

UTAH COUNTIES INDEMNITY POOL PERSONNEL—GRIEVANCE AND APPEAL PROCESS POLICY

SECTION A EFFECTIVE DATE AND FREQUENCY OF REVIEW

1. The effective date of this policy is May 1, 2022.
2. This policy should be reviewed annually, but not less than every three years by the Board of Directors.
3. This policy should also be reviewed at any time that changes to laws or rules governing employee grievance and appeal process are amended or recommendations are made by the UCIP CEO, which would require review and update to this policy.
4. Failure to review this policy in the frequency stated shall not nullify, void, limit or waive this policy or any action taken under this policy.
5. This policy is considered to be amended at the time any new federal or state law becomes effective which conflicts with this policy, but only to the extent necessary to come into compliance with new law.

SECTION B PURPOSE

1. The purpose of this policy is to provide a formal procedure for processing appeals and grievances of employees without discrimination, coercion, restraint, or reprisal.

SECTION C AUTHORITY

1. The Board has authority to adopt this policy under the UCIP Interlocal Agreement.

SECTION D APPLICABILITY AND SCOPE

1. This policy is applicable to all UCIP employees. No individual Director, officer or employee has the authority to waive, alter or make exception to any of these policies unless expressly provided for herein.

SECTION E DEFINITIONS

1. Board: the Board of Directors of the Utah Counties Indemnity Pool.
2. CEO: the Chief Executive Officer of the Utah Counties Indemnity Pool.
3. Personnel Committee: a standing committee of the Board to assist in ongoing responsibilities of the Board relating to personnel matters.

4. Pool: the Utah Counties Indemnity Pool.
5. UCIP: the Utah Counties Indemnity Pool.

SECTION F POLICY STATEMENTS

1. UCIP encourages its employees to work to resolve disputes amicably and informally. When a dispute arises regarding an adverse employment action including suspension, transfer, demotion, or dismissal, employees must seek redress through this grievance and appeal process. This grievance and appeal process is intended to provide an administrative remedy to resolve employee grievances free from discrimination, coercion, restraint, or reprisal. In order to accomplish this goal:
 - a. Employees with questions regarding how the dispute resolution process works may seek counseling from the CEO regarding procedure; however, the CEO cannot comment or provide advice on the substantive issues in dispute;
 - b. An employee may consult with an attorney or other representative to assist them in the grievance and appeal process at their own cost. UCIP will have no obligation to pay or reimburse any portion of the costs of such representation regardless of the outcome of process;
 - c. Employees who are dissatisfied with the outcome of any step must proceed to the next step in the process to preserve their right to a grievance;
 - d. Time limitations shall be strictly adhered to unless the parties agree to extensions in advance;
 - e. Hearings shall not be bound by legal procedures or legal rules of evidence, and shall be presided over by, and conducted in a manner determined by the chair of the body holding the hearing;
 - f. Failure to utilize this Grievance and Appeal Process in accordance with this section shall be considered a failure of the employee to make use of administrative remedies regarding their right to grieve the adverse employment action; and
 - g. UCIP prohibits retaliation against employees who utilize the dispute resolution process. If at any time the employee feels they have been retaliated against whether by discrimination, coercion, restraint, or reprisal, the employee should immediately file a written grievance with the CEO or directly with the UCIP Board of Directors Personnel Committee if the retaliation is based on actions of the CEO.

SECTION G PROCEDURES AND RESPONSIBILITIES

1. **Step One—Informal Dispute Resolution**

Before filing a formal grievance, employees should attempt to resolve disputes by dealing directly with their direct supervisor. If requested, the supervisor shall review the adverse employment action with the employee to attempt to resolve the dispute in a manner acceptable to both parties while protecting the integrity of UCIP's disciplinary policies and obligations.

2. Step Two—Formal Grievance

If the employee and supervisor are unable to arrive at an acceptable resolution, the employee must initiate the formal grievance process.

- a. Within 30 calendar days of the adverse employment action or within 30 calendar days of the time the employee reasonably should have known of the adverse employment action, the employee must file a written grievance with the CEO.
- b. The written grievance must identify:
 - (i) The employee;
 - (ii) The adverse employment action being grieved;
 - (iii) The supervisor initiating the adverse employment action;
 - (iv) The basis for the employee's disagreement with the action; and
 - (v) A proposed resolution to the dispute.
- c. Within 10 working days of receipt of a proper written grievance, the CEO shall respond to the employee and supervisor involved with a written determination on the merit of the grievance and actions to be taken to resolve the grievance, if any, including but not limited to:
 - (i) upholding the adverse employment action;
 - (ii) amending the adverse employment action; or
 - (iii) dismissing the adverse employment action and returning the employee to their original status.
- d. If the CEO fails to respond within ten working days, such failure shall be deemed to be a finding by the CEO that the employee's grievance has no merit. Failure of the CEO to respond shall not be considered a waiver or estoppel of UCIP's rights in enforcement of an adverse employment action or the enforcement of the administrative remedies of this section.

3. Step Three—Appeal to the UCIP Board of Directors Personnel Committee

If the employee is unsatisfied with the determination of the CEO, the employee must appeal the determination to the Personnel Committee to preserve their grievance rights.

- a. To make a valid appeal to the Personnel Committee, the employee must file a written appeal with the Chair of the Personnel Committee within 10 working days from the receipt of the CEO's response, or the date the CEO should have responded.
 - b. A written appeal shall include:
 - (i) A copy of the original written grievance filed with the CEO; and
 - (ii) A copy of the CEO's written determination of the grievance being appealed, or a statement that the grievance was deemed to have no merit as the CEO failed to respond with a written determination within the required timeline.
 - c. The Personnel Committee may, within 15 calendar days of receipt of the employee's appeal, request additional written information from the parties involved.
 - d. The parties shall provide such additional written information within 15 calendar days of such request.
 - e. Within 15 calendar days of receipt of the appeal, or if additional information is requested, within 15 calendar days of receipt of the last additional information, the Personnel Committee shall:
 - (i) Issue a written decision on the appeal; or
 - (ii) Hold an informal hearing attended by the parties either in person or via telephonic conference.
 - f. The decision to hold a hearing is at the sole discretion of the Personnel Committee, and no party to the appeal may compel the Personnel Committee to hold a hearing.
 - g. If the Personnel Committee elects to hold a hearing, the Personnel Committee will issue a written decision to the parties within 15 working days from the hearing date.
 - h. While the employee may choose to have an attorney or other representative attend a hearing with them for consultation, the Personnel Committee may require the employee to present their appeal, including but not limited to presenting any evidence, testimony or answering questions directly, and may limit or restrict the employee's representative from presenting the appeal, including but not limited to presenting evidence, testimony or answering on behalf of the employee.
4. **Step Four—Appeal to the UCIP Board of Directors**

If the employee is unsatisfied with the decision of the Personnel Committee, the employee must appeal the decision to the UCIP Board of Directors (Board) to preserve their grievance rights.

- a. To make a valid appeal to the Board, the employee must file a written appeal with the Chair of the Personnel Committee within 10 working days from the receipt of the Personnel Committee's decision.
- b. A written appeal shall include a copy of the Personnel Committee's written decision of the grievance being appealed.
- c. The Board may, within 15 calendar days of receipt of the employee's appeal, request additional written information from the parties involved.
- d. The parties shall provide such additional written information within 15 days of such request.
- e. Within 30 calendar days of receipt of the appeal, or if additional information is requested, within 30 days of receipt of the last additional information, the Board shall:
 - (i) Issue a written decision on the appeal;
 - (ii) Request a review of the matter by the UCIP Board of Directors Litigation Management Committee or the Board's General Counsel; or
 - (iii) Hold an informal hearing attended by the parties either in person or via telephonic conference.
- f. The decision to request a review of the matter by the Litigation Management Committee or hold a hearing is at the sole discretion of the Board, and no party to the appeal may compel the Board to request a review of the matter by the Litigation Management Committee or hold a hearing.
- g. If the Board requests review by the Litigation Management Committee or the Board's General Counsel, the Board shall:
 - (i) Issue a written decision to the parties within 45 days from receipt of the appeal, or if additional information is requested, within 45 days of receipt of the last additional information;
 - (ii) Hold an informal hearing attended by the parties either in person or via telephonic conference.
- h. If the Board elects to hold a hearing, the Board shall:
 - (i) Issue a written decision to the parties within 15 working days from the hearing date; or

- (ii) Request a review of the matter by the Litigation Management Committee or the Board's General Counsel. If the Board requests such review, the Board shall issue a written decision to the parties within 30 days from the hearing date.
- i. While the employee may choose to have an attorney or other representative attend a hearing with them for consultation, the Board may require the employee to present their appeal, including but not limited to presenting any evidence, testimony or answering questions directly, and may limit or restrict the employee's representative from presenting the appeal, including but not limited to presenting evidence, testimony or answering on behalf of the employee.

A written decision of the Board shall be a binding and final determination of the Utah Counties Indemnity Pool.

SECTION H REVISION HISTORY

- 1. Adopted: April 21, 2022
- 2. Revised: October 25, 2023

SECTION I APPENDICES

- 1. There are no appendices to this policy