

# MACOMB COUNTY HUMAN RESOURCES POLICY

## DISCIPLINARY ACTION APPEAL PROCESS

### ELIGIBILITY AND PROCEDURE:

The disciplinary action appeal process is available to regular full-time and budgeted part-time non-union employees who have completed their initial probationary period and shall only apply to disciplinary action resulting in an unpaid disciplinary suspension or discharge. This Policy shall not apply to an employee employed in a position designated as "at will". If an eligible employee wishes to have such disciplinary action modified or rescinded from his/her employment record, said employee must utilize the following procedure:

**STEP 1 APPEAL:** If an eligible employee wishes to appeal a disciplinary action under this policy, the employee shall do so in writing to the Human Resources and Labor Relations Department within ten (10) working days of the date of the disciplinary action. The written appeal shall include the employee's name, department, classification, the action that is being appealed, the reason(s) why the employee feels the disciplinary action was not justified, and the desired resolution.

Upon receipt of such an appeal, the Director of Human Resources and Labor Relations or designee shall review the merits of the appeal and shall sustain, overrule or mitigate the disciplinary action. The decision shall be in writing and sent to the affected employee and Elected Official/Department Head; and, it shall be made within ten (10) working days of the completion of the review process. If a claim of appeal is made against the Director of Human Resources and Labor Relations, Corporation Counsel shall review the matter under this Policy. The decision of the Director of Human Resources and Labor Relations or Corporation Counsel shall be final and binding unless the disciplinary action involves discharge.


**STEP 2 APPEAL:** If the decision of the Director of Human Resources and Labor Relations or Corporation Counsel at Step 1 regarding discharge is unacceptable to the affected employee, the decision may be appealed by the employee. The employee may elect to have his/her appeal heard by an Arbitrator. The appeal must be submitted in writing to the Director of Human Resources and Labor Relations within ten (10) working days of the receipt of the Step 1 determination.


Upon receipt of such appeal, the Director of Human Resources and Labor Relations shall arrange to have an Arbitrator selected to hear the appeal at Step 2 according to the procedures of the Federal Mediation and Conciliation Service.

**AUTHORITY OF ARBITRATOR:** The authority of the Arbitrator shall be limited to sustaining, overruling or mitigating the disciplinary action. The Arbitrator shall apply the just cause standard in his/her decision. The decision of the Arbitrator shall be final and binding on the employee and on the County. There shall be no appeal from any such decision unless such decision shall extend beyond the limits of the authority herein conferred to the Arbitrator. The Arbitrator shall have no authority to modify, amend or rescind a policy, procedure or practice that has been established.

**FEES AND EXPENSES:** The fees and expenses of the Arbitrator and the Federal Mediation and Conciliation Service shall be shared equally by the employee and by the County. Counsel may represent the employee at the Arbitration hearing; however, the fees and expenses of said Counsel shall be the obligation of the employee.

Approved:

  
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Office of County Executive

  
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Date