



HR Board and Due Process

City of Riverside
Human Resources Department

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Due Process Safeguards SKELLY Rights

- Notice of misconduct
- Pre-disciplinary investigation (where appropriate)
- Written notice of charges with instructions on how to request a pre-disciplinary meeting or to respond in writing
- Opportunity for employee to respond to the charges before discipline or termination is assessed
 - Pre-disciplinary meeting with employee, employee may be represented
 - Employee may file a written response
 - Employee may raise defenses to or mitigating information during the hearing



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Due Process Safeguards SKELLY Rights

- Investigation of any mitigations or new information raised by employee
- Notice of the discipline, if still appropriate, which includes:
 - When discipline will be administered
 - Notice of how to grieve/appeal the discipline at each level and time limits
- Final step - full evidentiary hearing, after action taken, with neutral body



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Current City Practice Discipline Process

- Notice of the misconduct
- Pre-disciplinary investigation (where appropriate)
- Written notice of charges reviewed with HR and the appropriate City Manager or Assistant City Manager
- Written notice of charges given to the employee (Notice of Intent), with notice of how to request a pre-disciplinary meeting* (SKELLY hearing) or to respond in writing
- Opportunity for employee to respond to the charges before discipline is imposed
 - Pre-disciplinary meeting with employee, employee may be represented
 - Employee may respond in writing
 - Employee may raise defenses to or provide new or mitigating information during the hearing

*SKELLY rights apply when discipline involves employee's property rights



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Current City Practice Discipline Process

- Investigation of any defenses, mitigations or new information raised by employee during the SKELLY hearing
- Notice of the discipline, if still appropriate, which includes:
 - Level of discipline
 - When discipline will be administered
 - Notice of time limits to grieve/appeal the discipline to the next level
- If mitigating evidence presented at the SKELLY hearing warrants a modification to the discipline, Notice of Discipline will include:
 - Reduced level of discipline
 - Reasons for the modification
 - Notice of time limits to grieve/appeal the discipline at next level



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New City Practice Discipline Process

- Change the practice as follows:
 - Written notice of charges reviewed with HR
(Eliminate: and the appropriate City Manager or Assistant City Manager)

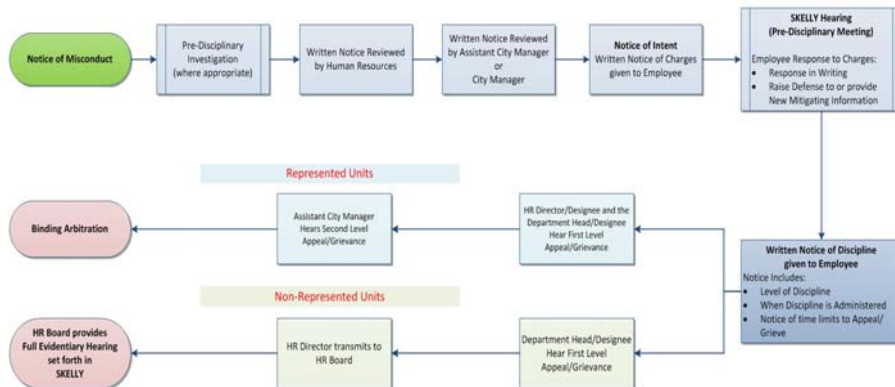


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Discipline Process - Current

DISCIPLINE PROCESS – CLASSIFIED SERVICE

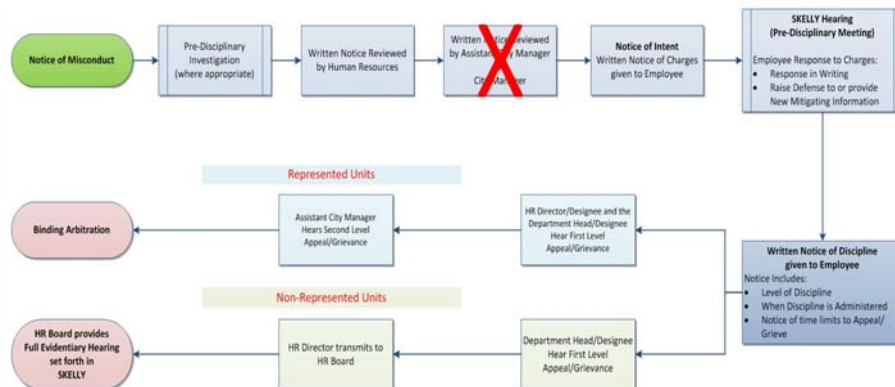


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Discipline Process - New

DISCIPLINE PROCESS – CLASSIFIED SERVICE



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Formal Grievance Process Represented Units (Classified Service)

- Step 1: HR Director/Designee* and the Department Head/Designee hear the first level appeal/grievance.
- Step 2: An Assistant City Manager, who does not oversee the department that took the disciplinary action with its employee, and wasn't involved in the disciplinary decision, hears the second level appeal/grievance.
- Step 3: The matter is grieved at the final step in front of an arbitrator where a full evidentiary hearing set forth in SKELLY is presented. The arbitrator's decision is binding and final.

*HR Director/Designee's attendance at step 1 is not required in Police and Fire MOUs



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Formal Grievance Process - EERR Non-Represented Units (Classified Service)

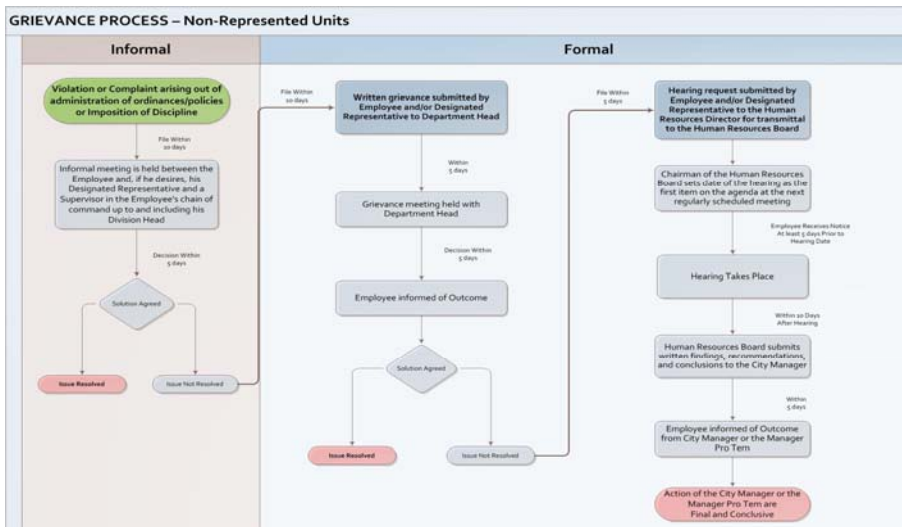
- Step 1: Department Head meets with employee
- Step 2: If not resolved to the satisfaction of the employee, the matter may be appealed to the HR Director who transmits to the HR Board
- Step 3: The HR Board provides a full evidentiary hearing set forth in SKELLY



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Formal Grievance Process



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HR Board Role – City Charter

- Section 807. Human Resources Board—Composition
 - There shall be a Human Resources Board, which shall have the power and duty to:
 - a. Recommend to the City Council, after a public hearing thereon, the adoption, amendment or repeal of personnel rules and regulations.
 - b. Act in an advisory capacity to the City Council on matters concerning personnel administration. (Effective 12/27/1995)

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HR Board Role – Municipal Code

- Chapter 2.36.030 – Human Resources Board
- There is created a Human Resources Board, which shall consist of nine members appointed by the Council pursuant to Article VII of the City Charter.
- The Board shall hold regular meetings once each month and such other special meetings as may be required. The Human Resources Board shall:



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HR Board Role – Municipal Code

- A. Recommend to the City Council, after a public hearing thereon, the adoption, amendment or repeal of personnel rules and regulations;
- B. Act in an advisory capacity to the City Council on matters concerning personnel administration;
- C. Hear grievances and appeals submitted by any person in the classified service and make findings and recommendations which shall be advisory only;



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HR Board Role – Municipal Code

- D. Make any recommendations to the City Manager which it may consider desirable concerning conditions of employment and the administration of personnel services in the City;
- E. Recommend to the City Council the amendment or repeal of the provisions set forth in 2.32.010 through 2.32.160;
- F. Perform such other duties as may be necessary or appropriate for effective personnel administration consistent with the provisions of this Chapter and the City Charter

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Next Steps

Training the HRB for its Role in Hearings

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Questions??

Thank you for your time.



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HR Board Role - EERR

Article III, Sec. 3. Grievances and Appeals Procedure.

City-wide and other similar grievances which cannot practically be considered and disposed of under the hereinafter prescribed grievance procedure may be processed directly with the Municipal Employee Relations Officer upon written notice to him. If said grievance is not then adjusted to the satisfaction of the aggrieved parties, it may then be submitted to a mutually acceptable impasse procedure. If the grievance is still not adjusted, or if the parties fail to agree upon a mutually acceptable impasse procedure, after all reasonable means of settlement have been exhausted, the aggrieved parties may file a written appeal to the City Council for final determination after recommendation thereon by the Human Resources Board.



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HR Board Role - EERR

Any grievances, including alleged violation of or complaint arising out of administration of ordinances or regulations dealing with administration personnel, salary, or other benefits, any alleged improper treatment of an employee, or any alleged violation of commonly accepted safety practices and procedures shall be considered to be a matter subject to review through the hereinafter prescribed grievance procedure.

1. An attempt shall be made to ascertain all facts and adjust all grievances on an informal basis between the employee and, if he desires, his designated representative and a supervisor in the employee's chain of command up to and including his division head. Presentation of this grievance shall be made within ten (10) working days of the incident causing the grievance.



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HR Board Role- EERR

2. If the grievance is not adjusted to the satisfaction of the employee involved within five (5) working days after the presentation of the grievance, the grievance shall be submitted in writing by the employee and/or his designated representative to the department head within the next ten (10) working days. The department head shall meet with the employee and/or his designated representative within five (5) working days of receipt of the written grievance and shall deliver his answer to the employee within five (5) working days after the meeting.

3. If the grievance is not adjusted to the satisfaction of the employee involved in the second step, the employee and/or his designated representative shall submit it in writing requesting a hearing to the Human Resources Director for transmittal to the Human Resources Board within five (5) working days after the department head's answer is received. The Chairman of the Human Resources Board shall set the date of the hearing as the first item on the agenda at the next regularly scheduled meeting.



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HR Board Role - EERR

The complaining employee shall receive a copy of the notice of the time and place set for the hearing. This must be sent at least five (5) working days prior to the date of the hearing. The Human Resources Board shall submit written findings and conclusions together with such recommendations as it deems proper to the City Manager within ten (10) working days after the completion of the hearings.

4. The City Manager or the Manager Pro Tem shall deliver his answer to the employee and/or his designated representative within five (5) working days after receipt of the Human Resources Board's recommendations. The action of the City Manager or the Manager Pro Tem on the recommendations of the Personnel Human Resources Board shall be final and conclusive.

Notwithstanding the above, the City and Recognized Employee Organizations may, through the meeting and conferring process, agree upon any other lawful grievance procedure to be incorporated into a Memorandum of Understanding.

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