THE CITY OF ASHEVILLE

Staff Report

Asheville City Council: January 27, 2026

Subject: Amendment to Chapter 2 of the Asheville Code of Ordinances regarding Grievance Procedure

Staff Resources: Emily Provance, HR Director

Action Requested: Adoption of an ordinance amending Chapter 2, Art. IV, Division 3 of the Code of Ordinances to specify permitted personnel representation in grievance hearings.

Background:

- The Asheville City Code of Ordinance prescribes the grievance procedure available to City employees wishing to present an individual or group complaint for consideration by City adminstration.
- The purpose of this procedure is to provide City employees with a delineated process by which their employment complaints may be considered promptly, fairly and without reprisal.
- The current Ordinance does not articulate the ability of grieving employees to be accompanied, and assisted, by a third party representative during the grievance hearings.
- This proposed amendment will add additional language to Sec. 2-226 of the City's Code of Ordinances to clarify who may qualify as a permitted representative for employees during the grievance process.
- This amendment will remove ambiguity in the existing ordinance, and ensure that grieving employees are adequately represented and afforded necessary due process when presenting their grievance.

Vendor Outreach Efforts:
- Not Applicable

Council Goal(s):
- A Well Planned and Livable Community

Committee(s):
- N/A

Pro(s):
- Removes current ambiguity in the City's personnel ordinance, and ensures employee due process while presenting grievances.

Con(s):
- None

Fiscal Impact:
- This action requires no City resources and has no fiscal impact.

Suggested Motion:

- Move to approve the amendment to Chapter 2, Article IV, Division 3 of the Code of Ordinances specifying permitted personnel representation in grievance hearings as specified in the proposed amendment included with the staff report.

Attachment(s):
- Proposed Amended Ordinance

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 2, ARTICLE IV, DIVISION 3 OF THE CODE OF ORDINANCES SPECIFYING PERMITTED PERSONNEL REPRESENTATION IN GRIEVANCE HEARINGS

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-164, the Asheville City Council may adopt ordinances concerning personnel policies; and

WHEREAS, the Asheville City Council has previously adopted a variety of Personnel regulations in Chapter 2, Article IV, of the City of Asheville Code of Ordinances; and

WHEREAS, Division 3 of Chapter 2, Article IV, lays out the grievance procedure for employees to present complaints regarding employment conditions; and

WHEREAS, This provision currently does not provide for an allowance for third party representation of grieving employees to participate in the grievance process; and

WHEREAS, the City Council now desires to clarify this allowance in order to ensure that employees may present their complaints while being afforded necessary due process with adequate representation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Chapter 2, Article IV, Division 3 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

1. Repeal Section 2-226 in its entirety and replace it with the following:

Sec. 2-226. Policy.

(a) It is the policy of the city that all employees be treated fairly and equitably in all respects. Employees who feel they have not been so treated have a right to present an individual or group grievance to appropriate management officials for prompt consideration and equitable decision. Employees may orally or in writing, formally or informally, present complaints to their supervisors, starting with their immediate supervisor and proceeding through supervisory channels to the department head and city manager.

(b) When more than one grievance is filed regarding the same subject matter, each person in a supervisory position, from the immediate supervisor to the city manager, who is charged with the responsibility of making a determination in the grievance procedure shall determine whether to hear such grievances jointly or separately. The determination regarding whether to proceed with the grievances jointly or separately may be based upon that person's determination of the most efficient manner in which to handle the grievances. If the supervisor or city manager shall determine that the rights of an employee who has filed a grievance would be prejudiced by a joint hearing, that employee's grievance shall be heard separately.

(c) Before presenting their complaints to their supervisors, employees who file a group grievance shall select no more than six employee representatives from among those filing the grievance. Each person in a supervisory position, from the immediate supervisor to the city manager, who is charged with the responsibility of making a determination in the grievance procedure shall hear such a grievance through the group representatives; however, nothing in

this section shall prohibit a supervisor from hearing the grievance with the entire group of grievants.

(d) It is the intent of this section that employees and their representatives be unimpeded and free from restraint, coercion, discrimination or reprisal in exercising this right of appeal. The filing of a grievance by any employee will not be construed as reflecting unfavorably on his good standing, performance, loyalty or desirability for continued service with the city. Any employee may discuss any matter with his supervisor, other levels of supervision and the personnel department without invoking the formal grievance procedure outlined in this division.

(e) Any employee, or group of employees, who presents a grievance as described herein shall be permitted to the assistance of third party representation during any grievance hearing by an attorney, duly licensed in the State of North Carolina, as well as a single "Support Person." A Support Person is defined as an active or retired City of Asheville employee that can assist the grieving employee or group of employees by providing moral support. The Support Person may provide support only, and cannot speak on behalf of the grieving employee or employees during the hearing. Notwithstanding the foregoing, the City Manager is authorized to establish additional parameters for the grievance hearing process in order to promote efficiency, fairness, and legality.

Read, approved, and adopted this 27th day of January, 2026.

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City Clerk Mayor

Approved as to form:

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City Attorney