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RULE 16: GRIEVANCES AND ABUSES

A GRIEVANCE is simply a formal statement of complaint, generally against an authority figure. The City of Miami recognizes the right of employees to express their grievances and to seek a solution concerning disagreements that might arise between management and employees and when this happens, the Civil Service Board can be one avenue for which these employment-related disputes can be remedied, pursuant to Rule 16.

Rule 16.1 of the Civil Service Rules states that “whenever the Board has reason to believe that these Rules and Regulations have been violated by the **abuse of power** in recommending or making an appointment to any position, or in a layoff, demotion, suspension, or removal without justification, or in any other manner, it shall be the duty of the Board to investigate.” **ABUSE OF POWER** exists whenever someone who has POWER over others, uses that power to exploit or harm others, or through lack of action, allows exploitation or harm to occur to them. So, typically abuse of power cases are filed against supervisors, directors or others in authority. While it is mentioned at the onset that complaints might arise between management and employees, complaints may also arise between citizens and employees. Should this be the case, under Rule 16.1 a resident can also bring forth charges against an employee for the Rules state, “nothing contained in any of these rules shall interfere with the right and duty of the City Manager, the Department Directors, Chiefs of Police and Fire Departments, **or a citizen, to file charges on any grounds which he/she considers justifiable against any employee.**”

Rule 16.2 states that “any employee who is aggrieved by reason of what he/she considers a **violation of Civil Service Rules to his/her detriment**, or who has a grievance concerning his/her employment under the Rules, and who desires redress, shall notify the Executive Secretary in writing, stating the nature of his/her grievance and requesting a hearing by the Board.” So, if as a classified employee, you are aggrieved by something that is happening in the work place that you feel is in violation of the Civil Service Rules, you have a right to request an investigation pursuant to Rule 16.1 or a grievance hearing pursuant to Rule 16.2.

Grievance and Investigation hearings are conducted in two parts:

- The first part is conducted as a preliminary hearing for the Board to determine whether there is substance to grant a hearing. **If not**, the request would be denied by the Board and the employee would receive written notification of the Board's action. **If the Board decides to grant a hearing**, the employee would receive written notification of the time, date, and location of the hearing and have the opportunity to subpoena witnesses in his/her defense.
- Following presentations from the employee and the department, or representative attorneys in support of their cases, the Board will first determine by way of a majority vote whether the Board's Chief Examiner would prepare a preliminary investigation. If the motion is affirmative, the Chief Examiner would solely conduct his/her investigation by considering witness testimony and evidence and as a result, prepare a report of findings and recommendations for the Board's review and approval. If the Board adopts the Chief Examiner's report, it would be forwarded to the City Manager for final action.
- **However**, if by a majority vote the Board is so inclined, an investigation hearing would be conducted by the entire Board. The employee has the burden of proof and would therefore present his/her case first. The department would have an opportunity to cross-examine the employee's witnesses and vice-versa. At the conclusion of the hearing, the Board would submit its findings and recommendation to the City Manager, who can either agree or disagree with the Board's recommendation(s) and renders his remedy in the form of a memo. If the employee disagrees with the City Manager's decision, the employee can seek further remedy through Circuit Court.

To request an investigation or grievance hearing, check our webpage on Citynet or www.miamigov.com by clicking on **City Organizations, Civil Service**, and then scrolling down and clicking on **Hearing Request Form**. Upon obtaining a copy of the form, provide the following information in your complaint and use a plain sheet of paper if you need additional space:

- Nature of complaint, approximate date of when complaint began, and name(s) of person(s) the complaint is being made against
- Specification of the Rule, (Rule 16.1 or 16.2) under which you are filing your complaint
- Specification of which Civil Service Rule you feel was violated by the individual(s). *The Rules are also on the Civil Service Board webpage.*
- **Sign the form**