I. **PURPOSE:**

The purpose of this procedure is to afford an immediate and fair method for the resolution of disputes which may arise between volunteer members of a fire and/or EMS company identified in the Coordinated Fire and EMS ordinance and/or Prince George Fire and EMS.

II. **GENERAL PROVISIONS:**

A. All non-probationary volunteers may utilize the Grievance Procedure.

B. A grievance shall be a complaint or dispute relative to a member involving (but not necessarily limited to):

1. Disciplinary actions, including dismissals, disciplinary demotions and suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance,
2. Discrimination regarding the application of personnel policies, procedures, policies and regulations,
3. Acts of retaliation for using the grievance procedure or of participation in the grievance of another member,
4. Complaints of discrimination on the basis of race, color, creed, sex, age, political affiliation, disability, or national origin.
5. Acts of retaliation because the member has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, or has sought any change in the law before the Congress of the United States or the General Assembly, and
6. Any other actions outlined in the Prince George Fire and EMS Policy and Procedure Manual as a grievable matter.

C. All stages of the grievance beyond the first step shall be in writing. However, the purpose of the management steps is to hear from the grievant and witnesses as to why his/her grievance has merit and not to hear arguments of counsel.
D. Once a member reduces his/her grievance to writing, he/she must specify the relief he/she expects to obtain through use of this procedure.

E. After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure without just cause will result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five (5) business days.

F. All time periods listed in this procedure may be extended by mutual agreement by the parties to the agreement.

G. Employees reporting to the Department of Fire and EMS shall utilize the grievance process outlined in the County of Prince George personnel policies and procedures manual.

III. **PROCEDURE:**

A. Step I:
Within twenty (20) business days after the occurrence of or condition giving rise to the grievance, the member affected shall identify the grievance verbally to the member's Company Chief. Within five (5) business days of such presentation, the Company Chief shall send his/her response to the member with respect to the grievance, or shall advise the member that additional time for such decision is needed, in which case a decision must be sent via first class mail to the member at the last known address on file with Fire and EMS Administration within five (5) business days thereafter.

B. Step II:
If the grievance is not resolved to the satisfaction of the member at Step I, the
grievant may file a written grievance with his/her Company Chief not more than five (5) business days following completion of Step I. A copy of the written grievance is sent to the Director by the grievant. This document reflects the member's explanation of what has occurred. If additional information is necessary, the information shall be attached to the grievant's document. The member’s Company Chief and the Director will then meet with the grievant within five (5) business days of receipt of the written statement. A written reply by the Director will be sent via first class mail to the member at the last known address on file with Fire and EMS Administration within five (5) business days of this meeting.

C. Step III:
If the grievance is not resolved to the satisfaction of the member at Step II, the grievant may file a written grievance not more than five (5) business days following completion of Step II with the County Administrator. A copy of the written grievance is sent to the County Administrator by the grievant. The Company Chief, Director and the County Administrator will then meet with the grievant within five (5) business days of receipt of the written statement. The County Administrator shall make the final decision. A written reply by the County Administrator will be sent via first class mail to the member at the last known address on file with Fire and EMS Administration within five (5) business days of this meeting.

D. Step IV:
If the response of the County Administrator does not resolve the grievance, the grievant may proceed with the grievance by requesting a panel hearing. This request is made in writing on Form C to the County Administrator within five (5) work days of the grievant's receipt of a response from Step III. A copy of the written statement is sent to panel members by the County Administrator. The panel selects its chairman and it sets the time for the hearing which shall be held as soon as practicable, but no more than ten (10) work days following receipt of
letter requesting a panel hearing. The conduct of the panel hearing is as follows:

1. The panel determines the propriety of attendants at the hearing of persons not having a direct interest in the hearing,

2. The panel may at the beginning of the hearing ask for statements clarifying the issues involved,

3. Exhibits, when offered, may be received in evidence by the panel, and when so received, marked and made part of the record,

4. The grievant or their representatives, then present their claim and proofs and witnesses who submit to questions or other examination. The panel may, at its discretion, vary this procedure but must afford full and equal opportunity to all parties and witnesses for presentation of any materials or relevant proofs.

5. The parties may offer evidence and must produce such additional evidence as the panel may deem necessary to an understanding and determination of the dispute. The panel is the judge of relevancy and materiality of the evidence offered. All evidence must be taken in the presence of the panel and of the parties.

6. The majority decision of the panel is final in all its determination and shall be consistent with the provision of law and written policies.

7. The question of whether the relief granted by a panel is consistent with written policy shall be determined by the chief administrative officer or his/her designee unless such person has a direct involvement with the grievance, in which case the decision shall be made by the attorney for the Commonwealth of the jurisdiction in which the grievance is pending. Refer to S2.1-114, 5:1.D.4d of the Code of Virginia.
8. Either party may petition the court for an order requiring the implementation of the decision of the panel.

E. The panel chairman must specifically inquire of all parties whether they have any further proof to offer or witnesses to be heard. Upon receiving negative replies, the chairman declares the hearing closed. The hearings may be reopened by the panel on its own motion or upon application of a party for good cause shown at any time before the award is made. Panels do not have the authority to formulate or to change policies or procedures; however, they may consider mitigating circumstances and modify County action concerning discipline. A panel by majority vote may uphold or reverse the action of the County, or in appropriate circumstances, may choose a modified remedy. The decision is filed in writing by the panel chairman with the County Administrator not later than fifteen (15) work days after completion of the hearing. Copies of the decision are transmitted to the member and to the Director of Fire and EMS by the County Administrator.

F. Employees reporting to the Department of Fire and EMS shall utilize the grievance process outlined in the County of Prince George personnel policies and procedures manual.