

Texas Fire Chiefs Association  
**DOCUMENT SUBMISSION FORM**

Candidate Department: Coppel Fire Department

Best Practice Standard: 12.07 Appeal Procedures for Disciplinary Actions

**Proofs of Compliance Submitted:**

- Copy of City Of Coppel Policies and Procedures Handbook Policy No. 1182: Employee Appeals.

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| <b>Submitted By:</b> Gregg Loyd | <b>Date:</b> 10/1/2013 |
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**Evaluator's Review**

**Evaluator:**

**Date Accepted:**

## CITY OF COPPELL POLICIES AND PROCEDURES HANDBOOK

### EMPLOYEE APPEALS

#### Policy No. 1182

Rev. 10/01/2004

The City provides employees with a defined process for appealing certain matters to their Department Director and/or the City Manager's office to ensure that a final resolution is reached in a timely and equitable manner. The spirit of this policy is to facilitate open discussion between supervisors and employees in order to resolve issues in an environment of mutual respect and objectivity without retaliation.

**Appealable Matters.** Two types of actions are appealable under this policy:

- **Non-Disciplinary Appealable Actions.** Unequal and/or unlawful treatment; interpretation and/or application of City or departmental policies, procedures, or practices; and retaliation
- **Disciplinary Appealable Actions.** Disciplinary action involving an unpaid suspension of 1 day or 1 shift or more; demotion; or termination

These are the only issues subject to appeal. Any other matters or disputes must be resolved at the department level. Each category of appeal has different levels of appeal. The levels of appeal are explained below for each category.

**Non-Disciplinary Appeals.** Employees have two levels of appeals for non-disciplinary employment actions. The process for these two levels of appeals are explained below.

**Level I** If an employee has been unsuccessful at resolving an appealable issue with the immediate supervisor, the first level of appeal is to the Department Director. **Exception:** If the Department Director is the immediate supervisor, the appeal begins as a Level II appeal to the Deputy City Manager.

**Level II** A Level II appeal is to the Deputy City Manager and is available if an issue is not resolved to the employee's satisfaction at Level I, or if the Department Director is the employee's immediate supervisor

All Level II appeals must be written and submitted to the Human Resources Department on the City's Employee Appeal form. The top portion of the Appeal form must be fully completed by the employee before the appeal will be considered. Any documentation that helps to explain the appeal must be attached to the Appeal form, including: copies of relevant policies, rules or regulations; who was involved in the action and when it occurred; the adverse disciplinary action taken, if applicable; the alleged unequal and/or unlawful treatment; the remedy sought; and any other information or documentation relevant to the appeal, including any Level I decision.

The decision of the Deputy City Manager is final on all Level II appeals.

**Disciplinary Appeals.** All disciplinary appeals begin at Level II. The Department Director is required to make decisions regarding disciplinary action of unpaid suspension of 1 day or shift or more, demotion or termination.

**Level II** Employees appealing disciplinary actions to the Deputy City Manager in a Level II appeal may elect either an informal hearing or a formal appeal hearing. This choice must be indicated on the Appeal Form when it is submitted for Level II consideration.

In an **informal hearing**, the Deputy City Manager will review the employee's appeal and meet with the employee and supervisor and/or Department Director in an informal setting without attorneys or representatives. The employee and the Department must submit a written statement of relevant issues and any supporting documentation to the City Manager 3 days prior to the scheduled hearing.

In a **formal hearing**, the Deputy City Manager will convene a hearing for the purpose of considering documentary evidence as well as testimony from the employee and other involved personnel, including relevant witnesses. The employee and the Department must submit a written statement of relevant issues along with a list of witnesses and any supporting documentation 1 week prior to the scheduled hearing. The Deputy City Manager will determine if any of the listed witnesses will be permitted based upon their relevance to the issue at hand. Both the employee and the Department may be represented by an attorney or advisor during the proceedings. The formal rules of evidence will not apply to the appeal hearing. All hearings will normally be scheduled to convene and end within two consecutive business days. Please note that all involved parties should schedule accordingly to insure that the hearing will end within the two-day timeframe. The Deputy City Manager's decision is final with the exception of terminations. (See Level III Appeals below).

**Level III** In cases of termination of employment, the employee may request an administrative review by the City Manager. Level III appeals consist of a review of the information presented during the Level II hearing and the decision rendered by the Deputy City Manager. The City Manager's decision is final.

**Time Limit for Filing Appeals.** The first level of appeal must be presented within 5-business days of the action which prompted the appeal. For any subsequent level of appeal, the employee must file his/her appeal within 5 business days of receipt of the written appeal decision rendered at the lower appeal level. An employee's failure to appeal within the 5-business day deadline results in the decision becoming final.

**Scheduling Appeal Meetings/Hearings.** Department Directors will attempt to hear Level I appeals within 5 business days of receipt of the appeal. The Human Resources Department will attempt to schedule Level II and Level III appeals within 10 business days of receipt of the appeal.

**Where to file an appeal.** Level I appeals are filed with the Department Director. Level II and Level III appeals are filed with the Human Resources Department.

**Witnesses.** Requests for other employees to participate in an appeal hearing must be included in the written Statement of Relevant Issues that is submitted to the Deputy City Manager. The Human Resources Department will coordinate attendance of witnesses who are employees of the City. Employee witnesses who participate in an appeal hearing will be limited to those whose participation takes place during their regular work schedule. The Deputy City Manager has the discretion to require employees who are not scheduled to work at the time of the hearing to participate in the hearing.

**Written Decision.** The Department Director or Deputy City Manager, as the case may be, will attempt to provide the appealing employee with a written decision within 5 business days of the conclusion of the appeal meeting or hearing. The City Manager will endeavor to render a final decision on Level III termination appeals in writing 10 business days from receipt of the appeal. These time limit(s) may be extended by the Director or Assistant Director of Human Resources. The written decision will be on (or attached to) the employee's original appeal form. The decision will normally include the following:

- (a) recap of details of the incident(s) giving rise to the appeal;
- (b) reference to any applicable rules, regulations, policies, procedures, laws, etc., relevant to the appeal;
- (c) the decision along with the appropriate action to be taken, if any; and
- (d) if another level appeal is available, notification of the employee's right to appeal in accordance with this policy, the 5 business day deadline for appeal, and that the employee's failure to appeal within the 5 business day deadline will result in the decision becoming final.

**Group Appeals.** When two or more employees file appeals which are similar in nature and may be addressed collectively, the Human Resources Department may group the individual appeals into a single appeal. The affected group of employees must select not more than two representatives for the group of employees to act on behalf of the entire employee group for purposes of the appeal. The acceptance by the employee representative(s) of a decision or resolution of the matter will be binding on all employees in the group.

**Frivolous Appeals.** An unreasonable number of appeals filed by an employee or group of employees which are designed to thwart the City's orderly processing of appeals, or which are patently irrelevant or incomprehensible, as determined in the Human Resources Director's or Assistant Director's sole discretion, will be rejected as "non-appealable." Employees involved in the filing of such appeals may also be subject to disciplinary action up to and including termination of employment.