



Disciplinary Grievance Procedure for General City Employees
Department of Employee Relations
January 1st, 2012
(revised 07.12.2022)

-Summary-

Disciplinary Grievance procedure applicable to regularly appointed City of Milwaukee employees who receive disciplinary actions that are not appealable to the Board of City Service Commission. Under Wisconsin State Statute 63.43, an employee receiving a suspension exceeding fifteen working days or two or more suspensions within a six-month period can appeal to the City Service Commission. Only written warning notices and disciplinary suspensions without pay that fall outside those that can be appealed to the Commission may be subject to this Grievance Procedure. This Procedure is not intended to give rights or protections to employees not covered by Commission rules, including those who do not hold regular appointments under City Service Commission rules. This Procedure does not apply to employees of the Fire and Police Departments.

The City of Milwaukee strives to create employment policies that treat employees fairly and equitably and to ensure that disciplinary actions are prompt, uniform, and impartial. The City of Milwaukee has established this Grievance Procedure for eligible employees to utilize in matters concerning disciplinary action that are not appealable to the City Service Commission. Employees who are not subject to the rules of the City Service Commission as defined under 63.27 of the Wisconsin state statutes are not covered by this Procedure.

Regularly appointed employees, who have passed probation, may use this grievance procedure for written warning notices or disciplinary actions of unpaid suspensions of 1 to 15 days. Employees covered by this Procedure who receive two or more suspensions within six months of a former one, independent of the length of such second suspension, are required to file an appeal on the second and subsequent suspensions with the City Service Commission in accordance with RULE XIV, Section 2, if they choose to contest the discipline.

Every reasonable effort should be made by employees and supervisors to resolve any concerns, questions, or misunderstandings that have arisen from the imposition of discipline before filing a grievance.

Step 1

If discussions with the employee's supervisor do not resolve the grievance, a grievance initiation may be filed within seven (7) working days from the employee's receipt of the disciplinary notice at a management level just above the chain of command at which the discipline was administered. In some instances this will be the Department Head or designee. The grievance will be processed in accordance with Step 2 of this Procedure. The manager may confer with the grievant and shall provide a written disposition to the grievant within fifteen (15) working days of such meeting or within fifteen (15) working days of receiving the grievance initiation.

Step 2

If the grievance is not resolved at Step 1 or the grievant does not receive a grievance disposition, the grievant may appeal in writing to the Department Head or designee within seven (7) working days of receiving the grievance disposition, or for lack of receipt. The Department Head or designee shall confer with the grievant and other department personnel as necessary and will provide a written response within fifteen (15) working days of such meeting or within fifteen (15) working days of receiving the grievance appeal.

Step 3

If the grievance is not resolved at Step 2 or the grievant does not receive a grievance disposition, the grievant may appeal in writing within seven (7) working days of the receipt, or lack of receipt, of the disposition from the Department Head or designee to the City's Labor Negotiator, who will act as the independent reviewer for the appeal. The review by the Labor Negotiator will be the final step of the grievance process. This review shall be conducted as soon as administratively practicable. The Labor Negotiator may allow for the presentation of information in person or in writing. The Labor Negotiator shall determine whether the discipline was reasonable under the circumstances and shall issue a decision in writing as soon as practicable either affirming, reducing, or overturning the discipline, upon conditions the independent reviewer deems appropriate for the circumstances.

Documentation and Timeline

All grievance initiations and dispositions will utilize the appropriate forms provided by the Department of Employee Relations. A grievance will be processed pursuant to the established timelines. A grievant may not file or advance a grievance outside of the designated timeframes. Any grievance having been answered and not appealed to the next step within the allotted time shall be considered resolved as of the previous disposition. Failure to process a grievance by an employee within the time limits set forth under this procedure, or agreed upon extensions, shall constitute termination of the grievance. Time limits may be extended by agreement in writing of the parties at any step of the procedure or at the discretion of the Labor Negotiator.

Employee Representation

The grievant may be accompanied by a representative at any step of the grievance procedure. This representative shall have the ability to ask questions of both management and the grievant in order to help clarify any points of dispute or to encourage open dialogue between the grievant and management. At no time should the representative be speaking for the grievant. If the grievant desires an employee of the City to represent him/her, the employee representing the grievant will have to receive permission to be excused from his/her regular duties and may be required to act on his/her own time. Meetings under provisions of this Grievance Procedure should be scheduled at the beginning or ending of work shifts or in a manner that minimizes the disruption to departmental operations.

Summary report to CSC

The City Service Commission shall receive an annual report of the number of grievances reviewed at Step 3 and the nature of the resolution at that step.