

*Public Administration Program*

*Applied Research Projects*

---

Texas State University

Year 2004

---

Assessment of Grievance Procedures in  
Austin and large Texas City  
Governments

Valarie LaCour Francois

Texas State University-San Marcos, Political Science Department,  
Public Administration, valfran1@austin.rr.com

**An Assessment of Grievance Procedures in Austin  
and large Texas City Governments**

**by  
Valerie LaCour Francois**

**An Applied Research Project  
(Political Science 5397)  
Submitted to the Department of Political Science  
Texas State University – San Marcos  
In Partial Fulfillment for the Requirements for the Degree of  
Masters of Public Administration**

**Spring 2004**

**Faculty Approval:**

---

Dr. Patricia M. Shields

---

Becky Beechinor

## **Acknowledgments**

I would like to thank my husband, Eric and my son, Jalil for supporting me throughout this four year journey. A special thanks to, Lynn, for encouraging me to go back to school and especially for the support provided this year. I would not have completed this project without your encouragement and support.

## Table of Contents

<a href="#">Acknowledgments</a> .....	2
<a href="#">Abstract</a> .....	
<b><a href="#">Chapter One</a></b> .....	
<a href="#">Introduction</a> .....	
<a href="#">Research Purpose</a> .....	9
<a href="#">Chapter Summaries</a> .....	10
<b><a href="#">Chapter Two</a></b> .....	<b>11</b>
<a href="#">Ideal Grievance Procedure</a> .....	11
<a href="#">Chapter Introduction</a> .....	11
<a href="#">Background and Definitions</a> .....	11
<a href="#">Benefits of Grievance Procedure</a> .....	13
<a href="#">A Model Grievance Procedure</a> .....	14
<a href="#">Communication of Grievance Procedure</a> .....	15
<a href="#">Reasons for Grievance</a> .....	21
<a href="#">Fairness of Grievance Procedure</a> .....	22
<a href="#">Participation in Grievance Procedure</a> .....	25
<b><a href="#">Chapter Three</a></b> .....	<b>29</b>
<a href="#">Methodology</a> .....	29
<a href="#">Chapter Introduction</a> .....	29
<a href="#">Research Method</a> .....	29
<a href="#">Focused Interviews</a> .....	
<a href="#">Survey Research</a> .....	32
<a href="#">The Survey Instrument</a> .....	33
<a href="#">Survey Design and Construction</a> .....	33
<a href="#">Content Analysis</a> .....	34
<a href="#">Coding Procedure</a> .....	35
<a href="#">Response Rate</a> .....	
<a href="#">Statistics</a> .....	36
<b><a href="#">Chapter Four</a></b> .....	<b>37</b>
<a href="#">City of Austin Results</a> .....	37
<a href="#">Chapter Introduction</a> .....	37
<a href="#">City of Austin Grievance Procedure</a> .....	37
<a href="#">City of Austin Results</a> .....	40
<a href="#">Communication of Grievance Procedure</a> .....	40
<a href="#">Survey Results</a> .....	40
<a href="#">Document Analysis</a> .....	
<a href="#">Eligibility for Grievance Procedure</a> .....	
<a href="#">Survey Results</a> .....	42
<a href="#">Document Analysis</a> .....	
<a href="#">Reason for Grievance Procedure</a> .....	43
<a href="#">Survey Results</a> .....	
<a href="#">Document Analysis</a> .....	
<a href="#">Fairness of Grievance Procedure</a> .....	43
<a href="#">Focused Interview Results</a> .....	
<a href="#">Survey Results</a> .....	
<a href="#">Document Analysis</a> .....	
<a href="#">Participation in Grievance Procedure</a> .....	45
<a href="#">Focused Interview Results</a> .....	

	<a href="#">Survey Results</a> .....	
	<a href="#">Document Analysis</a> .....	
<b><a href="#">Chapter Five</a></b> .....		<b>49</b>
<a href="#">Results of Large Texas Cities</a> .....		49
<a href="#">Chapter Introduction</a> .....		49
<a href="#">Analysis of Survey Results</a> .....		49
	<a href="#">Communication of Grievance Procedure</a> .....	
	<a href="#">Focused Interview Results</a> .....	50
	<a href="#">Survey Results</a> .....	50
	<a href="#">Content Analysis</a> .....	
	<a href="#">Eligibility for Grievance Procedure</a> .....	
	<a href="#">Survey Results</a> .....	52
	<a href="#">Content Analysis</a> .....	
	<a href="#">Reason for Grievance Procedure</a> .....	53
	<a href="#">Survey Results</a> .....	
	<a href="#">Content Analysis</a> .....	
	<a href="#">Fairness of Grievance Procedure</a> .....	54
	<a href="#">Focused Interview Results</a> .....	
	<a href="#">Survey Results</a> .....	
	<a href="#">Content Analysis</a> .....	
	<a href="#">Participation in Grievance Procedure</a> .....	55
	<a href="#">Focused Interview Results</a> .....	
	<a href="#">Survey Results</a> .....	
	<a href="#">Content Analysis</a> .....	
<b><a href="#">Chapter Six</a></b> .....		<b>58</b>
<a href="#">Recommendations and Conclusion</a> .....		58
<a href="#">Chapter Introduction</a> .....		58
<a href="#">Recommendations</a> .....		59
<a href="#">Communication of Grievance Procedures</a> .....		59
<a href="#">Reason for Grievance</a> .....		59
<a href="#">Fairness of Grievance Procedure</a> .....		59
<a href="#">Participation in Grievance Procedure</a> .....		60
<a href="#">Bibliography</a> .....		71

## Table of Tables

<a href="#"><u>Table 2.1: Summary of Ideal Grievance Procedure Model</u></a> .....	28
<a href="#"><u>Table 3.1: Operationalization of the Ideal Grievance Procedure Model</u></a> .....	29
<a href="#"><u>Table 3.2: Advantages and Disadvantages to Content Analysis</u></a> .....	34
<a href="#"><u>Table 4.1: Communication of Grievance Procedure</u></a> .....	40
<a href="#"><u>Table 4.2: Linking Content Analysis to Communication of Grievance Procedure</u></a> ..	41
<a href="#"><u>Table 4.3: Eligibility for Grievance Procedure</u></a> .....	42
<a href="#"><u>Table 4.4: Linking Content Analysis to Eligibility for Grievance Procedure</u></a> .....	42
<a href="#"><u>Table 4.5: Reason for Grievance Procedure</u></a> .....	43
<a href="#"><u>Table 4.6: Linking Content Analysis to Reason for Grievance Procedure</u></a> .....	43
<a href="#"><u>Table 4.7: Fairness of Grievance Procedure</u></a> .....	44
<a href="#"><u>Table 4.8: Linking Content Analysis to Fairness of Grievance Procedure</u></a> .....	44
<a href="#"><u>Table 4.9: Participation in Grievance Procedure</u></a> .....	45
<a href="#"><u>Table 4.10: Linking Content Analysis to Participation in Grievance Procedure</u></a> .....	46
<a href="#"><u>Table 4.11: Recommendations for the City of Austin</u></a> .....	48
<a href="#"><u>Table 5.1: Communication of Grievance Procedure</u></a> .....	50
<a href="#"><u>Table 5.2: Linking Content Analysis to Communication of Grievance Procedure</u></a> ..	51
<a href="#"><u>Table 5.3: Eligibility for Grievance Procedure</u></a> .....	52
<a href="#"><u>Table 5.4: Linking Content Analysis to Eligibility for Grievance Procedure</u></a> .....	52
<a href="#"><u>Table 5.5: Reason for Grievance Procedure</u></a> .....	53
<a href="#"><u>Table 5.6: Linking Content Analysis to Reason for Grievance Procedure</u></a> .....	53
<a href="#"><u>Table 5.7: Fairness of Grievance Procedure</u></a> .....	54
<a href="#"><u>Table 5.8: Linking Content Analysis to Fairness of Grievance Procedure</u></a> .....	55
<a href="#"><u>Table 5.9: Participation in Grievance Procedure</u></a> .....	56
<a href="#"><u>Table 5.10: Linking Content Analysis to Participation in Grievance Procedure</u></a> .....	57
<a href="#"><u>Table 6.1: Overall Conclusions and Recommendations</u></a> .....	61

## Table of Appendices

<b>Appendix A: List of Seven Large City Governments</b> .....	62
<b>Appendix B: List of Seven Large City Government Contact Information</b> .....	63
<b>Appendix C: Sample E-mail to Human Resources Officers.</b> .....	64
<b>Appendix D: Survey of large Texas City Government Human Resources Directors</b> .	65
<b>Appendix E: Survey of Grievance Procedure Participants</b> .....	67
<b>Appendix F: Coding Sheet Procedure.</b> .....	68
<b>Appendix G: City of Houston Municipal Employees' Grievance Procedure</b> .....	69

## **Abstract**

The purpose of this research is fourfold. First, this study develops a model grievance procedure. The second purpose is to identify the state of grievance procedures in large Texas Cities. The third purpose is to gauge whether the City of Austin grievance procedure fits the ideal model and to determine how Austin's procedure can be improved using the criteria of the practical ideal model identified. Finally, recommendations to improve Austin's grievance procedure as well as Texas Cities are developed.

Overall, five of the six Cities who responded to the survey provide a grievance procedure for their employees. A little more than one-half of Texas large Cities, however, provide all five essential components that should be found in an ideal and effective grievance procedure. From the data collected, it is apparent that Cities are meeting some of their employees' needs yet failing to meet others. In other words, by not providing an effective grievance procedure for their employees, the employees within these Cities will not utilize this procedure to their advantage.

Three key recommendations were made for the City of Austin and the other large Texas Cities participating in the research. The recommendations are: 1) Cities should post bulletins about the grievance procedure to enhance communication and knowledge of the procedure, 2) Clearly identify which disciplinary and employee protection actions can be grieved using the grievance procedure and 3) Provide assistance or training on effective communication skills and evidence preparation and presentation to employees and managers. These recommendations will ensure the grievance process runs smoothly because both employees and managers are aware of the expectations.

## Chapter One

### Introduction

A grievance is a written allegation by an employee that management has in some way violated their contractual rights. The role of the grievance procedure is to process allegations through progressive steps from lower to higher levels of management. Successful grievance procedures are organically connected to the corporate body, growing with the company and ultimately becoming an indistinguishable part of the organization (LoBosco, 1985, p. 64). Essentially the grievance procedure provides an avenue for employees to express a complaint about their work or working conditions and obtain a fair hearing without fear of reprisal.

An effective grievance procedure provides credibility to the organization from the employee perspective. In addition, it creates liability on supervisors to implement discipline consistently because they might be asked to justify their actions. Because the grievance procedure has an effect on the entire organization, it is imperative that the City ensures that the procedure includes areas of concern for employees and managers.

Effective employee grievance procedures resolve differences internally. Occasionally, a situation arises that brings both an employee grievance and an organizations grievance practice to public attention.

Another organization, El Paso Community College (EPCC)<sup>1</sup>, is dealing with a controversial grievance policy. The El Paso Times on March 11, 2004, reported that EPCC faculty and staff are disgruntled with the grievance policy and are urging the administration to make changes. The Texas Faculty Association along with

---

<sup>1</sup> EPCC looks at system for grievances, El Paso Times, March 11, 2004.

Representative Norma Chavez addressed the EPCC Board of Trustees to persuade them to develop grievance policies that ease the resolution of conflicts. One of the changes the faculty would like to see involves the use of mediation and/or arbitration. Without the use of mediation, employees are forced to look to the courts for resolution. Isela Castanon Williams, Vice President of the Texas Faculty Association at EPCC, stated “there is no due process in the current grievance procedure. Some of the steps that are in the grievance procedure are not even written.” President Richard Rhodes said “the administration would research the current grievance procedure and examine the recommendations made Wednesday for revisions.”

Grievance procedures are often flawed. It seems to me that given other pressing problems, grievance procedures may be given little attention by management until there is a crisis. And then it is too late to see the big picture and understand any structural problems that contributed to the crisis. Hence there is a gap to be filled by analyzing Austin’s grievance procedure in order to make recommendations for improvement. In addition, since this is a problem faced by all Cities in Texas, I am interested in the larger state of grievance procedures in comparable Texas Cities.

### **Research Purpose**

The purpose of this research is fourfold. First, this study develops a model grievance procedure. The second purpose is to identify the state of grievance procedures in large Texas Cities. The third purpose is to gauge whether the City of Austin grievance procedure fits the ideal model and to determine how Austin’s procedure can be improved using the criteria of the practical ideal model identified earlier. Finally, recommendations to improve Austin’s grievance procedure as well as Texas Cities are developed.

## **Chapter Summaries**

Chapter 2 reviews the literature pertaining to the use of grievance procedures in the private and public sector (union and non-union) organizations as well as the benefits of a grievance procedure. This chapter also develops the conceptual framework. Chapter 3 outlines the methodology used to complete this study and describes how the ideal framework is operationalized. Chapter 4 provides a historical aspect of the City of Austin grievance procedure and assesses the current grievance procedure being used by the City of Austin. In addition, recommendations are made to improve their procedure. Chapter 5 describes and summarizes the results obtained from this study. Chapter 6 assesses whether or not the large Texas City governments meet the ideal characteristics developed throughout the course of the study and recommendations are made for revising their grievance procedures.

## **Chapter Two**

### **Ideal Grievance Procedure**

#### **Chapter Introduction**

The purpose of the literature review is to examine the literature concerning grievance procedures in union and non-union organizations. The literature provides background and rationale for implementation of grievance procedures and identifies the benefits such a procedure provides to employees and management. In addition, a model<sup>2</sup> grievance procedure is developed using the literature. The model is used to assess the grievance procedures used in Austin and other large Texas Cities.

Classical pragmatism's Community of Inquiry notion developed by Shields could be used as a template to develop an ideal grievance procedure. According to Shields, the Community of Inquiry provides a useful approach to resolving problems.

All grievance procedures are designed to resolve a problematic situation. Thus one would expect that an effective grievance procedure would help define the problem (Type of procedure) as well as spell out eligibility and a rationale. Presumably employee and employer differ in their opinions about the facts in the case hence there should be fair procedures to consider evidence (Scientific attitude). Finally, all involved parties should be able to speak openly and honestly. A system that encourages both honest words and open minded listening (Participatory Democracy).

#### **Background and Definitions**

Coleman (1988, p. 100) believes that "contractual grievance procedures and grievance arbitration are essential components in a public sector system of labor relations." According to Duane (1993, p. 64), "a grievance is a written allegation by employees that management has in some way violated their contractual rights." Duane

---

<sup>2</sup> Model refers to a practical ideal type conceptual framework.

further asserts the overall role of the grievance procedure is to process such allegations through a succession of steps from lower to higher.

Peterson (1994, p.13) defines voice as “the opportunity for employees to discuss and appeal employment actions that may adversely affect them at work.” Peterson believes “there is a great need to implement guidelines that will guarantee that the members of the non-union work force possess similar employee rights to voice and to discuss grievances and complaints.” Although Duane (1993) and Peterson (1994) used different terminology, they both addressed the employee’s ability to complain about a wrongdoing in the workplace through the use of a grievance procedure.

Cozzetto (1991, p. 6) maintains that the private and public sector differ in the way grievances occur. According to Ewing (1989, p. 117), however,

“the concept of arbitration of employee-supervisor disputes by an objective, fair outsider was an innovation in industrial relations that remains largely unchanged to this day. But since WWII, top management in non-union companies has altered the arbitration concept and adapted and made it work in ways that the originators did not dream of.”

Ewing (1989, p. 110) describes a non-union grievance procedure as a two edged sword that limits and empowers the subordinate and supervisor.<sup>3</sup> Trotta (1976, p. 105) contends that management is beginning to realize that there is a need to appeal supervisor’s decision employees consider unjust. Ewing agrees that one of the major changes with grievance procedures in a non-union company is fair treatment becoming enforceable company wide. Large organizations face the challenge of treating employee’s disputes consistently and fairly across organizational scale. Grievance procedures do have the potential to enforce fairness norms throughout the company.

---

<sup>3</sup> It is a two edged sword because supervisors must be careful of the decisions they are making because they may be asked to defend them. Employees are empowered because they can challenge decisions they believe are unfair when this option may not have been available in the past.

Successful grievance procedures must become organically connected to the corporate body, growing with it and ultimately becoming an indistinguishable part of the company. Essentially the grievance procedure allows employees a way to file complaints without fear of retaliation.

### **Benefits of Grievance Procedure**

Grievance procedures are established in most public and private sector organizations. Private sector organizations with unions are where grievance procedures are commonly found. The most common grievance procedure used in the private sector is Step Procedure with or without arbitration (Coleman, 1988, p.90). A Step Procedure allows employees to go through progressive steps for resolution of the dispute. Private sector non-union organizations are void of a grievance procedure for employees to address disciplinary actions being administered.

In Texas, public sector employees, with the exception of Fire and Police, are not allowed to unionize. There are, however, organizations that mimic unions such as the American Federation of State County and Municipal Employees (AFSCME) and the State Employees Union. Both organizations, lobby on behalf of City, County and State employees, respectively. In addition, these groups have fought for employees' to have an avenue to discuss adverse actions taken against them by introducing the private sector grievance procedure. The introduction of grievance procedures to the public sector provides employees with an avenue to make complaints about issues arising in the workplace.

There are several reasons a grievance procedure is an important function for unionized and non-union employers. Employees are empowered with voice, which increases reliability, and trust when formalized grievance procedures are in place (Haraway, 2002, p. 503).

The grievance procedure also provides the employee with an avenue for upward communication, justice and avoids appeals to outsiders because problems really can be solved within the organization (Balfour, 1984, p. 76). One of the main benefits and greatest liability of the grievance procedure is perceived justice (Balfour, 1984, p. 71). An employee whose claim has been settled to their satisfaction will think highly of the company and of the grievance procedure. Duane (1993, p. 83) suggests that an effective grievance procedure contributes to the success of joint projects and to cooperative contract negotiation.

According to Diaz et al (1987, p. 13), there are three advantages of a grievance procedure; 1) each side has complete say in airing the grievance, 2) there is a strong connotation of justice, since a professional neutral third party renders the decision and 3) there are benefits for both parties based on the opinion of a “cool-headed” professional.

Grievance procedure data can be used to characterize the temperament of the parties’ relationship. Conventional wisdom dictates that high rates of grievances define poor relations operationally. Duane (1993, p. 83) argues to the contrary. High grievance submissions rates, however, signal good relations. This occurs because employees feel comfortable enough to openly express their positions and differences of opinions.

Whether the relations are good or bad, the literature supports that grievance procedures are beneficial to organizations. Now that the benefits have been addressed, a model grievance procedure will be established for use in public sector non-union organizations.

### **A Model Grievance Procedure**

The literature on grievance procedures is well developed. Unfortunately, a model grievance procedure is yet to be developed. This section is an attempt to fill the gap. And, the model grievance procedure developed will be used later as a guide to investigate

and improve the City of Austin's grievance procedure and other large Texas Cities.

Extensive review of the literature revealed a common set of characteristics associated with successful grievance procedures. This section uses the literature to organize these characteristics to develop a model grievance procedure (Shields, 1988, p. 219).<sup>4</sup> The characteristics of a model grievance procedure are categorized as follows:

- Communication of Grievance Procedure
- Eligibility for Grievance
- Reason for Grievance
- Fairness of Grievance Procedure
- Participation in Grievance Procedure

The remainder of the literature review expands upon these characteristics and discusses the challenges a non-union public sector organization may face when developing a grievance procedure. Each category will be reviewed and justification provided for inclusion in the model.

### **Communication of Grievance Procedure**

Communication of the Grievance Procedure is a key element in the development of the model. Communication is the means that employers use to notify employees of policies and procedures to be followed. Before it is possible to communicate about the grievance procedure, an organization should define the type of grievance procedure being used.

There are five common **types of formal Grievance Procedures**: 1) Open Door; 2) Ombudsman; 3) Hearing Officer; 4) Step Procedure with or without mediation; and 5) Step Procedure with or without arbitration.<sup>5</sup>

---

<sup>4</sup> Note: The model is also referred to as a practical ideal type developed from the literature.

<sup>5</sup> Other grievance procedures were identified in the literature, however these were the most common and could easily adapt to a public sector environment.

First, the Open Door Procedure is considered an informal appeal process and requires that an employee go through their chain of command for a statement of a grievance (Scott, 1965, p. 59-60). Unfortunately, the absence of uniform appeal privileges creates employee concerns with punitive actions if they circumvent their boss because formal reassurance is lacking (Scott, 1965, p. 60).

According to Balfour (1984, p. 69), the limitation to the Open Door Procedure is that managers believe their actions are right or they wouldn't take them. Therefore, the employee's complaint is presumably inappropriate. Balfour asserts "the open door procedure lacks credibility in the eyes of the employees as a system of jurisprudence, which reduces overall credibility" (1984, p. 69). Balfour argues, however, that the open door policy is more popular with professional and white-collar employees because they are accustomed to dealing directly with management while blue-collar employees prefer more formalized procedures (1984, p. 70).

Secondly, the Ombudsman listens to employee complaints and selects appropriate organizational procedures to formulate a remedy. This system has excellent potential both from a managerial and employee viewpoint. The Ombudsman, however, must possess integrity beyond reproach, excellent interpersonal and communication skills and an understanding of how organizational and employee goals fit together (Balfour, 1984, p. 70-71). Balfour views this procedure as the most effective in a non-union organization that is large enough to support a specialized staff position (1984, p. 76).

Third, the Hearing Officer procedure presents an intermediate step between peer review and true outside arbitration and is employed to arbitrate organizational disputes between employees and management.<sup>6</sup> Balfour asserts "the system's credibility rest on

---

<sup>6</sup> The City of Austin uses steps with the hearing officer. The hearing officer makes a recommendation directly to the City Manager or a grievance committee who makes the recommendation to the City Manager. It is the employee's choice of which option they prefer.

everyone perceiving the hearing officers as expert, independent and honest. If employees believe that decisions will be slanted in management's favor because management pays the hearing officer then the entire exercise is futile" (1984, p. 74).

Fourth, the Step Procedure with or without mediation is **broadly defined** as any effort on the part of a neutral person to assist two parties in reaching agreement on a grievance that is moving toward or is actually at impasse (Gregory & Rooney, 1980, p. 503). The Survey of the State of Michigan indicated that state mediators were successful approximately 83% of the time in reaching settlement in the private sector using grievance mediation and 84% of the time in the public sector (Gregory & Rooney, 1980, p. 506-507). In another study, 75% of respondents preferred mediation as a step prior to arbitration because mediation forced a "cooling off" period. Gregory and Rooney (1980, p. 503-504) believe that "grievance mediation may take the following forms: 1) as an alternate to grievance arbitration; 2) where the arbitrator uses mediation at some point in the arbitration proceedings; 3) where mediation is formally recognized as a distinct step in the grievance procedure and is handled by someone other than the person who will serve as the arbitrator if the grievance can't be settled by the parties and; 4) where the parties agree to use it on an ad hoc basis. Whatever form of mediation is used, the ultimate success depends on the effectiveness in resolving a grievance impasse."

In fact, the Step Procedure with or without mediation helps to analyze and deal with the underlying problem, shows a willingness to communicate and provides an unbiased third party opinion on a non-binding basis (Skratek, 1990, p. 273).

The fifth and final process, Step Procedure with or without arbitration in a progressive grievance review process is **modeled after union grievance procedures**.<sup>7</sup>

---

<sup>7</sup> Grievance procedures were being utilized in union organizations prior to the public sector implementing them. These procedures were chosen as models because they had been effectively used and could be easily adapted for the public sector.

“Arbitration came much later to the public sector for three reasons: 1) bargaining never came to government until the 60’s and there was no basis for arbitration; 2) many government employees were covered by statutory grievance procedures, legislature questioned the need for contractual ones and; 3) most legislature and courts were hostile to anything that reduced management power” (Coleman, 1988, p. 90).

When arbitration finally reached the states, the scope was limited by 1) statements of inclusion or exclusion in the bargaining law; 2) many laws, ordinances and regulations dealt with employer-employee relationships and; 3) scope limits set through the judiciary (Coleman, 1988, p. 95).

There are a number of advantages to arbitration. A complete say for each side in airing the grievance, strong connotation of justice, since a professional, neutral third party renders decision and benefits for both parties based on the opinion of a “cool-headed” professional (Diaz et al, 1987, p. 13).

Arbitration has the greatest credibility with employees because generally the arbitrator is equally beholden to both sides (Balfour, 1984, p. 75). Nevertheless, the four most common reasons, expressed by union and management, for not using arbitration are cost, limited use of the negotiated grievance system, the uncertainty of third party review and particularly for management a desire to avoid publicity. That is, to keep in house problems internal (Sulzner, 1980 p. 154).

Arbitration has probably contributed to consistency in the application of policies and the evenhanded administration of discipline because arbitration provides an objective review of the decisions that management has made. In addition, management can be punished if deviations from the policies promulgated or negotiated and the practices followed occur (Coleman, 1988, p. 97-98). According to Coleman (1988, p. 98), arbitration satisfies the desires of employees and their representatives for an objective

review of their complaints. Further, it does so without cutting too deeply into the ability of management to manage fairly and effectively.

Selecting the appropriate grievance procedure for an organization should be determined based on the style that best fits. Once the type of grievance procedure is determined, decision should be made about informing employees.

An effective grievance procedure should be communicated to employees and supervisors through the **Personnel Policy and/or Employee Handbook**. “Personnel Policy should be written clearly because employers want to avoid investigators or boards making the “law” for their company” (Ewing, 1989, p. 64). Denton and Boyd (1990, p. 125) suggest that employers examine the written documents that pertain to the organizations employment practices before they are issued to employees. After this examination, the employees should be notified about the grievance procedure.

In most organizations, each employee receives a copy of the personnel policy in **New Employee Orientation** when they are hired. Most organizations require employees to sign for a copy of the policy. The signed document is proof that employees received the policy. During New Employee Orientation, employers should discuss the grievance procedure, levels of discipline and other policies. This discussion allows employees to ask questions about the grievance procedure and to learn how to utilize it if necessary. Zack (1989, p. 58) asserts that notifying employees of the employer’s standards is crucial if disciplinary rules are to be effective. “The levels of disciplinary actions should be known in advance so that employees are alert to the risks of further rule violation and so that all employees are cognizant of the risks of becoming involved in any rule violations” (Zack, 1989, p. 60).

In addition, employers should **post bulletins** regarding the grievance procedure in office break rooms and other common areas. Bulletins serve as a reminder that a

procedure exists and is a guarantee that employees are aware of the procedure and are informed where to seek additional information.

Communication of the grievance procedure is the foundation to having an effective grievance procedure and should be part of the ideal model. As part of the communication process, employees should be notified of eligibility requirements.

### **Eligibility for Grievance**

Organizations must define who is eligible to file a grievance and communicate that to employees in the personnel policy and the grievance procedure. Ewing (1989, p. 61) believes that **Length of Employment** (three, six or nine months) should be used to determine eligibility. Establishing a length of employment will validate that time spent in the organization is valued and additional benefits are available to reward the employees for time served.

Another eligibility criteria not addressed in the literature, but needs to be considered, is **Type of Employee**. The most common type of employees is temporary, probationary or regular. This is important because employers are hiring temporary employees to reduce payroll cost due to fiscal stress. Although temporary employees perform the same work as regular employees, they do not have the same benefits. Some employers require that a probationary period be served during which an employee is not eligible to use the grievance procedure. Once this period is served, however, the employee is considered regular and is eligible to file a grievance and utilize other benefits.

Trotta (1976, p. 117) maintains that **timelines** for filing a grievance should be considered in eligibility determination. Timelines inform the employee and manager when a grievance must be filed after the incident occurs to be accepted. In addition, there

should be timelines for responses to the employee's grievance. Employees and management should strictly adhere to deadlines of this sort.

The literature supports that "eligibility for grievance" be included in the ideal grievance procedure model. If employees have met these criteria, then the grievance should be reviewed to determine if the reason is legitimate.

### **Reasons for Grievance**

Each procedure should list the reasons an employee may file a grievance within the document. Traditional reasons for grievances are discipline, discharge and contract interpretation (Coleman, 1988, p. 90). Stieber (1986, p.367) and Zack (1989, p. 276) agree that discipline and discharge are the most frequent reasons cases are disputed. The reasons identified in the ideal model are: 1) Disciplinary actions, 2) Employee Protection and 3) Discharge.

**Disciplinary actions** consist of demotion, disciplinary probation and suspension. Disciplinary actions should be included because they have an adverse impact on an employee and may not be justified. Oftentimes disciplinary actions are not fully thought out because managers may rush to judgment without gathering facts. Allowing an employee to file a grievance can overturn a bad decision.

**Employee Protection** deals with discrimination and employee safety issues. Discrimination can be in the form of denial of certain benefits or privileges received by others.<sup>8</sup> For example, an employee may be harmed by an organizational policy on hiring. Safety issues might range from driving a vehicle without appropriate licensing or performing an unsafe act. Discrimination and practices that actually threaten safety in the

---

<sup>8</sup> Discrimination complaints generally require an investigation to be conducted by the organization. In fact, discrimination may be given as a reason for the disciplinary actions, differences in compensation and suspension.

workplace are potential policy violations and may require an investigation into the acts of the employees and management as well.

**Discharge** is another “reason for grievance” that should be grievable because there are times when management makes a quick decision without a cooling off period. There may be information that could diminish the seriousness of the event to allow for a lesser disciplinary action. In this instance, employees are allowed to present information that may have been overlooked to change the decision and they are reinstated with a lesser punishment.

The literature supports that “reasons for grievance” be included in the ideal grievance procedure model. Although employees may be aware of the reasons for filing a grievance, they may not use the procedure because of a concern about fairness.

### **Fairness of Grievance Procedure**

Of all the characteristics discussed thus far, this is the most important because lack of fairness may negate the entire grievance procedure. Wilson (1993, p. 60) asserts that people should receive things<sup>9</sup> based on worth or merit. “Because societies have different standards for judging worth does not mean that the fairness rule is arbitrary or merely conventional. In fact, the behavior and feelings of people will change as relationships with other people become more or less fair. The desire for fairness affects how people judge many everyday business decisions.”

The grievance procedure is a way to establish fairness as impartiality. When employees are treated impartially, they have an opportunity to present their side of the story without prejudice. Ideally, the grievance procedure should provide impartiality for employees.

---

<sup>9</sup> Things might include property, money, job duties, etc.

Balfour (1984, p. 74) maintains, however, “if employees believe that decisions will be slanted in management’s favor because management pays the hearing officer, then the entire exercise is futile.” This works the same if management believes the decision is slanted toward employees.

According to Blancero (1995, p. 2), “it is reasonable to suggest that employees would not be satisfied with and/or use a system that they perceive as unfair. Therefore, the measure of fairness perceptions is a meaningful and logical primary measure of the effectiveness of the systems.” Blancero list several characteristics of non-union complaint systems hypothesized to lead to equity or fairness outcomes. They are “availability of expert resources to aid employees in processing grievances, level of input employees have in the process, impartiality or degree of independence from management of the adjudicator, timeliness and speed of the process, consistency with which grievances are resolved, degree of top and line management support of the process, extent to which the process fits the culture and the nature of the outcome or the decision”.

These characteristics led Blancero (1995, p. 2) to study fairness from three different perspectives: 1) Distributive Justice, 2) Procedural Justice and 3) Interactional Justice. Distributive Justice with its roots in equity theory focuses on the fairness of the distribution of outcomes. Procedural Justice is concerned with the fairness of the processes by which the outcomes are distributed. Interactional Justice deals with the fairness of interpersonal interactions or communications (1995, p. 2).

Of these perspectives, Procedural Justice and Interactional Justice should be used as the measures of fairness in grievance procedures. Employees tend to perceive greater **Procedural Justice** when they believe they have had a chance to participate in the decision-making process. Furthermore, if employees can ascertain that organizational management has been neutral and unbiased, then procedural justice exists. Management

should recognize that organizational procedures should be designed to be fair to all organization members. The interpretation, execution and impact of procedures, however, can vary among managers. Therefore, organizations should insure that their agents are attuned to general guidelines for fair behavior (Mossholder, Bennett & Martin, 1998, p. 131-139).

Zack (1989, p. 58) contends that “the establishment of **disciplinary rules** not only assures employees of fair treatment when they have done wrong, it also enhances the credibility of the employers disciplinary program and in that way serves as a deterrent to others who come to recognize the legitimacy of the employer’s rights.” In addition, Zack (1989, p. 59) maintains that if employees believe they are being treated equally when administering discipline, then they will have faith in the systems. Having disciplinary rules and applying them consistently is an example of just cause.

“The standard of ‘just cause’ has become the universal rule for measuring the propriety of discipline and the disciplinary penalty. Just cause has come to be the recognized benchmark for maintaining discipline within an enterprise.” Just cause is relied on as a means of determining equity and due process both in procedures surrounding disciplinary rules and in the substantive areas of disciplinary infractions (Zack, 1989, p. 57). Just cause goes to procedural justice and can be used to determine if discipline is being administered fairly.

**Interactional Justice** is the fairness of interpersonal interactions or communications. Interactional Justice among employees plays a role in the formation of procedural justice perceptions because of information exchange. Information exchange between managers and employees is crucial to promote fairness. “Organizations should not only be fair with their employees but cultivate an image of fairness and avoid the predicament of injustice. With this in mind, those in decision-making positions should be

familiar with procedural fairness issues” (Mossholder, Bennett & Martin, 1998, p. 139). This is important because supervisors should be versed on the disciplinary rules that are in place and apply them consistently to employees. Supervisors should also keep the communication lines open between them. Most grievances occur because supervisors and employees are not communicating or the communication is poor which leads to misunderstandings. These misunderstandings occur because some supervisors are limited in their communication skills.

The attitudes and official actions of supervisors help determine the overall level of trust and specific expectations within the organization, according to Haraway (2002, p. 511). Therefore, the supervisor’s role in the grievance procedure is critical to the effectiveness and legitimacy of the procedure.

All elements of fairness are vital for inclusion in the ideal model because employees who perceive that procedural justice, interactional justice and disciplinary rules exist and are administered fairly, will encourage fellow co-workers to participate in the grievance procedure.

### **Participation in Grievance Procedure**

Merely having a grievance procedure is not enough. It must also be utilized by employees and management with outcomes perceived as effective. The literature suggests that grievance procedures that are most effective include participation of the employees and managers and buy in from employees and managers that the procedure is fair.

One of the keys to success, however, is a willingness to trust the process so that a grievance can be freely discussed without any concern that such discussion will be used against either party at a later date, according to Skratek (1990, p. 279). Trust in the

system has to be established by employees and managers so that participation in the system will be beneficial to both.

Another key to success is to treat the grievance procedure as a community of inquiry. Shields (2003, p. 95) maintains “the community of inquiry organizing principle is implied when public administrators confront problematic situations (discuss a dispute) and consciously incorporates principles of participatory democracy into their practice.” An essential element of the community of inquiry is participatory democracy. Shields defines participatory democracy as simply a way of communicating (2003, p. 92).

Shields asserts that participatory democracy is employed daily by employees and supervisors because conversations occur continuously. A democratic principle requires that employees and management work together when conflict arises. In order to do this successfully, both parties must listen and have mutual responsiveness, which is an essential component of *participatory* in a participatory democracy.

Managers should take advantage of these opportunities to communicate with employees about issues before they rise to the level of a grievance. Using the principles of participatory democracy can assist managers and supervisors effectively in their participation in the grievance procedure.

The instant reaction of supervisors, however, to a grievance is defensive because they feel threatened and fear what will happen to them (Haraway, 2002, p. 512). This fear comes because supervisors are inadequately trained to manage the nuances of a legalistic grievance procedure that mimics law like rules and procedures. Haraway further asserts, “formal grievance procedure training should emphasize how supervisors can be more reflective and discriminatory in applying legal rules and decision criteria in resolving employee grievances.”

Haraway asserts “rediscovering process values in resolving employee grievance procedure has the potential to strengthen interpersonal sensitivity, responsibility and interactive justice, while enhancing organizational effectiveness and institutional legitimacy“ (2002, p. 517). Training employees and supervisors on evidence preparation and presentation for grievances will greatly increase the participation. Employees will be equipped to hold an effective discussion to present pertinent facts in the grievance procedure. Managers will perform better as witnesses if they are trained on effectively answering questions and maintaining documentation.

The ultimate goal is to have the least amount of dissatisfaction by employees and the greatest number of satisfied productive employees by developing an effective grievance procedure. For these reasons, participation in grievances should be in the ideal model.

In summary, the model grievance procedure has five key categories that will be used to assess the City of Austin and other large Texas City governments’ grievance procedures. The categories are 1) Communication of the Grievance Procedure, 2) Eligibility for Grievance, 3) Reason for Grievance, 4) Fairness of Grievance Procedure and 5) Participation in Grievance Procedure. These categories have been developed using the community of inquiry principles to resolving problems. The first three categories establish the grievance procedure and define the problem to be addressed. The fourth category determines what evidence should count and implements a system to interpret the evidence. The final category uses participatory democracy to determine the outcome of the problematic situation while allowing both employees and managers to have a voice. All categories have incorporated the community of inquiry principle.

**Table 2.1: Summary of Ideal Grievance Procedure Model**

Ideal Type Categories	Sources
<b>Communication of Grievance Procedure</b> Formal Grievance Procedure Information in Employee Handbook and/or Personnel Policy Discussion in New Employee Orientation Bulletins posted in office break rooms	Ewing 1989 Balfour 1984 Coleman 1988 Denton & Boyd 1990 Diaz, Minton & Saunders 1987 Gregory & Rooney 1980 LoBosco 1985 Scott 1965 Zack 1989
<b>Eligibility for Grievance</b> Length of employment Type of employee (temporary, regular, part-time, full-time) Timeline for filing	Ewing 1989 Trotta 1976
<b>Reason for Grievance</b> Disciplinary Employee Protection Discharge	Coleman 1988 Ewing 1989 Skratek 1990 Stieber 1986 Sulzner 1980 Zack 1989
<b>Fairness of Grievance Procedure</b> Disciplinary Rules Procedural Justice Interactional Justice	Balfour 1984 Blancero 1995 Ewing 1989 Haraway 2002 LoBosco 1985 Mossholder, Bennett & Martin 1998 Wilson 1993 Zack 1989
<b>Participation in Grievance Procedure</b> Participation by Employee and Management Evidence preparation and presentation by Employee and Management	Cozzetto 1991 Dworkin 1994 Haraway 2002 Shields 2003 Skratek 1990 LoBosco 1985

Chapter 3 outlines the methodology used to complete this study and describes how the ideal framework is operationalized.

## Chapter Three

### Methodology

#### Chapter Introduction

The purpose of this chapter is to discuss the methodologies used to assess the City of Austin and seven other Texas Cities grievance procedures. Case study and comparative case study methodologies are used respectively. A comparative case study was conducted on seven large Texas Cities as identified in the 2000 Bureau of the Census Population Data. The following Cities were identified: Corpus Christi, Dallas, El Paso, Fort Worth, Houston, Lubbock and San Antonio. These Cities were chosen because they are relative in size to the City of Austin and they would have employee relations issues similar to Austin's.

#### Research Method

In order to get a comprehensive view of the state of grievance procedures, all interviews and questionnaire items were constructed using the model grievance procedure constructed earlier as a template. **Table 3.1** summarizes the methodologies used in the case studies and shows their tie to the overall framework.

**Table 3.1: Operationalization of the Ideal Grievance Procedure Model**

Ideal Type Categories	Interview Questions	Survey Questions	Content Analysis
<b>Communication of Grievance Procedure</b>			
-Formal Grievance Procedure	<p>1. Does your organization have a formal written grievance procedure for non civil service employees? If so, please send an electronic copy to me.</p> <p>3. What form of grievance procedure do you use?</p>	<p>1. My organization has a formal written grievance procedure for non civil service employees.</p> <p>7. My organization communicates details of the grievance procedure in the personnel policy manual.</p>	Identified in procedure and/or personnel policy

<b>Ideal Type Categories</b>	<b>Interview Questions</b>	<b>Survey Questions</b>	<b>Content Analysis</b>
<b>Communication of Grievance Procedure, Continued</b>			
-Information in Personnel Policy and/or Employee handbook	2. How are details of the procedure communicated to employees? Please send an electronic copy.	4. My organization communicates details of the grievance procedure in the employee handbook.	Grievance Procedure included in handbook/policy
- Discussed in New Employee Orientation		5. My organization communicates details of the grievance procedure in new employee orientation.	New Employee orientation handout
- Bulletins posted in office break room		6. My organization post bulletins in the break room about the grievance procedure.	Copy of Bulletins
<b>Eligibility for Grievance</b>			
- Length of employment		10. My organization requires a specified period of employment before being eligible to file a grievance.	Addressed in Grievance Procedure and/or Personnel Policy
- Type of employee (temporary, regular, part-time, full-time)		8. My organization allows regular full and part time employees to file a grievance.  9. My organization allows temporary employees to file a grievance.	Addressed in Grievance Procedure and/or Personnel Policy
- Timeline for filing		11. My organization has established timelines to file a grievance.	Addressed in Grievance Procedure and/or Personnel Policy
<b>Reason for Grievance</b>			
- Disciplinary		12. My organization allows grievances for disciplinary actions.	Identified in Grievance Procedure and/or Personnel Policy
- Employee Protection		13. My organization allows grievances for employee protection actions.	Identified in Grievance Procedure and/or Personnel Policy
- Discharge		14. My organization allows grievances for discharge actions.	Identified in Grievance Procedure and/or Personnel Policy
<b>Fairness of Grievance Procedure</b>			
- Disciplinary Rules	4. Are disciplinary rules identified and applied consistently?		
- Procedural Justice		15. My organization perceives the grievance procedure as fair.  16. Employees in our organization perceive the outcome as fair.	Addressed in Grievance Procedure and/or Personnel Policy

Ideal Type Categories	Interview Questions	Survey Questions	Content Analysis
<b>Fairness of Grievance Procedure</b>			
- Interactional Justice		<p>17. Communication between employees and management improved after using the grievance procedure.</p> <p>23. Employees in our organization are satisfied with the outcome of the grievance procedure.</p>	Addressed in Grievance Procedure and/or Personnel Policy
<b>Participation in Grievance Procedure</b>			
- Participation by Employee and Management	5. How frequently is complaint procedure used?	<p>2. The HR Manager represents the company at each step of the grievance procedure.</p> <p>18. Employees in our organization use the grievance procedure frequently.</p> <p>19. Employees and managers in our organization are required to participate in the grievance procedure.</p> <p>20. Employees and managers in our organization suffer reprisal for using/participating in the procedure.</p> <p>21. Employees in our organization consider the grievance procedure successful.</p> <p>22. Managers in our organization consider the grievance procedure successful.</p>	Addressed in Grievance Procedure and/or Personnel Policy
- Evidence preparation and presentation by Employee and Management		<p>3. My organization has a representative help the employee prepare their case for the grievance.</p> <p>24. Employees in our organization are given guidelines and assistance on evidence preparation and presentation.</p>	Addressed in Grievance Procedure and/or Personnel Policy

## **Focused Interviews**

Interviews are appropriate for this research because it allows for preliminary data collection from the seven Texas Cities that will be further assessed using the two other methods identified earlier. With these interviews complete, it will allow time for modifications to each survey being sent electronically to the Human Resources Directors. It will also verify whether each City has an existing grievance procedure to be submitted for review as requested in the interview.

## **Survey Research**

According to Earl Babbie (2001, p. 238), survey research is helpful for “describing the characteristics of a large population”. In addition, surveys are helpful when a study is descriptive and if people are the main units of analysis. In this study, the main unit of analysis is each individual city. Still, there are more advantages to survey research. For example, it is easy to standardize responses obtained from survey research into categories and the use of standardized questionnaires is a very reliable research tool (Babbie, 2001, p. 268).

Although survey research has much strength, there are also weaknesses that should be taken into account when choosing to administer a survey. According to Babbie (2001, p. 268), the primary weakness is the information contained in the survey may be artificial and superficial due to the standardization of the questionnaire. Also, surveys tend to be inflexible, and they cannot always measure social action. For this research study, however, a survey seemed to be the most appropriate technique to employ because the Cities surveyed receive and send surveys of this nature electronically often. Response rate would be high because sharing of information among Cities is common.

## **The Survey Instrument**

A self-administered survey was used to assess the components of grievance procedures among the seven large City governments across Texas. **Appendix A** enumerates the seven large City governments who were surveyed. On January 23, 2004, surveys were sent electronically as an attachment to an e-mail to Human Resources Directors in these City governments. Copies of the surveys are attached as **Appendix D and E**. Follow-up e-mails were made on January 30, 2004, asking that the surveys and other requested documents be e-mailed or mailed back as soon as possible.

## **Survey Design and Construction**

The survey consists of 24 closed-ended questions, in which each respondent was asked to evaluate their existing grievance procedure in regard to communication, frequency of use, participation and effectiveness of the grievance procedure. The respondent answered each question by marking “Strongly Agree” to “Strongly Disagree”.

Survey items were constructed using the ideal model developed in Chapter 2. For example, “Communication” element of the model indicated that the grievance policy should be in the personnel handbook and discussed in new employee orientation. The survey instrument references both of these. **Appendix C** provides a copy of the e-mail sent with the survey instruments e-mailed to each of the human resources directors.

The first survey is to be completed by the Human Resources Directors (**Appendix D**) and the second survey is to be completed by participants in the grievance procedure (**Appendix E**).

The questionnaires were given to the City of Austin Human Resources Director and a sample of City of Austin grievance participants as a pretest. This determined whether the questions being asked were appropriate to generate the response required to

answer the research question. If the questions were not appropriate, the survey would be modified prior to sending it to the other Cities.

Once finalized, these surveys will be attached to an e-mail message explaining the survey and information on when the response is needed. A follow up e-mail will be sent to non-respondents five days following the original response deadline.

In order to compensate for some of the shortcomings and to provide support for the survey research, multiple sources of evidence should be used. Using multiple sources of evidence enables a researcher to address a broader range of historical, attitudinal and behavioral issues through the use of converging lines of inquiry—or triangulation—to reach accuracy and corroboration (Yin, 1994, p. 91). For these reasons, content analysis was used to measure features that the survey failed to capture.

### **Content Analysis**

By using content analysis as an unobtrusive method of observation, social scientists and researchers can examine a class of social artifacts, typically written documents (Babbie, 2001, p. 304). Babbie acknowledges that content analysis methods can be utilized with a wide range of communication modes, such as books, magazines, poems, newspapers, letters, documents, or any other components or collections thereof. Furthermore, content analysis is useful for answering the basic questions of communications research, such as “Who says what, to whom, why, and with what effect?” (Babbie, 2001, p. 305). According to Babbie, the process of content analysis has both advantages and disadvantages (**Table 3.2**).

**Table 3.2: Advantages and Disadvantages to Content Analysis**

• Economy terms of time and money
• No large staff is required
• No special equipment is needed
• It is unobtrusive
• Limited to examination of recorded communications

According to Babbie (2001, p. 309), content analysis is essentially a coding operation. Babbie writes, “In content analysis, communications – oral, written, or other – are coded or classified according to some conceptual framework”. Upon receipt of the grievance procedures, a content analysis will be conducted on each procedure to determine whether the ideal categories are included. A coding sheet has been developed (**Appendix E**) to ensure all categories are analyzed.

### **Operationalization**

For this study, one coding procedure was developed to collect data from the grievance procedures. Each grievance procedure was coded to determine if the policy existed and to assess if the procedure compares to the ideal type established in Chapter 2. The coding procedure incorporates the characteristics identified in the literature and demonstrates the manifest content or the “visible, surface content” of the grievance procedure (Babbie, 2001, p. 310).

The analysis of the grievance procedures took place between February 12 and February 17, 2004. The process of coding the manifest content of one grievance procedure took approximately 30 minutes. Two raters were used to assure reliability in the data and differences in interpretation of contents.

### **Coding Procedure**

To measure the manifest content of each grievance procedure the raters were given a measurement tool with one column. The raters were instructed to recognize the variables measured and make indications on the coding sheet (see **Table 3.1 and Appendix C**). The coding sheet was constructed using the ideal model developed in Chapter 2. For example, “Participation” element of the model indicated that employees and managers should be allowed to participate in the grievance procedure and evidence preparation and presentation by employees and management occurred. The coding sheet

references both of these. The rating column provides a space to indicate if the ideal category is present in the grievance procedure. An indication of “Yes” or “No” respectfully was indicated on the sheet.

### **Response Rate**

Two surveys were mailed to Human Resources Directors or their designees of the seven large Texas Cities chosen in the comparative case study. Of the first surveys sent (**Appendix D**), six returned the survey within ten days with one additional contact from the researcher. The City of Lubbock refused to complete the survey. Of the second surveys sent (**Appendix E**), no responses were received from any city.<sup>10</sup> All of the Cities submitted the requested documentation needed to complete the content analysis portion of this project. Thus, for the survey portion, the response rate is six out of seven for the first survey and zero for the second survey. For the content analysis portion of this project, the response rate is one hundred percent. All of the collected data was usable for purposes of this project.

### **Statistics**

Simple descriptive summary statistics are used to present data obtained from this project. For each category in the practical ideal type, the number of Cities that meet each criterion is presented. A summary of the results explain the extent to which the seven large Cities in the comparative case study meet the specified criteria outlined in the practical ideal type.

Chapter 4 describes and assesses the grievance procedure in the City of Austin. In addition, this chapter will address the results and recommendations to the City’s grievance procedure.

---

<sup>10</sup> The Cities contacted refused to distribute the survey to employees. It is believed by the researcher that the refusal is to avoid increases in grievances being filed.

## **Chapter Four**

### **City of Austin Results**

#### **Chapter Introduction**

The purpose of this chapter is to describe the Grievance Procedure being used by the City of Austin. In addition, the City of Austin's Grievance Procedure will be assessed in light of the model developed in Chapter 2. Finally, recommendations will be made to improve the City of Austin's grievance procedure.

#### **City of Austin Grievance Procedure<sup>11</sup>**

The City of Austin Grievance Procedure was created in February 1977 to allow City employees an avenue to address actions they felt were unfair. City employees could grieve actions resulting in disciplinary probation, suspension, demotion, denial of promotion or merit increase or termination. Additionally, employees who felt discriminated, harassed or retaliated against for filing a grievance or participating in an investigation could file a grievance. Steps in the grievance process were identified in the Personnel Policy as follows:

- 1) Employee should attempt to resolve the problem informally within thirty days of the incident with their immediate supervisor,
- 2) If a solution is not reached, the employee may file a formal grievance in writing to the Department Head,
- 3) If a solution cannot be reached within the department, the employee may file an appeal with the Grievance Committee,
- 4) Grievance Committee will make a recommendation to the City Manager for final disposition of the grievance.

---

<sup>11</sup> All information in this section came from City of Austin Personnel Policies and/or Grievance Procedures dated February 1977 through August 1996.

An employee who was terminated could appeal within thirty days directly to the Grievance Committee and bypass the steps listed above. Time limits were also established and identified in the Personnel Policy. The maximum time allowed resolving a grievance was fifty-five days from the time of initiation. At each stage, there were maximum time limits imposed, ten working days for informal resolution, ten working days for Department Head resolution, twenty-five working days for Grievance Committee recommendation and ten working days for City Manager's final decision.

The Grievance Committee consisted of seven City employees who heard, reviewed and made recommendations for each appeal. City employees elected these members. In addition, there were two non-voting members who consisted of a City Attorney and the Personnel Director. The role of the non-voting members was to assist and advise the Committee as required. This procedure remained in effect until May 27, 1993 when another revision occurred.

The May 27, 1993 revisions were in four major areas of the Grievance Procedure. The first revision created three different types of grievances and clarified the process for handling each. The three types were 1) General (wages, hours and conditions of work), 2) Discrimination and Sexual Harassment and 3) Demotion, Denial of Promotion, Disciplinary Probation, Suspension and Termination.

The first revision, separation of grievances by category, allowed the general grievances to be handled in a timely manner and at the lowest level of management. The Discrimination and Sexual Harassment issues were unique because they required Employee Relations staff to conduct an investigation. These investigations were necessary to guarantee the City's risk of future liability. Management's decisions would also be reviewed for discriminatory actions or possible violations. If the outcome of an

investigation proved that the action did violate a policy, the action taken by management would be reversed.

The second revision added an impartial hearing officer to hear grievances for demotion, denial of promotion, disciplinary probation, suspension and termination. The hearing officer was required to produce a fact-finding report to be used by the grievance committee and the City Manager to make a final decision. Since the hearing officer was usually an attorney, a City Attorney represented the department involved.

The third revision was to give employees appealing termination the option to appeal to the City Manager through the hearing officer alone or through the hearing officer and the grievance committee. With this option, employees could determine which avenue would best serve their agenda. The final revision was to restructure the role of the grievance committee. The committee would receive a report of the facts of the case and would determine whether the facts support the action being grieved. Prior to this, the committee was allowed to hear testimony.

Other minor changes included streamlining the timelines to allow sufficient time for grievances to be addressed effectively and efficiently. While at the same time, emphasizing and encouraging the use of internal mediation and dispute resolution services to prevent and resolve grievances. Another change was the existing required step of the intermediary process through the immediate supervisor was now an option. This change was necessary because some employees did not feel comfortable talking to their supervisors about actions they had taken against them. The door would be open for those employees who were to still utilize that step. These changes remained in effect until August 2, 1996.

August 2, 1996 the City made the last change to the Grievance Procedure. The City Attorney's office no longer had the resources to represent each department in

grievances. Another reason for the change was to simplify the process and make it less antagonistic for the employee. Employees believed they needed representation because the City Attorney represented the department. The responsibility for representing the department was delegated to the department Human Resources Manager. Employees appreciated this change because they no longer felt they needed representation at the hearings.

The 1993 and 1996 modifications of the grievance procedure are still being used in the City of Austin as evidenced in the current grievance procedure analyzed. The Human Resources Department has been working on revisions to the current grievance procedure for two years due to complaints by employees and management. Most of the complaints deal with the frequent selection of particular hearing officers and the lack of support for employees who represent themselves. To address these issues, the Human Resources Director wants to evaluate the grievance procedures in use in large Cities in Texas. This evaluation will allow the City of Austin to ensure that the revised procedure is the most practical and comparable to other Texas Cities.

## **City of Austin Results**

### **Communication of Grievance Procedure**

#### **Survey Results**

**Table 4.1: Communication of Grievance Procedure**

<b>Survey Questions for Human Resources Directors</b>	<b>Strongly Agree or Agree</b>
My organization has a formal written grievance procedure for non civil service employees.	Yes
My organization communicates details of the grievance procedure in the personnel policy.	Yes
My organization communicates details of the grievance procedure in the employee handbook.	Yes
My organization communicates details of the grievance procedure in new employee orientation.	Yes
My organization post bulletins in the break room about the grievance procedure.	No

In four of the five questions dealing with Communication of Grievance Procedures, the City of Austin complies with the ideal standards. A formal grievance procedure is detailed in the personnel policy. Although the City of Austin responded the grievance procedure is in the employee handbook, the researcher was not provided with a copy. The City of Austin does not post bulletins in the break rooms.

### Document Analysis

**Table 4.2: Linking Document Analysis to Communication of Grievance Procedure**

Ideal Type Category	Evidence	Document	Included
<b>Communication of Grievance Procedure</b>			
- Formal Grievance Procedure	Listed in Grievance Procedure	Grievance Procedure	Yes
- Information in Personnel Policy and/or Employee Handbook	Listed in Personnel Policy	Personnel Policy	Yes
- Discussed in New Employee Orientation	N/A	N/A	N/A
- Bulletins posted in office break Rooms	Copy of Bulletin	N/A	No

The document analysis also supported the adherence of Communication of Grievance Procedures for the City of Austin. The City of Austin has a formal grievance procedure and information was present in the personnel policies about the grievance procedure. In addition, the City of Austin has a separate grievance procedure that further details the process. The City of Austin does not post bulletins in break rooms.

Documents were not available to provide confirmation that discussions took place in new employee orientation but the representative, Kim Peterson, Employee Relations Manager, mentioned in the interview that discussions took place.

## Eligibility for Grievance Procedure

### Survey Results

**Table 4.3: Eligibility for Grievance Procedure**

Survey Questions for Human Resources Directors	Strongly Agree or Agree
My organization allows regular full and part time employees to file a grievance.	Yes
My organization allows temporary employees to file a grievance.	No
My organization requires a specified period of employment before being eligible to file a grievance.	Yes
My organization has established timelines to file a grievance.	Yes

Overall, The City of Austin supported the notion that eligibility for grievance is an essential component. The City of Austin allows regular full time and part time employees to file grievances after they have completed a probationary period. The City of Austin does not allow temporary employees to file a grievance.

### Document Analysis

**Table 4.4: Linking Document Analysis to Eligibility for Grievance Procedure**

Ideal Type Category	Evidence	Document	Included
<b>Eligibility for Grievance Procedure</b>			
- Length of employment	Listed in Grievance Procedure	Grievance Procedure	Yes
- Type of Employee	Listed in Grievance Procedure	Grievance Procedure	Yes
- Timeline for Filing	Listed in Grievance Procedure	Grievance Procedure	Yes

The document analysis also supported that eligibility for grievance is important. The City of Austin included all categories in their grievance procedure and identified the type of employees who were eligible to file. In addition, timelines were identified in the procedure for filing grievances.

## Reason for Grievance Procedure

### Survey Results

**Table 4.5: Reason for Grievance Procedure**

Survey Questions	Strongly Agree or Agree
My organization allows grievances for disciplinary actions.	Yes
My organization allows grievances for employee protection actions.	Yes
My organization allows grievances for discharge actions.	Yes

The City of Austin allows grievances for disciplinary actions, employee protection actions and discharge. Overall, the City of Austin supports reason for grievance is necessary in the model.

### Document Analysis

**Table 4.6: Linking Document Analysis to Reason for Grievance Procedure**

Ideal Type Category	Evidence	Document	Included
<b>Reason for Grievance Procedure</b>			
- Disciplinary	Included in Grievance Procedure	Grievance Procedure	Yes
- Employee Protection	Included in Grievance Procedure	Grievance Procedure	Yes
- Discharge	Included in Grievance Procedure	Grievance Procedure	Yes

The content analysis of the City of Austin’s grievance procedure supported that all categories should be reasons for grievance. Information about a separate process for Discrimination grievances was included in the grievance procedure. Types of discipline were outlined in the grievance procedures.

## Fairness of Grievance Procedure

### Focused Interview Results

In the interview conducted with Kim Peterson, City of Austin Employee Relations Manager, she indicated that disciplinary rules are outlined in the personnel policy and

applied consistently within departments. This was the only question asked about fairness during the interview.

## Survey Results

**Table 4.7: Fairness of Grievance Procedure**

Survey Questions	Strongly Agree or Agree
My organization perceives the grievance procedure as fair.	Yes
Employees in our organization perceive the outcome as fair.	Yes
Communication between employees and management improved after using the grievance procedure.	No
Employees in our organization are satisfied with the outcome of the grievance procedure.	No

Overall, the City of Austin perceived their grievance procedure was fair but they are uncertain that communication improved between employees and managers. In addition, the City of Austin believes that employees' perceive the outcome is fair; however, the response is neutral concerning satisfaction of the grievance procedure. Unfortunately, this assessment leads the researcher to believe that perceived fairness may be an issue for employees.

## Document Analysis

**Table 4.8: Linking Document Analysis to Fairness of Grievance Procedure**

Ideal Type Category	Evidence	Document	Included
<b>Fairness of Grievance Procedure</b>			
- Disciplinary Rules	N/A	N/A	N/A
- Procedural Justice	Included in Grievance Procedure	Grievance Procedure	Yes
- Interactional Justice	Included in Grievance Procedure	Grievance Procedure	Yes

The document analysis of the documents revealed that the City of Austin supports Procedural Justice is a key element in ensuring fairness. Another important element

supported is Interactional Justice between employees and managers. The City of Austin grievance procedure encourages employees and supervisors to work out the dispute prior to engaging the grievance procedure. Documents were not provided that demonstrated whether disciplinary rules were written and applied consistently but the representative interviewed confirmed this occurred.

## Participation in Grievance Procedure

### Focused Interview Results

The City of Austin representative responded that employee use of the grievance procedure was light to moderate.

### Survey Results

**Table 4.9: Participation in Grievance Procedure**

Survey Questions	Strongly Agree or Agree
The HR Manager represents the company at each step of the grievance procedure.	Yes
Employees in our organization use the grievance procedure frequently.	No
Employees and managers in our organization are required to participate in the grievance procedure.	Yes
Employees and managers in our organization suffer reprisal for using/participating in the procedure.	No
Managers in our organization consider the grievance procedure successful.	No
Employees in our organization consider the grievance procedure successful.	Yes

The City of Austin had mixed responses to participation in the grievance procedure. Managers do not consider the grievance procedure successful. Perhaps the negative response is attributed to the over use of a particular hearing officer while that has been a positive for employees perception of the procedure being successful. Nevertheless, the frequency of use has not declined and participation could be high because participation is required in the grievance procedure once it is initiated. On a positive note, responses to employees and managers suffering reprisal were zero. City

representatives should take a look at why participation is low when the chance of reprisal is non-existent.

### Document Analysis

**Table 4.10: Linking Document Analysis to Participation in Grievance Procedure**

Ideal Type Category	Evidence	Document	Included
Participation in Grievance Procedure			
- Participation by Employees and Management	Included in Grievance Procedure	Grievance Procedure	Yes
- Evidence Preparation and presentation by Employees and Management	Included in Grievance Procedure	Grievance Procedure	No

The City of Austin grievance procedure included discussions regarding participation by employees and management to support that this is an essential element in the grievance procedure. The City of Austin grievance procedure did not identify assistance with evidence preparation and presentation as an element. The City of Austin should take a look at whether adding this element to the grievance procedure would be beneficial to increase participation in the grievance procedure.

### Recommendations for the City of Austin

Overall, the City of Austin Grievance Procedure met most of the ideal categories in the model; however, there are a few areas where improvement is recommended. In the Communication of Grievance Procedure category, the City of Austin meets all elements except the posting of bulletins. It is recommended that the City post bulletins in the break room to notify employees that the procedure exist and include contact information. The City of Houston has a bulletin that can be used as a best practice and can be found in **Appendix G**.

In the Fairness of Grievance Procedure category, the City of Austin should make every effort to find out whether employees believe the Grievance Procedure is fair by

communicating the measures taken to ensure fairness exist. This can be done by survey or use of focus groups.

The Participation in Grievance Procedure category is where the most improvement is needed. Although the City of Austin requires participation by management and employees, they do not have adequate training to participate productively. Therefore, training is recommended for employees and managers on communication skills. This simple step might reduce the number of complaints that are submitted to the formal Grievance Procedure.

Another key aspect of this category that has not been addressed is evidence preparation and presentation. Employees need assistance in preparing their case so they can justify how they were mistreated. This will avoid delays in the hearing spent assisting employee's presenting their case. In addition, management needs preparation on presenting testimony. Oftentimes, managers try to provide irrelevant information or inappropriate comments. These changes will reduce the amount of time spent in the grievance proceedings and may improve satisfaction among both parties.

**Table 4.11** provides a summary of the recommendations made for the City of Austin.

**Table 4.11: Recommendations for the City of Austin**

<u>Criteria</u>	<u>Meets Practical Ideal Type</u>	<u>Recommendations</u>
<p><b>Communication of Grievance Procedure</b></p> <ul style="list-style-type: none"> <li>- Formal Grievance</li> <li>- Information if Employee Handbook and/or Personnel Policy</li> <li>- Discussion in NEO</li> <li>- Bulletins posted in office break rooms</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p>	<p>Bulletins should be posted in break rooms to remind employees that the procedures exist.</p>
<p><b>Fairness of Grievance Procedure</b></p> <ul style="list-style-type: none"> <li>- Disciplinary Rules</li> <li>- Procedural Justice</li> <li>- Interactional Justice</li> </ul>	<p>N/A</p> <p>Yes</p> <p>No</p>	<p>Be aware of the perception employees have of the grievance procedure and make modifications to provide a more efficient procedure.</p>
<p><b>Participation in Grievance Procedure</b></p> <ul style="list-style-type: none"> <li>- Participation by Employee and Management</li> <li>- Evidence preparation and presentation by Employees and Management</li> </ul>	<p>Yes</p> <p>No</p>	<p>Provide assistance or training to employees and managers on effective communication skills. Training could reduce the number of complaints that go through the entire grievance process.</p> <p>Provide assistance and training in evidence preparation and presentation to employees and managers. Training could produce more efficient grievance proceedings.</p>

Chapter 5 describes and summarizes the results from this study.

## **Chapter Five**

### **Results of Large Texas Cities**

#### **Chapter Introduction**

The purpose of this chapter is to present the results of the research on the assessment of the grievance procedures in Texas large Cities. This chapter examines evidence resulting from focused interviews, surveys and content analysis of Texas large Cities Human Resources Directors or their designees.

#### **Analysis of Survey Results**

The primary purpose of the survey was to assess the grievance procedures utilized in Texas large Cities. The survey questions were developed as a means to provide an overview of the components within the grievance procedures. The responses collected were compared to the ideal characteristics as set forth by the current literature and conceptual framework. The ideal grievance procedure components are: Communication of the Grievance Procedure, Eligibility for Grievance, Reason for Grievance, Fairness of Grievance Procedure and Participation in Grievance Procedure.

The questions asked in the survey are designed to determine the type of grievance procedure, the contents of the procedure and the nature and extent to which each component is used. The remainder of this chapter summarizes the data obtained from the focused interviews, surveys and content analysis. Each component of the conceptual framework is discussed separately, with the results given for each one.

## Communication of Grievance Procedure

### Focused Interview Results

The focused interviews with representatives of each of the seven Texas Cities listed in **Appendix B** provided preliminary data and evidence that each City did have a formal written grievance procedure for non civil service employees. The Cities of Corpus Christi, Dallas, El Paso and San Antonio classify civilian employees as civil service. For purposes of this study, civil service civilian employees were treated as non-civil service. Each city communicated that some form of step procedure was used and maintained that communication with employees occurred. The information obtained in the interview was verified by receipt of the seven Cities grievance procedure and other communication documents requested in the survey.

### Survey Results

**Table 5.1: Communication of Grievance Procedure**

Survey Questions for Human Resources Directors	N <sup>12</sup>	Strongly Agree & Agree	Mode
My organization has a formal written grievance procedure for non civil service employees.	6	5	Strongly Agree
My organization communicates details of the grievance procedure in the personnel policy.	6	4	Agree
My organization communicates details of the grievance procedure in the employee handbook.	6	1	Neutral
My organization communicates details of the grievance procedure in new employee orientation.	6	4	Agree*
My organization post bulletins in the break room about the grievance procedure.	6	2	Strongly Disagree*

\*Multiple modes exist. Smaller value is indicated.

Five of the six respondents agreed or strongly agreed that they had a formal written grievance procedure. In three of the five questions dealing with Communication of Grievance Procedures, at least four or more Cities comply with the ideal standards.

<sup>12</sup> Only 6 of the 7 Cities returned the survey instrument.

Most have a formal grievance procedure that is detailed in the personnel policy.

Unfortunately, the policies are seldom detailed in employee handbooks nor posted in break rooms (most respondents strongly disagreed that the procedures were posted).

### Content Analysis

**Table 5.2: Linking Content Analysis to Communication of Grievance Procedure**

Ideal Type Category	Evidence	Document	#Cities <sup>13</sup>
<b>Communication of Grievance Procedure</b>			
- Formal Grievance Procedure	Listed in Grievance Procedure	Grievance Procedure	7
- Information in Personnel Policy and/or Employee Handbook	Listed in Personnel Policy	Personnel Policy	7
- Discussed in New Employee Orientation	N/A	N/A	N/A
- Bulletins posted in office break Rooms	Copy of Bulletin	Bulletin from City of Houston	2

The content analysis also supported the adherence of Communication of Grievance Procedures for the Cities. All seven Cities had a formal grievance procedure and information was present in the personnel policies about the grievance procedure. Of the respondents, the City of Houston and the City of Corpus Christi reported they posted bulletins in break rooms. Only the City of Houston provided an example of the bulletin. Documents were not available to provide confirmation that discussions took place in new employee orientation but all seven representatives mentioned in the interview that discussions took place.

---

<sup>13</sup> All seven Cities submitted a copy of their personnel policies and grievance procedures as requested during the interview. The number of Cities indicates how many Cities included the categories in their grievance procedure.

## Eligibility for Grievance Procedure

### Survey Results

**Table 5.3: Eligibility for Grievance Procedure**

Survey Questions	N	Strongly Agree & Agree	Mode
My organization allows regular full and part time employees to file a grievance.	6	5	Agree
My organization allows temporary employees to file a grievance.	6	1	Strongly Disagree
My organization requires a specified period of employment before being eligible to file a grievance.	6	4	Strongly Agree
My organization has established timelines to file a grievance.	6	5	Strongly Agree

Overall, respondents supported the notion that eligibility for grievance is an essential component. There was equal agreement among respondents that regular full and part time employees (5 of the 6) were eligible to file grievances and that timelines should be established (5 of the 6). Only four of the six respondents agreed or strongly agreed that a specified period of employment should be established. On the other hand, one of the six respondents strongly disagreed that temporary employees are perhaps not best eligible to file a grievance. Hence, there is evidence that eligibility for grievance is adhered to.

### Content Analysis

**Table 5.4: Linking Content Analysis to Eligibility for Grievance Procedure**

Ideal Type Category	Evidence	Document	#Cities Yes
<b>Eligibility for Grievance Procedure</b>			
- Length of employment	Listed in Grievance Procedure	Grievance Procedure	2
- Type of Employee	Listed in Grievance Procedure	Grievance Procedure	6
- Timeline for Filing	Listed in Grievance Procedure	Grievance Procedure	7

The content analysis also supported that eligibility for grievance is important. Six of the seven Cities included type of employee as a criterion. All seven of the Cities procedures included timeline for filing as criteria to meet before a grievance could be filed. Only two Cities addressed length of employment as an eligibility criterion.

## Reason for Grievance Procedure

### Survey Results

**Table 5.5: Reason for Grievance Procedure**

Survey Questions	N	Strongly Agree & Agree	Mode
My organization allows grievances for disciplinary actions.	6	2	Disagree
My organization allows grievances for employee protection actions.	6	3	Neutral
My organization allows grievances for discharge actions.	6	0	Strongly Disagree

The City representatives surveyed had mixed negative responses regarding the reasons for grievance. Perhaps understandably there was confusion about the term employee protection actions. Three of the six respondents agreed or strongly agreed that employee protection actions were a reason for grievance. Only two of the six respondents agreed that disciplinary actions should be grieved. On the other hand, most were opposed to allowing grievances for discharge action.

### Content Analysis

**Table 5.6: Linking Content Analysis to Reason for Grievance Procedure**

Ideal Type Category	Evidence	Document	# Cities Yes
<b>Reason for Grievance Procedure</b>			
- Disciplinary	Included in Grievance Procedure	Grievance Procedure	5
- Employee Protection	Included in Grievance Procedure	Grievance Procedure	1
- Discharge	Included in Grievance Procedure	Grievance Procedure	2

The content analysis of five of the seven procedures did not support that discharge is a reason for grievance. Information about a separate process for discharge actions, however, was included in two of the seven procedures. There was confusion about what employee protection entailed when responding to the survey. When reviewing the documents, however, one city included employee actions in their grievance procedure. Types of discipline are outlined in five of the seven grievance procedures as reasons but others are excluded.

### **Fairness of Grievance Procedure**

#### **Focused Interview Results**

The interviews conducted with the City representatives indicated that disciplinary rules are outlined in the personnel policy and applied consistently within departments. This was the only question asked about fairness during the interview. Only the City of El Paso had unwritten rules for handling discipline, however, those rules were applied consistently.

#### **Survey Results**

**Table 5.7: Fairness of Grievance Procedure**

<b>Survey Questions</b>	<b>N</b>	<b>Strongly Agree &amp; Agree</b>	<b>Mode</b>
My organization perceives the grievance procedure as fair.	6	5	Agree
Employees in our organization perceive the outcome as fair.	6	2	Neutral
Communication between employees and management improved after using the grievance procedure.	6	4	Agree
Employees in our organization are satisfied with the outcome of the grievance procedure.	6	1	Neutral

Overall, five of the six respondents perceived the grievance procedure in their organization was fair and further believed that communication improved between

employees and managers (4 of the 6). On the other hand, responses were negative concerning employees’ perception of the outcome (2 of the 6) and satisfaction (1 of the 6) of the grievance procedure. Unfortunately, this assessment leads the researcher to believe that perceived fairness may be an issue for employees.

### **Content Analysis**

**Table 5.8: Linking Content Analysis to Fairness of Grievance Procedure**

<b>Ideal Type Category</b>	<b>Evidence</b>	<b>Document</b>	<b># Cities</b>
<b>Fairness of Grievance Procedure</b>			
- Disciplinary Rules	N/A	N/A	N/A
- Procedural Justice	Included in Grievance Procedure	Grievance Procedure	7
- Interactional Justice	Included in Grievance Procedure	Grievance Procedure	6

The content analysis of the documents revealed that all seven Cities support Procedural Justice is a key element in ensuring fairness. Another important element supported is Interactional Justice between employees and managers. Six of the seven procedures included this element in their procedure. Most of the documents analyzed encourage employees and supervisors to work out the dispute prior to engaging the grievance procedure. Documents were not provided that demonstrated whether disciplinary rules were written and applied consistently but five of the seven City representatives interviewed confirmed this occurred.

### **Participation in Grievance Procedure**

#### **Focused Interview Results**

A question regarding frequency of use of the grievance procedure was asked to each City representative to determine the level of participation by employees. Most of

the Cities had light to moderate use of the grievance procedure. The City of Houston indicated the frequency of use has decreased since the last revision in 1999 to the procedure.

## Survey Results

**Table 5.9: Participation in Grievance Procedure**

Survey Questions	N	Strongly Agree & Agree	Mode
The HR Manager represents the company at each step of the grievance procedure.	6	1	Disagree*
Employees in our organization use the grievance procedure frequently.	6	3	Neutral*
Employees and managers in our organization are required to participate in the grievance procedure.	6	3	Agree
Employees and managers in our organization suffer reprisal for using/participating in the procedure.	6	0	Neutral
Managers in our organization consider the grievance procedure successful.	6	2	Strongly Disagree
Employees in our organization consider the grievance procedure successful.	6	2	Neutral

\*Multiple modes exist. Smaller value is indicated.

The City representatives had a mixed negative assessment<sup>14</sup> of the participation in the grievance procedure. Perhaps the negative response concerning the managers and employees (2 of the 6 respectively), considering the grievance procedure is successful accounts for the minimal participation. On the other hand, responses were slightly higher for frequency of use (3 out of 6) of the grievance procedure. This could be attributed to required participation in the grievance procedure once it is initiated (3 out of 6). On a positive note, responses to employees and managers suffering reprisal were zero. City representatives should take a look at why participation is low when the chance of reprisal is non-existent.

<sup>14</sup> Note: This study gets perceptions from only one side of the dispute. Information should be interpreted cautiously.

## Content Analysis

**Table 5.10: Linking Content Analysis to Participation in Grievance Procedure**

<b>Ideal Type Category</b>	<b>Evidence</b>	<b>Document</b>	<b># Cities Yes</b>
<b>Participation in Grievance Procedure</b>			
- Participation by Employees and Management	Included in Grievance Procedure	Grievance Procedure	7
- Evidence Preparation and presentation by Employees and Management	Included in Grievance Procedure	Grievance Procedure	4

All seven grievance procedures reviewed included discussions regarding participation by employees and management to support that this is an essential element in the grievance procedure. Four of the seven grievance procedures received identified assistance with evidence preparation and presentation as an element. City representatives should take a look at whether adding this element to the grievance procedure would be beneficial to increase participation in the grievance procedure.

Chapter 6 assesses whether or not the large Texas Cities, including the City of Austin, meet the ideal characteristics developed throughout the course of the study and recommendations are made for revising the City of Austin's and the other seven Texas large Cities grievance procedure.

## Chapter Six

### Recommendations and Conclusion

#### Chapter Introduction

This chapter presents the overall results of this study, while identifying whether or not the grievance procedures within the large Texas Cities meet the practical ideal type as identified in the preceding chapters. Finally, recommendations are made for improving the City of Austin's grievance procedure by utilizing the data gathered from other Cities for a more efficient grievance procedure.

As demonstrated in Chapter 5, six of the seven<sup>15</sup> Cities who responded to the survey provide a grievance procedure for their employees. A little more than one-half of these Cities, however, provide all five essential components that should be found in an ideal and effective grievance procedure. From the data collected, it is apparent that Cities are meeting some of their employees' needs yet failing to meet others. In other words, by not providing an effective grievance procedure for their employees, the employees within these Cities will not utilize this procedure to their advantage.

Although the purpose of this research was to provide recommendations only to the City of Austin for improving the grievance procedure, the researcher is compelled to include recommendations for the Cities participating in the research. It is evident that they too are in need of establishing a more effective grievance procedure. Each set of recommendations has been broken down to focus separate attention on the key areas where improvement is necessary.

---

<sup>15</sup> These results include the City of Austin's response.

## **Recommendations**

### **Communication of Grievance Procedures**

Overall, the majority of the Cities surveyed, including the City of Austin, have done a great job communicating the grievance procedure as outlined in the ideal model. The only recommendation being made is to post bulletins in break rooms to remind employees that the grievance procedure is available. The majority of employees are not familiar with the personnel policy. A visible reminder, however, would guide them to the appropriate personnel in the organization to assist them should a problem arise. The City of Houston has a one-page bulletin describing the grievance procedure that could be replicated by other Cities as a best practice. A copy of the City of Houston's bulletin is in the Appendix (**Appendix G**).

### **Reason for Grievance**

There was confusion concerning what issues were valid for filing a grievance identified in this research. The recommendation being made is to clearly define what reasons for disciplinary actions and employee protection actions are included. The City of Austin does a good job identifying the specific disciplinary actions, including discharges that are reasons for grievance. The City of Austin has a separate procedure for handling employee protection actions. The model being used by the City of Austin should be helpful to the other Cities whose reasons are not so clear.

### **Fairness of Grievance Procedure**

Overall, the Cities surveyed, including Austin, do a good job meeting this criterion. The one weakness is that Cities surveyed were not tuned to the perception of employees regarding the fairness of the grievance procedure. Cities should contact

employees to determine what areas of the grievance procedure is not perceived as fair and make modifications to provide a more efficient process. A survey was comprised to gather input from the employees participating in the grievance procedure to determine how they perceive fairness. The seven Texas large Cities chose not to forward the survey to employees. Therefore, the results must be interpreted with caution because employee response was not accessible.

### **Participation in Grievance Procedure**

Employees should be willing to actively participate in grievance procedures since this research found that they do not suffer reprisal for doing so. Yet, employee participation is minimal. Two recommendations are made to increase the participation level of employees and supervisors. 1) Cities should provide assistance or training to employees and managers on effective communication skills. Training could reduce the number of complaints that go through the entire grievance process. The ability of employees and managers to communicate will reduce the number of complaints being received while becoming an efficient procedure. 2) Cities should provide assistance and training in evidence preparation and presentation to employees and managers. Training could provide for more efficient grievance proceedings because employees will be better equipped to present a clear and concise case. Managers will make better witnesses and will decrease the amount of time spent in the grievance process.

### **Summary**

In summary, although some Cities provide grievance procedures for their employees, there is still much room for improvement. For future research, it would be interesting to determine whether demographics of the Cities in this research affect the use of the Grievance Procedures and whether quality control mechanisms would ensure procedures are updated prior to a crisis. For now, in order to make adjustments to move

toward developing an efficient grievance procedure, the practical ideal type identified in this study would be an extremely useful tool for helping Cities revising their procedures.

Another recommendation would be to include an additional category, Evaluation of Grievance Procedure, in the model. This category will allow employees and managers to evaluate the Grievance Procedure immediately after they have participated in the process, prior to a decision being rendered. These evaluations can be used by Human Resources Departments to make process improvements to the Grievance Procedure prior to a crisis occurring.

**Table 6.1** provides a summary of the results of this study and includes an overview of the recommendations made for all cities, including the City of Austin.

**Table 6.1: Overall Conclusions and Recommendations**

<u>Criteria</u>	<u>Meets Practical Ideal Type</u>	<u>Recommendations</u>
<b>Communication of Grievance Procedure</b>		
- Formal Grievance	7 of 7 Cities	
- Information in Employee Handbook and/or Personnel Policy	7 of 7 Cities	
- Discussion in NEO	7 of 7 Cities	
- Bulletins posted in office break rooms	2 of 7 Cities	Bulletins should be posted in break rooms to remind employees that the procedures exist.
<b>Reason for Grievance</b>		
- Discipline	3 of 7 Cities	Cities should clearly define what disciplinary reasons and employee protection actions are allowed in the grievance procedure.
- Employee Protection	4 of 7 Cities	
- Discharge	1 of 7 Cities	Discharge should be added as a reason for grievance.

<p><b>Fairness of Grievance Procedure</b></p> <ul style="list-style-type: none"> <li>- Disciplinary Rules</li> <li>- Procedural Justice</li> <li>- Interactional Justice</li> </ul>	<p>1 of 7 Cities</p> <p>6 of 7 Cities</p> <p>5 of 7 Cities</p>	<p>Cities should be aware of the perception employees have of the grievance procedure. Cities should make modifications to provide a more efficient procedure.</p>
<p><b>Participation in Grievance Procedure</b></p> <ul style="list-style-type: none"> <li>- Participation by Employee and Management</li> <li>- Evidence preparation and presentation by Employees and Management</li> </ul>	<p>4 of 7 Cities</p> <p>0 of 7 Cities</p>	<p>Cities should provide assistance or training to employees and managers on effective communication skills. Training could reduce the number of complaints that go through the entire grievance process.</p> <p>Cities should provide assistance and training in evidence preparation and presentation to employees and managers. Training could produce more efficient grievance proceedings.</p>
<p><b>Evaluation of Grievance Procedure</b></p> <ul style="list-style-type: none"> <li>- Employees and Managers complete a survey after participating Grievance</li> <li>- Human Resources Departments evaluate the responses and make process improvements</li> </ul>		<p><b>This category should be added to the model.</b></p>

## Appendix A: List of Seven Large City Governments

Name of City	Population <sup>16</sup>
Austin	652,562 <sup>17</sup>
Corpus Christi	277,454
Dallas	1,188,580
El Paso	563,662
Fort Worth	534,694
Houston	1,953,631
Lubbock	199,564
San Antonio	1,114,579

---

<sup>16</sup> Bureau of the Census: 2000 Population Data

<sup>17</sup> Austin is included as a population comparison to the other Cities chosen as the target population for this study.

## Appendix B: List of Seven Large City Government Contact Information

1. City of Corpus Christi  
Corina Saenz  
E-mail address: [corinas@cctexas.com](mailto:corinas@cctexas.com)  
Phone Number: (361) 880-3305
2. City of Dallas  
Vanessa Gray  
E-mail address: [vgray@mail.ci.dallas.tx.us](mailto:vgray@mail.ci.dallas.tx.us)  
Phone Number: (214)670-3527
3. City of El Paso  
Armando A. Pena  
E-mail address: [penaaa@ci.el-paso.tx.us](mailto:penaaa@ci.el-paso.tx.us)  
Phone Number: (915) 541-4504
4. City of Fort Worth  
Mary Ann Fulgium  
E-mail address: [maryann.fulgium@fortworthgov.org](mailto:maryann.fulgium@fortworthgov.org)  
Phone Number: (817) 392-7757
5. City of Houston  
Roland Bienvenu  
E-mail address: [roland.bienvenu@cityofhouston.net](mailto:roland.bienvenu@cityofhouston.net)  
Phone Number: (713) 837-9312
6. City of Lubbock  
Kay Wright  
E-mail address: [kwright@mail.ci.lubbock.tx.us](mailto:kwright@mail.ci.lubbock.tx.us)  
Phone Number: (806) 775-2303
7. City of San Antonio  
Marina Morin  
E-mail address: [morin@ci.sat.tx.us](mailto:morin@ci.sat.tx.us)  
Phone Number: (210) 207-8108

## **Appendix C: Sample E-mail to Human Resources Officers**

Good morning,

My name is Valerie LaCour Francois and I work with the City of Austin. I am conducting a survey with other Texas City governments about grievance procedures. Please answer the following questions or forward to someone who handles the grievance procedures:

- 1) Does your organization have a formal written grievance procedure for non civil service employees? If so, please send an electronic copy to me or fax it.
- 2) What form of grievance procedure do you use?
- 3) How are details of the procedure communicated to employees? Please send an electronic copy to me or fax it.
- 4) Are disciplinary rules identified and applied consistently?
- 5) How frequently is the grievance procedure used?

Please complete the attached survey for the director addressing your grievance procedure. In addition, would you be able to get 10 employees who have participated in the grievance procedure to complete the second survey? They don't have to include their names or any identifying information. You can send it back to me or ask them to fax it to me. My numbers are listed below.

Thanks for your assistance.

Valerie LaCour Francois, PHR  
Human Resources Manager  
Community Care Services Department  
(512) 972-4005 (work) 512) 972-4026 (fax)

## Appendix D: Survey of large Texas City Government Human Resources Directors

*Instructions: Beside each of the questions presented below, please answer with one of the following responses: **Strongly Agree (SA)**; **Agree (A)**; **Neutral (N)**; **Disagree (D)**; **Strongly Disagree (SD)***

Questions	SA	A	N	D	SD
1. My organization has a formal written grievance procedure for non civil service employees.	4	2* <sup>18</sup>		1	
2. The HR Manager represents the organization at each step of the grievance procedure.		2*	2	2	1
3. My organization has a representative help the employee prepare their case for the grievance.		1	2	3*	1
4. My organization communicates details of the grievance procedure in the employee handbook.	1	2*	3		1
5. My organization communicates details of the grievance procedure in new employee orientation.	2	3*	1	1	
6. My organization post bulletins in the break room about the grievance procedure.		2	1	2*	2
7. My organization communicates details of the grievance procedure in the personnel policy manual.	1	4*		1	1
8. My organization allows regular full and part time employees to file a grievance.	2	4*	1		
9. My organization allows temporary employees to file a grievance.	1			3*	3
10. My organization requires a specified period of employment before being eligible to file a grievance.	3	2*		2	
11. My organization has established timelines to file a grievance.	3	3*			1
12. My organization allows grievances for disciplinary actions.		3*		1	3
13. My organization allows grievances for employee protection actions.	1	3*	3		
14. My organization allows grievances for discharge actions.		1*	1	1	4
15. My organization perceives the grievance procedure as fair.	2	4*		1	
16. Employees in our organization perceive the outcome as fair.	1	2*	3		1
17. Communication between employees and management improved after using the grievance procedure.	1	3	3*		

<sup>18</sup> (\*) Indicates City of Austin response to the survey question.

18. Employees in our organization use the grievance procedure frequently.	2	1	2	2*	
19. Employees and managers in our organization are required to participate in the grievance procedure.	1	3*	1	1	1
20. Employees and managers in our organization suffer reprisal for using/participating in the procedure.			1	3*	3
21. Employees in our organization consider the grievance procedure successful.	1	2*	4		
22. Managers in our organization consider the grievance procedure successful.	1	1	5*		
23. Employees in our organization are satisfied with the outcome of the grievance procedure.	1		6*		
24. Employees in our organization are given guidelines and assistance on evidence preparation and presentation.	1	3*	1	2	

## Appendix E: Survey of Grievance Procedure Participants

*Instructions: Beside each of the questions presented below, please answer with one of the following responses:*

**Strongly Agree (SA); Agree (A); Neutral (N); Disagree (D); Strongly Disagree (SD)**

Questions	SA	A	N	D	SD
1. I believe the grievance procedure was fair.					
2. I believe the outcome of the grievance procedure was fair.					
3. I believe the communication between employees and management improved after using the procedure.					
4. I was required to participate in the grievance procedure.					
5. I did suffer reprisal for using/participating in the grievance procedure.					
6. I believe the grievance procedure was successful.					
7. I was satisfied with the outcome of the grievance procedure.					
8. I received assistance with the evidence preparation and presentation of my grievance.					

## Appendix F: Coding Sheet Procedure

<b>City Name:</b>	
<b>Categories</b>	<b>Included (yes or no)</b>
<b>Communication of Grievance Procedure:</b>	
Formal Grievance	
Information in Personnel Policy and/or Employee Handbook	
Discussion in New Employee Orientation	
Bulletins / Forms	
<b>Eligibility for Grievance:</b>	
Type of employee	
Length of Service	
Timeline for filing	
<b>Reason for Grievance:</b>	
Disciplinary	
Employee Protection	
Discharge	
<b>Fairness of Grievance:</b>	
Disciplinary Rules	
Procedural Justice	
Interactional Justice	
<b>Participation in Grievance:</b>	
Participation by Employee and Management	
Evidence Preparation and Presentation by Employee and Management	

## **Appendix G: City of Houston Municipal Employees' Grievance Procedure**

**BASIC PROVISIONS:** According to Chapter 14, Section 50 of the Code of Ordinances, a Civil Service-protected employee of the City of Houston may file a grievance over the following issues only:

1. Non-selection for a promotion to a referred position
2. Hazardous working conditions not intrinsic to the job
3. EPE with an overall rating of 2.99 or less
4. Failure to receive an EPE if delayed more than six months
5. Failure to be paid overtime or compensatory time if eligible, appropriate, and worked
6. Written reprimand

Allegations of harassment or discrimination based on race, sex, color, age, religion, national origin, disability, or veteran's status are not grievable through the ordinance process, but should be brought to the attention of the Office of the Inspector General. Appeals or reviews of disciplinary actions such as temporary and indefinite suspensions, involuntary demotions, and layoffs are also non-grievable items but may be appealed directly to the Civil Service Commission.

The grievance procedure consists of four separate steps. The process is initiated once a Civil Service protected employee has filed a timely Step 1 grievance regarding one of the six grievable issues described above with their departmental grievance coordinator. A grievance may be resolved or closed out at any of the following steps:

- Step I involves a meeting with an employee's supervisor and/or management.
- Step II involves a meeting with an employee's departmental director or designated assistant director (or equivalent).
- Step III involves a hearing with an independent Grievance Examiner appointed by the Civil Service Commission. The Examiner will issue written findings following the Step III hearing.
- Step IV involves a review of the Grievance Examiner's written findings by the Civil Service Commission.

Other features of the grievance procedure:

- Provisions for an Employee Concerns Review Program (ECRP) for each department to develop which will allow employees the opportunity to address numerous concerns which are not grievable. ECRP complaints are to be addressed within an employee's department without any right of appeal beyond that department.
- Provisions for classification challenges, through which employees may seek review should they feel they are being worked outside of their formal job classification.
- Provisions for review of nonreferral of job applicants to posted vacant positions.

**OTHER INFORMATION:** An employee, if (s)he so chooses, may withdraw a grievance during any step of the grievance procedure. Should an employee fail to file any of the four steps of the grievance procedure in a timely manner or meet any of the mandatory time frames as described above, his/her grievance can be voided and may not be subject to further processing. Employees filing grievances are entitled to representation at any step of the procedure. The representative may not be another City of Houston employee. Also, the representative need not be an attorney.

For additional information regarding the grievance procedure, contact \_\_\_\_\_ your departmental grievance coordinator at \_\_\_\_\_ or the Employee Relations Division of the Human Resources Department at (713) 837-9312 or (713) 837-9314.

## Bibliography

Babbie, Earl, The Practice of Social Research, 2001.

Balfour, Alan, “*Five Types of Non-Union Grievance Systems*”, *Personnel*, Volume 61, Number 2, March –April 1984, pages 67-76.

Blancero, Donna, “*Non-Union grievance systems: System Characteristics and fairness*”, *Academy of Management Journal*, pages 84-89, 1995.

Coleman, Charles J., “*Grievance Arbitration in the Public Sector: Status, Issues & Problems*”, *Journal of Collective Negotiations in the Public Sector*, Volume 17 (2), pages 89-103 1998.

Cozzetto, Don, “*Public Sector Grievances: The Case of North Dakota*”, *Review of Public Personnel Administration*, September – December 1991, pages 5-13.

Denton, D. Keith and Boyd, Charles, *Employee Complaint Handling: Tested Techniques for Human Resources Managers*, 1990.

Diaz, Edmund M., Minton, John W. Suanders, David M, “*A Fair Nonunion Grievance Procedure*”, *Personnel*, Volume 64, Number 4, Pages 13-18, April 1987.

Duane, Michael J., The Grievance Process in Labor-Management Cooperation, 1993.

Dworkin, James B., “*Managerial Third Party Dispute Resolution: An Overview & Intro 2 the Special Issue*”, *Employee Rights & Responsibilities Journal*, Volume 7, No 1, 1994, Pages 1-8.

Edwards, Linda N., “*The Future of Public Sector Unions: Stagnation or Growth?*”, *AEA Papers and Proceedings*, Volume 79, Number 2, Pages 161 – 1165, May 1989.

Ewing, David W., Justice on the Job: Resolving Grievances in the Nonunion Workplace, 1989.

Gregory, Gordon A. & Rooney Jr., Robert, “*Grievance Mediation: A Trend in the Cost-Conscious Eighties*”, *Labor Law Journal*, August 1980, Pages 502-508.

Gross, Ernest, “*Grievance Procedures: A Conceptual View*”, *Journal of Collective Negotiations*, Volume 9(1), 1980, Pages 59-79.

Haraway III, William M., “*Rediscovering Process Values in Employee Grievance Procedures*”, *Administration & Society*, Vol. 34, No. 5, Pages 499-517, November 2002.

Labig Jr., Chalmer E. and Greer, Charles R., “*Grievance Initiation: A Literature Survey and Suggestions for Future Research*”, *Journal of Labor Research*, Volume IX Number 1-27, Winter 1988.

Lewin, David and Peterson, Richard B., *The Modern Grievance Procedure in the United States*, 1988.

Lo Bosco, Maryellen, “*Nonunion Grievance Procedures*”, *Personnel*, Volume 62, Number 1, pages 61-64, January 1985.

Loewenberg, J. Joseph, “*Structure of Grievance Procedures*”, *Labor Law Journal*, Pages 44-51, January 1984.

Mossholder, Kevin W., Bennett, Nathan and Martin, Christopher, “*A multilevel analysis of procedural justice context*”, *Journal of Organizational Behavior*, Vol.19, 131-141, 1998.

Peterson, Richard B., “*Organizational Governance and the Grievance Process: In Need of a New Model for Resolving Workplace Issues*”, *Employee Responsibilities and Rights Journal*, Volume 7, Number 1, pages 9-21, 1994.

Putnam, Linda, “*Beyond Third Party Role: Disputes and Managerial Intervention*”, *Employee Responsibilities and Rights Journal*, Volume 7, Number 1, pages 23-36, 1994.

Schoorman, F. David and Champagne, Matthew V., “*Managers as Informal Third Parties: The Impact of Supervisor-Subordinate Relationships on Interventions*”, *Employee Responsibilities and Rights Journal*, Volume 7, Number 1, pages 73-84, 1994.

Scott, William G., *The Management of Conflict: Appeal Systems in Organizations*, 1965.

Shapiro, Debra and Rosen, Benson, “*An Investigation of Managerial Interventions in Employee Disputes*”, *Employee Responsibilities and Rights Journal*, Volume 7, pages 37 – 51, Number 1, 1994.

Sheppard, Blair, Blumenfeld-Jones, Kathryn, Minton, John and Hyder, Elaine, “*Informal Conflict Intervention: Advice and Dissent*”, *Employee Responsibilities and Rights Journal*, Volume 7, Number 1, pages 53-72, 1994.

Shields, Patricia, “*The Community of Inquiry: Classical Pragmatism and Public Administration*”, *Administration and Society*, November 2003

Shields, Patricia, “*Pragmatism as Philosophy of Science: A Tool for Public Administration*”, *Research in Public Administration*, Volume 4, pages 199-230, 1998.

Skratek, Sylvia, “*Grievance Mediation: Does It Really Work?*”, *Negotiation Journal*, Pages 269-280, July 1990.

Smith, R. Michael, “*Exceptions to the Employment-at-Will Doctrine*”, *Labor Law Journal*, December 1985.

Stieber, Jack, “*The Future of Grievance Arbitration*”, *Labor Law Journal*, June 1986.

Sulzner, George T., “*The Impact of Grievance and Arbitration Processes on Federal Personnel Policies and Practices: The View from Twenty Bargaining Units*”, *Journal of*

Collective Negotiations, Volume 9 (2), 1980.

Trotta, Maurice S., Handling Grievances: A Guide for Management and Labor, 1976.

Wilson, James Q., The Moral Sense, 1993.

Yin, Robert K., Case Study Research Design and Methods, 1994.

Youngblood, S.A., Trevino, L.K. and Favia, M., *Reactions to unjust dismissal and third-party dispute resolution: A justice framework*, Employee Responsibilities and Rights Journal, Volume 5, p. 283-307, 1992.

Zack, Arnold M., Grievance Arbitration, 1989.