board, Board of Health, Recorder, Sheriff, Treasurer, Commission of Veterans' Affairs, Secondary Road Department and Sunnycrest Manor: Three paid personal days per fiscal year.

Full-time employees who have completed probation period are eligible for personal days. These days may be granted as requested when the employee submits a request in writing to the Department Head, and the Department Head approves the request, prior to the requested day. Personal days must be utilized prior to the last scheduled working day on or before June 30<sup>th</sup> of the year in which they are earned, or they will be lost. Under no circumstances shall pay be requested or approved in lieu of the personal day scheduled off with pay.

## 3. BEREAVEMENT LEAVE

For non-represented full-time employees of the Board of Supervisors, Auditor, County Attorney, CPC, Conservation Board, Board of Health, Recorder, Sheriff, Treasurer, Commission of Veterans' Affairs, Secondary Road Department and Sunnycrest Manor:

- A. All regular full-time employees shall be granted upon request a total of five (5) consecutive working days off with pay in the death of the employee's spouse, children, stepchildren or grandchildren. In the event of the death of an employee's parent or stepparent, the employee will be allowed a total of three (3) calendar days off with pay.
- B. All regular full-time employees shall be granted upon request three (3) consecutive working days off with pay in the event of the death of the employee's brothers, stepbrothers, sisters or stepsisters, guardian or wards of the employee, son in law, daughter in law, mother in law or father in law.



- C. One (1) working day with pay shall be allowed to attend the funeral of the employee's brother in law, sister in law, grandparents, aunt, uncle, spouse's aunt or uncle, or grandparents.

4. SICK LEAVE

For non-represented full-time employees of the Board of Supervisors, Auditor, County Attorney, CPC, Conservation Board, Board of Health, Recorder, Sheriff, Treasurer, Commission of Veterans' Affairs, Secondary Road Department and Sunnycrest Manor:

Employees accrue one half day of sick leave per pay period with a maximum accrual of 950 hours.

Sick leave is provided to protect employees against loss of income due to incapacitating illness or disability. If an employee is unable to report to work because of sickness, that employee must notify the immediate supervisor or department head prior to the beginning of work. Sick leave cannot be taken in advance of having been earned.

Sick leave is not intended to provide for practical nursing care of the immediate family. However, an employee may convert up to five days of sick leave per calendar year to personal days for serious illness of a member of the employee's immediate family, or to make arrangements for the proper care of members of the immediate family. The employee may also use personal days, vacation and unpaid leave of absence for health care for members of the immediate family. Immediate family is defined as those family members for whom employees may take five to three days funeral leave.

Dubuque County may require an employee to furnish a doctor's certificate certifying the necessity of absence whenever sick leave is used, but certainly following an absence of three working days or more.

5. CONDITIONAL SICK TIME PAYOUT UPON IPERS RETIREMENT

- A. In order for a retiring employee to be qualified for such payment, he/she shall have completed twenty (20) years of continuous service with Dubuque County in a full time position or retired as a result of a disability and must be eligible for full pension payments from the Iowa Public Employee's Retirement System immediately upon retirement, currently the Rule of 88.
- B. All eligible employees will be paid 100% of accrued sick leave at retirement and upon verified retirement to the Iowa Public Employee's Retirement System.

- C. Payment will be based on the employee's regular hourly (straight time/base) rate of pay at the time of retirement.
- D. Payment will be made bi-weekly over a five-year period. The payment will be considered income and subject to appropriate taxes.
- E. In the event a retired employee dies before all of the unused sick leave is paid, such payment will cease at the time of the retired employee's death.
- F. If a retiring qualified employee has accrued 150 hours or less in sick time on their retirement date, the hours will be paid out on their last paycheck.
- G. Partial Sick Time Payout: Upon verified retirement in the Iowa Public Employees Retirement System, the County will reimburse full time employees with less than 20 years of continuous full-time employment, one hundred and fifty (150) hours of accrued sick leave at the employee's hourly rate at that time, provided that the employee has at least one hundred and fifty (150) hours of sick leave remaining in their sick time accrual. If the employee has less than one hundred and fifty (150) hours of accrued sick leave, the County will reimburse the employee for any remaining hours at the employee's rate at that time

6. VACATION

For non-represented full-time employees of the Board of Supervisors, Auditor, County Attorney, Conservation Board, CPC, Board of Health, Recorder, Sheriff, Treasurer, Commission of Veterans' Affairs, Secondary Road Department and Sunnycrest Manor:

- Five working days after one year of continuous service.
- Ten working days after two years of continuous service.
- Fifteen working days after five years of continuous service.
- Twenty working days after twelve years of continuous service
- Twenty-five working days after twenty years of continuous service

The vacation schedule may be adjusted with prior approval of the Dubuque County Board of Supervisors.

Employees are allowed to carry over unused vacation to be used within three months after their anniversary date, after that date vacation hours will be lost.

D. UNPAID LEAVES OF ABSENCE

1. Leaves for absence without pay may be granted at the discretion of the responsible authority for up to six months. During the unpaid leave of absence, the employee is responsible to reimburse the County for health insurance if the employee wishes to retain coverage, and the Employee will not receive compensation, earn vacation or sick leave benefits, or accumulate seniority.
2. In the event the employee must request a leave of absence because of a disability, that employee may utilize accrued sick leave, vacation and personal days prior to requesting a leave of absence.
3. For compliance with the Family Leave Act of 1993, see Section VI of this policy.

E. RESIGNATION

To resign in good standing, an employee must give the County fourteen (14) calendar day's written notice. Upon separation of employment, all vacation and personal day accruals are compensated for in a lump sum at the regular salary rate of the employee at the next payroll. The notice provision will be waived in the event of death or incapacitating illness.

F. WORKER'S COMPENSATION

It is important that all on-the-job injuries be reported immediately to the employee's department, and that a written report be submitted to the Personnel Department as soon as the employee is able to supply the necessary information.

When an employee sustains an injury or illness arising out of and in the course of his/her employment, the employee may, for the first three working days of disability following the injury, use earned and unused sick leave credits. Beginning on the fourth calendar day of total disability, following the day of injury or illness, the employee may receive in addition to the worker's compensation benefits a sum which together with the worker's compensation benefits. The difference between the worker's compensation benefits and full 100% regular rate of pay will be deducted from sick leave or vacation accruals of the employee. Upon expiration of an employee's accumulated and unused sick leave credits, the employee shall be entitled only to the benefits under the Iowa Worker's Compensation Law.

During any period of time that an employee is receiving benefits under Worker's Compensation, that employee will continue to accrue sick leave and vacation benefits for that portion of time that is being paid by Worker's Compensation Insurance, and the County will continue to pay the employee's health insurance coverage.

## G. DISCIPLINE

The purpose of discipline is to correct job behavior and performance problems of employees. It is the policy of Dubuque County to employ a system of progressive discipline to include oral reprimand, written reprimand, suspension (in writing) and discharge. In serious offenses, discharge may be immediate.

## H. OVERTIME/COMPENSATORY TIME

Overtime for non-exempt employees covered by this policy shall be compensated in compliance with the Fair Labor Standards Act.

Compensatory time off in lieu of overtime for non-exempt employees may be taken upon mutual agreement between employer and elected official or department head. Scheduling of such compensatory time off shall be at the discretion of the elected official or department head. Compensatory time shall not be allowed to accumulate in excess of thirty two (32) hours per employee, with the exception of Dubuque County Conservation Board non-exempt employees, who may accumulate a maximum of 200 hours, which will be required to be used by April 1<sup>st</sup> of each year or lost.

## I. HEALTH INSURANCE

This section applies to all full-time employees that are not represented by any of the collective bargaining units.

1. Accidental Death and Disability: All permanent full-time employees shall be provided a \$25,000 accidental death and disability policy. Coverage for eligible employees shall commence on the first of the month following a thirty (30) day waiting period. Coverage under this section shall be for the employee only.
2. Health Insurance: All permanent full-time employees shall have the option to choose from single or family health insurance coverage provided below. Coverage for eligible employees shall commence on the first of the month following a thirty (30) day waiting period.
  - a. Fully funded health insurance coverage for hospitalization, medical, surgical, major medical, prescription drugs, and optical benefits.
3. Dental Insurance: All permanent full-time employees shall be provided single or family dental insurance coverage. Coverage for eligible employees shall commence on the first of the month following a thirty (30) day waiting period.

4. Life Insurance: All permanent full-time employees shall be provided \$25,000 Life Insurance policy. Coverage for eligible employees shall commence on the first of the month following a thirty (30) day waiting period.
5. A regular full-time employee on an authorized leave of absence without pay, may continue to carry his/her health, dental and life insurance coverage, provided the employee pays the total or prorated portion of the premium based on the length of the unpaid leave, unless the leave falls within the provisions of the Family Leave Act of 1993, in which case the insurance will continue to be maintained at the level it was when the employee was working. See Section VI of this policy.
6. Employee Cost Share: Fully funded health insurance coverage for hospitalization, medical, surgical, major medical, prescription drugs, and optical benefits. Effective July 1, 2017, the County shall pay 95% of the insurance costs per month and the employees shall pay 5% of the insurance cost per month. Effective July 1, 2018, the County shall pay 94% of the insurance cost per month and the employees shall pay 6% of the insurance cost per month. Effective July 1, 2019, the County shall pay 93% of the insurance cost per month and the employees shall pay 7% of the insurance cost per month. The insurance cost shall be determined each year by the actual cost for all benefits associated with the Plan such as the actual insurance premium, annual determination of HRA, ACA Fees, Consultation Fees, Dental and Life insurance premiums.

## SECTION VI PERMANENT PART TIME EMPLOYEES

### A. DEFINITION

This policy shall be applicable to permanent, part-time employees of Dubuque County, excluding full-time students, who are not represented by any bargaining unit. Temporary employees are employed for a period of four months or less and are entitled only to benefits specifically required by State or Federal Law.

### B. PROBATIONARY PERIOD

Probationary period for permanent, part-time employees shall be the same as described in Section V, Part A of this policy.

### C. SALARIES

Salaries for permanent, part-time employees shall be determined by the Board of Supervisors or other responsible authorities.

D. HOLIDAYS

Permanent part-time employees shall be paid time and one half their regular hourly rate when they work on holidays; holidays are defined in this policy for the various departments in County government.

E. VACATION

Permanent part-time employees shall be entitled to one week of vacation, based on the total number of hours worked their anniversary year, divided by 52.

F. PERSONAL DAY

Permanent part-time employees must complete the probationary period in order to be eligible for one personal day in each fiscal year.

G. Provisions for Resignation are the same as those delineated in Article V, Section E of this policy.

H. Provision for Workers Compensation are the same as those delineated in Article V, Section F of this policy.

I. Provisions for discipline and grievance procedure are delineated elsewhere in this policy and are applicable to permanent, part-time employees.

J. HEALTH INSURANCE: Permanent part-time employees may contact the County Personnel Department for assistance in obtaining healthcare benefits.

SECTION VII GRIEVANCE PROCEDURE

A. DEFINITION

A grievance shall be defined as a difference of opinion between an applicant or employee with respect to any action prohibited by Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, Section 703 of Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1991. Whenever a person believes he or she has been discriminated against because of race, color, national origin, religion, age, sex, physical or mental disability, this is the procedure that person will follow. This procedure shall also be followed in appealing disciplinary actions, using applicable steps for the situation.

B. PURPOSE

The purpose of this procedure is to secure at the earliest possible level equitable solutions to complaints or problems that may arise involving employment practices or disciplinary procedures.

The failure of an applicant or employee to act on any grievance within the proscribed time limits shall constitute a waiver of the alleged grievance and will act as a bar to further appeal. Any investigation or other handling or processing of any grievance of the grieving applicant or employee shall be conducted so as to result in no interference with or interruption whatever of the duties and related work or other activities of the grieving applicant or employee, or any other employee. Time limits may be extended by mutual consent.

STEP 1. An attempt shall be made to resolve any grievance under this procedure orally, through an informal discussion between the grievant and the department head in the case of an employee, between the grievant and the Personnel Department in the case of an applicant. If requested by the alleged aggrieved applicant or employee, an advocate for the grievant may be present. Grievances shall be presented within five (5) working days following the alleged incident or notice of disciplinary action, or the grievance shall be waived.

The department head or Personnel Director shall within five (5) working days after receiving the grievance, attempt to resolve that grievance.

STEP 2. If the grievance is not resolved at the first step, the applicant or employee shall submit a written statement of the grievance to the appropriate authority as follows:

Applicants for employment to the EEO Officer.

Employees under the control of the Board of Supervisors to the Personnel Director.

Employees of the Board of Health to the Board of Health.

Employees of the Conservation Board to the Conservation Board.

Employees of the Veterans' Affairs Commission to the Veterans' Affairs Commission.

For employees of elected officials other than the Board of Supervisors, the second step of the grievance procedure shall be presented to a panel of

three elected officials. The employee's department head will be eliminated from eligibility for the panel, and the County Attorney will always be eliminated. From the remaining elected officials, the panel of three shall be selected by lots by the Chairperson of the Board of Supervisors.

For employees of the Board of Supervisors, the second step grievance shall be presented to the Personnel Director, except for employees who report directly to the Board, in which case the grievance shall be presented to the Board of Supervisors.

The written grievance shall state the nature of the grievance. A meeting shall be held with all interested parties at a mutually agreeable time and place to discuss and attempt to resolve the alleged grievance. The designated body or department head shall render a written decision to the aggrieved applicant or employee within ten (10) working days.

STEP 3. In the event the grievance has not been satisfactorily resolved in the second step, the grievance may be appealed within ten (10) working days of the receipt of the written decision to the Board of Supervisors. The Board of Supervisors shall within fifteen (15) working days respond to the grievance in writing to the applicant or employee. The Board of Supervisors shall then within five (5) working days have a hearing. Following the hearing, the Board of Supervisors shall respond in writing to the applicant or employee stating the final decision within fifteen (15) working days.

For employees of the Board of Supervisors, the third step panel to hear the grievance shall be a panel of elected officials selected by lot by the County Attorney. The County Attorney shall not be a member of the panel.