# Weber County Human Resources Policy 3-700
# Grievance/Appeal Procedure

## I. Purpose

This policy provides an equitable method of administering and resolving employee grievances, in compliance with Utah Code Ann. § 17-75-403.

## II. Policy

For purposes of the Weber County Human Resources policies, an employee grievance is defined as a written complaint made by an employee alleging a violation of a county policy, or an appeal of a decision made by the County, in one of the circumstances described in this paragraph. In these specific circumstances, the term "appeal" and the term "grievance" are interchangeable. It is the policy of Weber County to allow employees to file grievances in an environment free from harassment, discrimination or retaliation. Grievances may be filed for the following reasons: cases where applicants are rejected for examination (see policy 2-700); the handling of complaints of harassment, discrimination, or retaliation (see policy 3-100); or the suspension, disciplinary transfer, demotion, or dismissal of merit employees. This policy covers the process for appealing cases of merit employees suspended, disciplinarily transferred, demoted, or dismissed, while the other policies mentioned above cover those other types of grievances.

## III. Procedures

### A. PROCEDURE PRIOR TO HEARING

1. A merit employee who is suspended, disciplinarily transferred, demoted, or terminated shall have the right to file an appeal to the Career Service Council (the "Council").

    a. Such appeals shall be filed in writing using the Employee Grievance Form no later than five working days after the decision of the supervisor as outlined in Policy 3-600: Discipline. Employees who are dismissed may appeal to the Career Service Council no later than five working days after notice of termination is given.
    b. This five-day limitation may be waived by the Director of Human Resources if, through no fault of the employee, the employee was unaware of the action in question before the time limit expired. However, in no case shall an employee submit an appeal more than thirty days after the event giving rise to the appeal.

2. The employee's appeal must include information, statements, or claims that support the appeal. The appeal shall also include a preliminary list of the

witnesses whom the employee expects to introduce at the hearing in support of the appeal, and whether the employee intends to present the case personally or through a representative. If the notice of appeal does not satisfy the requirements of this paragraph, it will be considered incomplete, and the Director of Human Resources shall notify the employee. If the employee fails to submit a complete appeal within five working days after that notification, the appeal will be denied and no hearing will be held.

3. When a complete appeal is received, the Director of Human Resources shall forward a copy of the appeal to the members of the Council, the department head or elected officer, and the county attorney's office. If the appeal will not be assigned to an Administrative Law Judge, as described later in this policy, then the Director shall also forward a copy of the notice of discipline and a copy of this policy to the members of the Council.

4. The Council shall schedule a formal hearing no less than 10 nor more than 20 working days after receipt of such appeal, unless the parties agree on another schedule, or unless a party requests a different schedule and the Council agrees that there is good cause to approve the request.

5. For a hearing before the Council, each party shall submit its witness list to the other party no later than five working days before the hearing.

6. For a hearing before the Council, the Director of Human Resources shall do the following no later than five working days before the hearing:

    a. Notify the employee, the department, and the county attorney's office of the time and place the hearing is to be held, and provide them access to the employee's personnel file upon request.
    b. Furnish each member of the Council access to the employee's personnel file.

7. If an appeal is assigned to an Administrative Law Judge, then the Administrative Law Judge may order different deadlines and timelines from what is stated in paragraphs 4 through 6 above.

8. Each party shall be responsible for notifying its witnesses of the time and place of the hearing and for any witness expenses incurred. The Council or Administrative Law Judge may issue subpoenas, as needed, to compel witnesses to attend and testify.

9. Appeals shall not include disputes over oral or written warnings or other matters for which a grievance or appeal is not available under county policy. These matters shall be handled through an informal written request to the direct

supervisor or department director or elected officer, who shall review the request and provide a written decision. Human Resources may assist if requested by either party.

**B. HEARING PROCEDURE**

1. The following procedure is intended to be a guide for conducting each Career Service Council hearing in an orderly manner.

2. An Administrative Law Judge may establish different hearing procedures. If an Administrative Law Judge does not establish different hearing procedures, then hearings conducted by the Administrative Law Judge shall also follow this procedure.

3. The procedures of the hearing are not rigid and inflexible; the Council may modify the procedures, as long as the modifications do not interfere with the purposes of the hearing, which are to bring out all the facts and to provide due process to the employee.

4. The employee may present their case personally or through a representative of their choice. The hearing shall not be bound either by legal procedures or by legal rules of evidence. A record shall be kept of the proceedings. Reference to the hearing and the Council's decision shall be entered in the minutes of the next Council meeting.

5. The Council Chairperson shall open the hearing by naming the parties and stating the nature of the action of the department.

6. Presentation of the department's case

    a. The department representative may make an opening statement.
    b. When the department representative has finished with the opening statement or has stated that they have none to make, they may introduce witnesses and evidence in support of the department's action. PARTIES INTRODUCING DOCUMENTS INTO EVIDENCE MUST SUBMIT FIVE COPIES: One for each Council member, one for the Council's hearing record, and one for the other party.
    c. After a witness has testified, the employee or employee's representative may ask questions of the witness. Each Council member shall then be given the opportunity to ask questions of the witness. Then, the department representative shall be given the chance to ask follow-up questions regarding any questions that anyone else asked the witness. If requested, one additional round of questioning may be allowed at the

discretion of the Chairperson, ending with the department representative.

7. Presentation of the employee's case

    a. The Procedure here shall be the same as that for presentation of the department's case, except that the roles of the department representative and witnesses and those of the employee and their witnesses shall be reversed.

8. Rebuttal witnesses may be called by the department representative to address information presented by the employee. The department representative shall not be allowed to bring up new evidence which does not address the information provided by the employee.

9. The Council shall allow the employee or employee's representative, and then the department representative, to make closing arguments.

C. **DECISION OF THE CAREER SERVICE COUNCIL**. The Career Service Council shall, within 15 working days after the end of the hearing, make its decision in writing and transmit copies of such decision to the interested parties.

1. A person adversely affected by a decision of the Council may appeal the decision to the County Commission under Utah Code Ann. § 17-75-501.

    a. After receiving an appeal, the County Commission shall issue a final written decision, affirming or rejecting the decision of the Council or Administrative Law Judge.

    b. The County Commission is not required to hold a hearing. The County Commission's consideration of the matter shall be limited solely to the written decision of the Council or Administrative Law Judge.

    c. If the County Commission fails to issue a final written decision on an appeal within 60 days of the day on which the County Commission receives the appeal, the appeal shall be considered denied as a final decision of the County Commission.

2. An individual adversely affected by a final decision of the county commission may appeal the decision to the district court.

3. By state law, an appeal to the district court is barred unless it is filed within 30 days after the County Commission issues the decision.

D. **ADMINISTRATIVE LAW JUDGE**

1. The County Commission may appoint one or more Administrative Law Judges to hear appeals on behalf of the Career Service Council.

2. Referrals to an Administrative Law Judge shall be governed by Utah Code Ann. § 17-75-501.

DATED this 13th day of October, 2026.

BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY:

Gage Froerer, Chair

ATTEST:

Ricky Hatch, CPA
Weber County Clerk/Auditor

Emily Wilde
Human Resources

Approved as to form and legality:

Courtlan Erickson
Deputy County Attorney