

**RESOLUTION NO. R-02-17**

**A RESOLUTION SETTING THE PROCEDURES FOR CONDUCTING THE APPEALS BOARD FOR UNIFORMED EMPLOYEES CODE GRIEVANCE HEARINGS**

**WHEREAS**, the City of Conway has adopted a Uniformed Employees Code by ordinance which includes a grievance process that includes a final appeal for a hearing before an Appeals Board made up of five (5) City Council members; and

**WHEREAS**, the Appeals Board as created in the Code does not have any specified procedures as to how it will conduct business during the hearing or how it will review any submittals to it; and

**WHEREAS**, it would be fairer and more organized if those issues were resolved prior the conduct of any hearing;

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:**

**Section 1.** After selection of the Appeals Board members as provided in the Uniformed Employees Code, the City Clerk shall select a time for the hearing which is mutually satisfactory to the employee (grievant) and the Board and shall conform to the time frames as expressed in the Code.

**Section 2.** The chief of the department whose employee filed the grievance and/or the Human Resource Director shall submit to the Appeals Board no later than five days prior to the hearing the investigative files, performance evaluations and/or any other papers, correspondence, tapes or information that supports or directly led to the action for which the grievance was filed.

**Section 3.** The Mayor shall submit to the Appeals Board not later than five days prior to the hearing his or her letter to the grievant upholding the action of the department or the administration and may also provide a statement as to the reasons behind his or her decision.

**Section 4.** The grievant may submit to the Appeals Board no later than five days prior to the hearing a statement outlining the reasons for which the grievant feels the action of the department or the administration should be overturned.

**Section 5.** The City Clerk at the appointed date and time of the hearing shall call the hearing to order and the Appeals Board shall by vote determine a chair.

**Section 6.** A transcriptionist shall be provided to make an accurate recording of the transactions of the hearing.

**Section 7.** The grievant shall first present his/her side of the case, including calling witnesses, presenting information or documents, etc.

**Section 8.** Upon conclusion of the grievant's presentation, the city administration shall present to the Appeals Board the facts, circumstances, information, investigations, documents and/or determinations that resulted in the action for which the grievant is appealing. The City may call any witnesses it feels necessary to present the case.

**Section 9.** The Appeals Board members can ask questions of the presenters and witnesses at any time and may at the end of all presentations ask questions of any party.

**Section 10.** All proceedings of the Appeals Board shall be open to the public.

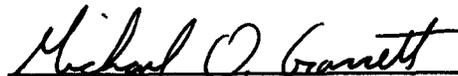
**Section 11.** The City Clerk or Court Reporter shall swear in all witnesses prior to their testimony.

Passed this 9th day of July 2002.

APPROVED:

  
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Mayor Tab Townsell

ATTEST:

  
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City Clerk Michael O. Garrett