

DEPARTMENT GENERAL ORDER 98-16

OFFICE of the CHIEF OF POLICE
REPLACES: SOP 300.18.00

DATE: August 29,1998

GRIEVANCE PROCEDURE

I. PURPOSE.

To establish a formal administrative process where employees may present and attempt to resolve personal grievances with department management in a fair and expeditious manner. It should be noted however that this process is intended to supplement, not supplant, resolution of grievances through informal discussion, and should be conducted in a courteous and professional manner.

II. DEFINITIONS.

Grievance - Perceived unjust or oppressive treatment in regard to the violation, or inequitable application, of any of the provisions of the rules, regulations, orders, or other directives covering working conditions applicable to the employees of this department.

III. IDENTIFICATION OF MATTERS APPLICABLE TO GRIEVANCE PROCESS.

Matters which qualify as subjects for a formal grievance proceeding are that specific conduct, language, order, rule, regulation, policy, procedure, or condition allegedly being applied to the employee in an arbitrary or objectionable manner.

IV. ADMINISTRATIVE PROCEDURES.

An employee with a grievance shall follow the chain of command and will first present work-related concerns and/or complaints to their immediate supervisor. The grievance must be filed within three (3) working days of the incident, and may initially be presented in an oral fashion. The supervisor shall carefully consider the merits of the complaint and following such discussion as necessary, attempt to informally settle the grievance in a mutually satisfactory manner.

If the grievance cannot be satisfactorily resolved in an informal fashion, the employee may elect to file a formal Grievance Report Form. This shall be completed in accordance with Section V and will be delivered to the employee's supervisor. The supervisor shall then have seven (7) working days to attempt to resolve the issue and shall provide the employee with a written reply detailing remedies or adjustments, or the justification for the reason no accommodation can be made.

The employee may concur with the supervisor's decision and end the process at that point. Should issues be left outstanding, the employee shall have three (3) working days to elect to continue the grievance process and the supervisor will forward the original grievance report, supporting documentation, and a written explanation of the supervisor's actions/recommendations to the Platoon or Division Commander.

The Platoon or Division Commander shall also have seven (7) working days to attempt to resolve the issue and shall also respond to the employee in writing as to potential remedies or adjustments, or why no accommodation can be made. Again, the employee may concur with the decision and end the process. Should the decision be unsatisfactory to the employee, the employee shall have three (3) working days to elect to continue the grievance process and the Platoon or Division Commander shall forward the grievance report, supporting documentation, the supervisor's written explanation and recommendations, and his own written justification/actions to the Bureau Commander.

The Bureau Commander, and subsequently the Chief of Police, shall then follow the same procedural guidelines in dealing with a grievance as is outlined in the preceding paragraphs.

Grievance reports which are resolved or terminated at any stage of the review process shall be so documented and forwarded to the Commander of the Investigations and Support Bureau.

The appropriate Bureau Commander and the Chief of Police shall be notified in a timely manner of any grievance filed by department employees.

V. GRIEVANCE REPORT.

An employee who wishes to file a formal grievance shall complete a Grievance Report Form (Refer Attachment). This will contain the employee's name, date and time completed, the date and location of the incident, the rationale for the grievance (the specific conduct, language, order,

rule, regulation, policy, etc. allegedly being applied to the employee in an arbitrary or objectionable manner), surrounding facts, the identity of any witnesses, and the remedy or adjustment being sought.

The employee shall complete and sign the Grievance Report Form within three (3) working days of the incident in question and deliver same to his/her supervisor along with any reports or supporting documentation.

The supervisor taking receipt of the Grievance Report Form shall acknowledge acceptance of the form via signature at the appropriate line, the date and time received, the date and time the matter was discussed, whether the situation was resolved or not, supervisory comments, and the date, time, and to whom the grievance was forwarded.

VI. APPEAL PROCESS.

Should a grievance remain unresolved through each successive department level, the employee may elect to appeal the grievance to the City Manager. This appeal must be filed within three (3) working days of receipt of the written decision rendered by the Chief of Police. The City Manager shall be the final arbiter of any unresolved proceeding. His decision in the matter shall carry no right of further appeal.

VII. EMPLOYEE LEGAL REPRESENTATION.

At each level in the grievance process, the employee must be present, and for those levels in the chain of command beyond the first line supervisor, may be represented, either in person or in writing, by another of his choosing such as an attorney, doctor, or member of the clergy. The department is under no obligation to provide the employee with such representation, and reserves the right to secure the services of the City's legal staff in those instances where the employee engages outside representation.

VIII. CUSTODIAN/MAINTENANCE OF GRIEVANCE RECORDS.

Grievance report forms and associated documents shall be forwarded to the Commander of the Investigations and Support Bureau who will serve as the custodian of record for said reports. Original grievance reports shall be placed in the complainant's personnel file where they will become a part of the employee's permanent record. A copy of the grievance shall be entered into a separate grievance file where it shall remain for a period of five (5) calendar years. At the end of that time, the grievance report shall be purged from the file.

The Commander of the Investigations and Support Bureau shall be responsible for the coordination and security of grievance reports, and as same are to be considered personnel files, will restrict dissemination of same. However, the complainant may obtain a copy of the full grievance report upon his/her request.

IX. ANNUAL REVIEW OF GRIEVANCES.

In January of each calendar year, the Commander of the Investigations and Support Bureau shall conduct a review of all grievance reports, if any, filed during the preceding twelve month period. The data will be analyzed to determine trends and to ascertain if organizational and/or procedural changes may be warranted to eliminate or reduce the causes of such grievances in the future.

Upon completion of the review, the Commander of the Investigations and Support Bureau shall draft a report of findings and submit same to the Chief of Police with pertinent recommendations.

X. ABUSE OF GRIEVANCE PROCESS.

Any documented frivolous use or abuse of the grievance process may result in the employee being subjected to disciplinary action.

BY ORDER OF:

RICHARD T. MORRIS
Chief of Police

RTM:dld

CALEA Reference: 25.1.1/25.1.2/25.1.3