



PRINCE GEORGE FIRE AND EMS

Section: Administrative

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Section No: 1.14

Date: July 12, 2022

Title: Grievance Procedure

Authorized By: *Paul Beemer*

I. PURPOSE:

The purpose of this procedure is to afford an immediate and fair method for volunteer members of a fire company identified in the Coordinated Fire and EMS ordinance ("Volunteer") for the resolution of disputes.

II. GENERAL PROVISIONS:

- A. All non-probationary Volunteers may utilize the Fire & EMS Grievance Procedure outlined in this policy and shall not follow the County's employee grievance procedures. Volunteers who are placed on probation for non-compliance due to membership requirements will be covered by this grievance policy.
- B. All Full-Time non-probationary employees may only utilize the County's Grievance Procedures as outlined in the County Personnel policies.
- C. A grievance shall be a complaint or dispute relative to a Volunteer involving (but not necessarily limited to):
 - 1. Disciplinary action (defined as written reprimand, reinstatement of probationary period, dismissal, disciplinary demotion, and suspension);
 - 2. The discriminatory or unlawful application of policies, procedures, rules and regulations;
 - 3. Acts of retaliation for using the grievance procedure or of participation in the grievance of another Volunteer,
 - 4. Complaints of discrimination on the basis of race, color, creed, religion, age, disability, genetic information, national origin, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including lactation, military status;
 - 5. Acts of retaliation (as defined in Virginia Code § 15.2-1507(A)(1), 1950 as amended); and
 - 6. Any other actions outlined in the Prince George Fire and EMS policy and procedure manual as a grievable matter.
- D. Under state law, Prince George County retains the exclusive right to manage operations of County government and the delivery of services to residents. Accordingly, the following complaints or disputes are not grievable:
 - 1. Establishment and revision of incentives or benefits;

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2. Work activity;
 3. The content of ordinances, statutes or department policies, procedures, rules and regulations;
 4. Failure to promote;
 5. The methods, means and personnel by which work activities are to be carried out including oral or written counseling and directing of work activity;
 6. The relief of a volunteer from duties in emergencies.
- E. All stages of the grievance shall be in writing.
- F. If a time period ends on a Saturday, Sunday or a County holiday, the time period will be extended to the next regular business/work day.
- G. Once a Volunteer reduces his/her grievance to writing, he/she must specify the relief he/she expects to obtain through the use of this procedure.
- H. The only persons who may be present during Steps I and II are the grievant, the appropriate local government official at the level at which is grievance is being heard, and appropriate witnesses for each side during their testimony. Witnesses shall be present only while actually providing testimony. At Step III, the grievant, at his option, may be represented by counsel. Likewise, the County may elect to be represented by counsel at Step III.
- I. After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure without just cause will result in a decision in favor of the other party on any grievable issue, provided the party is not in compliance fails to correct the noncompliance within five (5) business days of written notice from the other party.
- J. The County Administrator, or his designee, shall determine all compliance issues.
- K. All time periods listed in this procedure may be extended by mutual agreement in writing by the grievant and the county.
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III. PROCEDURE:

Step I:

Within twenty (20) business days after the occurrence of or condition giving rise to the grievance, the Volunteer affected shall identify the grievance in writing to the member's Company Chief and the Chief of Fire and Emergency Services Department. This document should reflect the grievant's explanation of issues sought to be grieved and the relief they are seeking. Within two (2) business days of such presentation, the Company Chief and the Chief of Fire and Emergency Services Department shall give their response to the Volunteer with respect to the grievance, or shall advise the Volunteer that additional time for such decision is needed, in which case a decision must be given to the Volunteer within an additional three (3) business days. If the Company Chief and the Chief of Fire and Emergency Services Department cannot agree on the decision, the Chief of Fire and Emergency Services Department shall have the ultimate authority to make a decision.

If the Company Chief is not able to be present, the reason shall be documented in writing. The failure of the Company Chief to be present shall not constitute a procedural violation, nor shall it result in the grievant automatically prevailing in the grievance.

If the Company Chief is the grievant, skip this step and begin with step II.

Step II:

If the Company Chief is the grievant, the Company Chief may file a written grievance with the Chief of Fire and Emergency Services and the County Administrator not more than twenty (20) business days after the occurrence of or condition giving rise to the grievance.

If a Volunteer is the grievant and the grievance is not resolved to the satisfaction of the Volunteer at Step I, the grievant may file a written grievance with the Chief of Fire and Emergency Services and the County Administrator not more than five (5) business days of the grievant's receipt of a response from Step I.

This document should reflect the grievant's explanation of what the grievance is and the relief that they are seeking. The County Administrator and the Chief of Fire and

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Emergency Services will meet with the grievant within five (5) business days of receipt of the written statement.

The County Administrator shall conduct the hearing in a way that emphasizes determining the facts leading to the disciplinary action. A written reply by the County Administrator is made to the grievant within three (3) business days of this meeting.

Step III:

If the response of the County Administrator does not resolve this grievance, the grievant may proceed with the grievance by requesting a panel hearing. This request is made in writing to the appropriate Fire & EMS personnel within five (5) business days of the grievant's receipt of a response from Step II.

The panel will consist of one member selected by the grievant, a second member selected by the County Administrator or his/her designee, and the third selected by the first two appointees. Both the grievant and the County Administrator or his designee shall select the first and second members of the panel within five (5) business days after the request for a panel hearing has been filed. In the event an agreement cannot be reached as to the final member within five (5) business days after selection of the first two members, the Chief Judge of the Circuit Court of Prince George County shall appoint a third panel member. The entire panel should be selected within fifteen (15) business days of receipt of the grievant's request for a panel hearing. In all cases, the third panel member shall be the chairperson of the panel. Such panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel or with the complaint or dispute giving rise to the grievance.

Managers who are in direct line of supervision of a grievant, persons residing in the same household as the grievant, and the following relatives of a participant in the grievance process are prohibited from serving as panel members: spouse, parent, step-parent, child, step-child, descendants of a child, sibling, step-sibling, niece, nephew, and first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee, or co-employee of such an attorney shall serve as a panel member.

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The panel chairperson, in consultation with all persons involved, shall set a time for the hearing which shall be as soon as practical, but no more than twenty (20) business days after the panel has been selected, and notify the grievant and the County Administrator.

The parties shall not discuss the substance of the grievance or the problem giving rise to the grievance with any panel members prior to the hearing.

No member of the grievance panel will be paid by the County.

IV. RULES FOR PANEL HEARINGS:

Panel hearings are intended to be informal, administrative proceedings, not judicial proceedings with the formalities of court proceedings.

Neither the grievant nor the county has the authority to subpoena witnesses to the grievance panel hearing.

The grievance panel hearing shall be conducted as follows:

1. Prior to the hearing, all documents, exhibits, and lists of witnesses shall be exchanged between the grievant and administration at least ten (10) calendar days in advance of the panel hearing, except for demonstrative exhibits. In addition, those witnesses, documents or exhibits that are used in rebuttal by the County are not required to be exchanged between the parties prior to the hearing.
2. At the written request of either party, the hearing shall be private. At the hearing, only the grievant and his or her attorney(s) may be present throughout the hearing as well as the appropriate representative(s) and the attorney(s) for the County.
3. At the beginning of the hearing, the chairperson shall explain the grievance panel's procedures for hearing the case. Then, each side may make a brief opening statement. The County shall present its evidence first, followed by the grievant's evidence. The County shall be permitted to present rebuttal evidence. The purpose of the hearing is for the grievance panel to hear and consider relevant evidence. For that reason, there shall be no closing argument.

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4. All evidence must be presented at the hearing in the presence of the grievance panel and the parties.
5. The majority decision of the grievance panel, acting within the scope of its authority, shall be final, subject to existing policies, procedures and law; the grievance panel does not have authority to formulate policies or procedures or to alter existing policies or procedures.
6. The grievance panel's written decision shall be provided within three regular business/work days using the Step III Form to all parties and shall include a summary or brief explanation. The written decision is not required to contain any findings of fact.
7. The rules of evidence do not apply. Grievance panel hearings are not required to be tape recorded. Failure to make a timely objection to any evidentiary issue shall constitute a waiver.
8. Exhibits, when offered, may be received in evidence by the grievance panel, and when so received, shall be marked and made part of the record; demonstrative exhibits shall be permitted.
9. The parties may offer evidence and must produce such additional evidence as the grievance panel may deem necessary to arrive at an understanding and determination of the dispute. The grievance panel is the sole judge of relevancy and materiality of the evidence offered.
10. The decision of the grievance panel shall be final and binding and shall be consistent with provisions of law and written policy. The grievance panel may provide the grievant with retroactive volunteer credit for any time that the grievant was suspended from duty. There shall be no appeal of the decision of the grievance panel.
11. The question of whether the relief granted by a grievance panel is consistent with written policy shall be determined by the County Administrator, or his designee, unless such person has a direct personal involvement with the event or events giving

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rise to the grievance, in which case the decision shall be made by the Commonwealth's Attorney.

V. IMPLEMENTATION OF FINAL DECISIONS:

Either party may petition the Prince George Circuit Court for an order requiring implementation of the grievance panel decision.

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