



Workplace Safety Grievance Procedure for General City Employees
Department of Employee Relations
City of Milwaukee
October 1, 2011

Policy Statement

The City of Milwaukee is committed to providing a safe work environment for employees by promoting employee readiness for situations that may threaten their welfare and supporting employees in identifying and reducing at risk behaviors that may contribute to unsafe work practices. We strive to provide a work environment that is free of hazards and that meets federal and state safety and health standards and regulations. This commitment relies on the expectation that it is the responsibility of all personnel to create and maintain a safe work environment.

The City's safety program requires strong cooperation between management and employees and the availability of clear communication mechanisms that allow for the identification of workplace hazards, consideration and implementation of effective and preventative solutions, and the development and coordination of training programs to address safety needs.

This Grievance Procedure is designed to allow employees to identify, document and report safety related concerns that present a threat of injury or illness and to allow managers, supervisors, and/or Safety Officers to address those concerns in a timely and expeditious manner. This Grievance Procedure has been adopted pursuant to Civil Service Commission Rule XIX. This Grievance Procedure shall be administered by the Department of Employee Relations.

"Workplace Safety" means conditions of employment related to the health and safety of employees and includes safety of the physical work environment, the safe operation of workplace equipment and tools, the use of personal protective equipment, training requirements, warning requirements, workplace violence and accident risk.

The City of Milwaukee has a zero tolerance policy for incidents or threats of violence by employees, visitors, and the general public. The City's Workplace Violence Prevention Policy (WVPP) prohibits acts of intimidation, threats, or bullying. Violent, threatening, intimidating, or other disruptive behaviors must be reported by employees under the WVPP and investigated by supervisors immediately. Behaviors or other matters addressed by the WVPP are not subject to this Grievance Procedure.

Grievance Procedure

Every reasonable effort should be made by employees and supervisors to resolve workplace safety concerns or problems before filing a grievance. Safety concerns or problems requiring immediate action or follow-up shall not be delayed by the steps outlined in this procedure. It is the employee's responsibility to immediately notify the supervisor or a Safety Specialist of the safety hazard. It is the supervisor's responsibility to respond accordingly and without delay.

Step 1

If discussions with the employee's supervisor do not resolve the workplace safety grievance, an employee must prepare and file a written grievance within five (5) working days of actual knowledge of the workplace safety concern or when the employee should have reasonably known of the workplace safety concern. The grievance initiation must be provided to the manager just above the chain of supervision at which the concern was discussed and a copy shall be provided to the Department's Safety Officer, where applicable. The grievance shall contain a clear and concise statement of the pertinent facts including the

workplace rules allegedly violated, if applicable. The grievance should identify a proposed remedy for the alleged violation or safety concern. The manager may confer with the employee and relevant personnel, including a representative of the employee's choosing, in an attempt to resolve the grievance. Within ten (10) working days of the grievance initiation, the manager shall provide a written disposition.

Step 2

If the issue remains unresolved, the employee may within five (5) working days of receiving the grievance disposition, forward a written request for review to the Department Head. The Department Head or designee may confer with the employee and relevant personnel, including a representative of the employee's choosing, and shall provide a written disposition of the grievance within ten (10) working days of receiving the request for review or within ten (10) working days of a meeting to discuss the grievance, whichever is later.

Step 3

If the issue remains unresolved, the employee may submit a written appeal within five (5) working days of receiving the written disposition from the Department Head or designee to the Director of Employee Relations. The Director of Employee Relations or his/her designee will act as the independent reviewer for the appeal. The Director or designee may confer with the employee and departmental personnel as necessary and notify the employee and the department of the decision in writing within thirty (30) working days from the date of the appeal or the date a meeting is held. The Director or designee shall issue a final disposition instructing the department of necessary steps to resolve the grievance. There is no right to a hearing before the City Service Commission.

Administrative Considerations

Any grievance filed regarding workplace safety must relate to issues personal to the grievant filing the grievance. A grievance filed regarding workplace safety must be filed by the grievant claiming he or she has been personally affected by or witnessed the alleged workplace safety violation. The resolution of the issues may take into account relevant risk factors, including, but not limited to:

- whether the concern or hazard can be isolated;
- the number and location of employees affected;
- whether appropriate temporary measures are possible or desirable;
- whether environmental monitoring is desirable; and,
- the time that may elapse before the hazard or risk is permanently corrected.

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 established timelines. A grievant may advance a grievance to the next step if a response is not provided within the designated timeframes. An employee 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. Time limits for any step in the procedure may be extended by agreement of the parties.

Changes to Grievance Procedure

Any changes to the Workplace Safety Grievance Procedure must be approved by the City Service Commission before they can be implemented by the Department of Employee Relations.

Annual Report

The City Service Commission shall receive an annual report of the volume and nature of grievances filed under this Workplace Safety Grievance Procedure.