

25.0 EMPLOYEE GRIEVANCE PROCEDURES

PURPOSE: To provide a process for an employee to file a grievance where he/she believes they have been the object of unfair treatment in an area subject to departmental control and to establish a process for the resolution of such grievances at the lowest possible supervisory level.

Employees will have the right to utilize the grievance procedure with complete freedom from fear of reprisal or harassment by peers, supervisors, or members of the administration.

Definitions

Immediate Supervisor - For purposes of this Order, Immediate Supervisor means the person that is in direct command of the grievant. Normally, this will be a person that is in the next highest rank above the grievant.

For purposes of this Order, the Division Commander and Chief Deputy will be referred to, at times, as a “supervisor” or “supervisory level”.

Employees - Any full time or permanent part time employee, including a sworn deputy or a civilian employee of the Sheriff’s Office who has been assigned probationary or permanent status.

Grievance - A written complaint by an Employee alleging that the Sheriff’s Office has taken action or made a decision in the administration of a rule, plan or policy affecting an Employee’s terms or conditions of employment.

25.1.1 Matters that can be grieved

- A. Any Employee shall be able to utilize the grievance procedure as recourse for perceived unfair treatment except in the following instances:
1. Matters subject to final action outside the department such as legislative acts or regulations/policies set by the County Commissioners or their authorized agents.
 2. Grievance procedures described in this order apply to full time, permanent, non-probationary Employees.
 3. Selection or non-selection of promotion, (unless the Employee believes the outcome of the promotion to have been influenced by religious, racial, sexual discrimination or national origin).
 4. A written warning or proposed notice of adverse or disciplinary action against an Employee.
 5. Employment termination of a probationary Employee.

6. Performance/evaluation rating
7. Position classification or position reclassification
8. Disciplinary action or decision or allegations of adverse action
9. Fitness for duty examination or decision
10. Duty or shift assignment

B. Administrative Guidelines

1. All time limits specified in this order are defined in terms of **working** days being Monday through Friday, with the exception of holidays as adopted by the county. Time limits pertaining to the grievance process may be extended in the event of extenuating circumstances.
2. An Employee who wishes to submit a written grievance as provided by this Order shall file a written grievance withing (10) ten working days after the event giving rise to the grievance or withing (10) ten working days following the time when the Employee should reasonably have known of its occurrence.
3. Hearings are to be scheduled by the supervisor at each step in the process.
4. Grievance issues which have not been raised in writing at Step 1 of the process will not be raised at any later step of the process.
5. Failure of an Employee to appeal a decision to the next higher step within the specified time period will constitute a withdrawal of the grievance. And will bar future action by the Employee with the issue of the grievance at hand.
6. Failure of a supervisor to respond to a grievance within the specified time period will permit the Employee to proceed to the next step in the process within the specified time period.
7. An Employee may withdraw his or her grievances at any time by written notice prior to completion of Step 4.
8. Specific persons in the Employee's chain of command shall be omitted from the appeal chain if such persons are the object of the Employee's grievance.
9. All Sheriff's Office employees, which include sworn and civilian staff are under the direct control of the Sheriff. Grievances filed by employees of the Sheriff will adhere to this policy for grievance procedures and not the Washington County Government grievance policy.

C. Roles of each staff member in each Procedural Step.

1. Employees are encouraged to make reasonable attempts to resolve grievance issues informally (verbally) at the time of or within the first few days of the adverse administrative act, including a discussion with the Employee's Immediate Supervisor. However, if unsuccessful, any written grievance must be submitted within the time required by this Order.

Step 1: Grievance filed to Immediate Supervisor.

- (1) An aggrieved Employee will first submit his/her grievance to the Employee's Immediate Supervisor within the timeframe specified in this order.
- (2) The Immediate Supervisor will review the grievance and schedule a meeting with the Employee to be heard on the grievance. The Immediate Supervisor will hear the Employee, attempt to resolve the grievance and provide a written decision within (5) five working days.
- (3) The written decision by the Immediate Supervisor will include a brief restatement of the Employee's grievance, the decision either affirming or denying the grievance, and a brief statement setting forth the reason for the decision. The Immediate Supervisor will, at the same time report to the Divisional Commander whether or not he or she has resolved the grievance to the satisfaction of the Employee. The Immediate Supervisor shall, in either event, provide a copy of the Grievance and his/her written decision to the Divisional Commander.
- (4) If the Employee is satisfied with the resolution to the grievance offered by his/her Immediate Supervisor, then no further action is warranted.

Step 2: Appeal to Divisional Commander.

- (1) If the Employee elects to appeal the Immediate Supervisor decision to the Divisional Commander. The appeal must be presented by the Employee in writing to the Divisional Commander within (5) five working days of the decision of the Immediate Supervisor.
- (2) Upon receipt of the appeal of the Immediate Supervisors decision, the Divisional Commander will schedule a meeting with the Employee, hear the Employee and respond in writing within (5) five working days of said meeting.

- (3) The written decision by the Divisional Commander may either affirm, reverse, or modify the decision of the Immediate Supervisor, and will state briefly the reason for the decision. The Divisional Commander will, at the same time report to the Chief Deputy whether or not he/she has resolved the grievance to the satisfaction of the Employee, and shall, in either event, provide a copy of the Grievance and his written decision to the Chief Deputy.
- (4) If the Employee is satisfied with the resolution to the Grievance offered by the Divisional Commander, then no further action is warranted.

Step 3: Appeal to Chief Deputy.

- (1) If the Employee elects to appeal the Divisional Commander's decision to the Chief Deputy. The appeal must be presented by the Employee in writing to the Chief Deputy within (5) five working days of the decision of the Divisional Commander.
- (2) Upon receipt of the appeal of the Divisional Commander's decision. The Chief Deputy will schedule a meeting with the Employee, hear the Employee and respond in writing within (5) five working days of said meeting.
- (3) The written decision by the Chief Deputy may either affirm, reverse, or modify the decision of the Divisional Commander, and will state briefly the reasons for the decision. The Chief Deputy will retain a record of whether or not he/she has resolved the Grievance to the satisfaction of the Employee, as well as a copy of the Grievance and his written decision
- (4) If the employee is satisfied with the resolution to the Grievance offered by the Chief Deputy, then no further action is warranted.

Step 4: Appeal to the Sheriff.

- (1) If the Employee elects to appeal the Chief Deputy's decision to the Sheriff. The appeal must be presented by the Employee in writing to the Sheriff within (5) five working days of the decision of the Chief Deputy.
- (2) The Sheriff will hear the Employee in not less than (5) five working days and no more than (20) working days and respond in writing within (10) working days after the hearing.
- (3) The decision of the Sheriff is final.

25.1. 2 Grievance Elements

1. The written grievance must include the following written information.
 - a. A statement of the grievance and the facts upon which it is based.
 - b. An account of the specific wrongful act and harm done.
 - c. A statement of the remedy or adjustment sought.
2. A standard WCSO grievance form (X7) must be used to formally file an Employee grievance. The standard form is designed to include the elements stated in section 1 of 25.1.2 Grievance Elements.

25.1.3. Grievance Response

1. Decisions will be attached to the standard grievance form by supervision and command staff as it progresses through Section C. Procedural Steps.
2. The response will include orderly accounting of significant times, dates and actions taken that are relevant to the grievance.
3. The response will also include the analysis of the facts or the allegation.
4. Affirm or deny the allegation in the grievance.
5. Identify the remedy or adjustment, if any, to be made.

25.1.4 . Appeals

- (1) An aggrieved Employee will first take up the grievance with his/her Immediate Supervisor.
- (2) If the grievance is not satisfactorily settled in Step 1, it may be appealed to the Divisional Commander for review.
- (3) The aggrieved Employee will be required to file the appeal on the standard

WCSO grievance form supplement that is directly associated with the standard grievance form within the defined timeframe in this order.

- (4) If the grievance is not satisfactorily settled in Step 2, it may be appealed to the Chief Deputy for review.
- (5) The aggrieved Employee will be required to file the appeal on the standard WCSO grievance form supplement that is directly associated with the standard grievance form within the defined timeframe in this order.
- (6) If the grievance is not satisfactorily settled in Step 3, it may be appealed to the Sheriff for review. The appeal will be filed on the WCSO standard grievance form supplement that is directly associated with the standard grievance form within the defined timeframe of this order.
- (7) All matters decided by the Sheriff will be final.

25.1.5. Grievance Board

- A. The Washington County Sheriff's Office does not make use of a grievance board.

25.1.6. Grievance Records and Annual Analysis.

- A. The Chief Deputy will be responsible for maintenance, accountability and control of all grievance records. Records will be kept in secure file cabinets and will be accessible as deemed appropriate by the Chief Deputy and the Sheriff.
- B. Grievance that are closed at the Immediate Supervisory and Divisional Commander level will be forwarded to the Chief Deputy as it relates to maintenance of records.
- C. The Chief Deputy will conduct an annual analysis of grievances filed by Sheriff's Office employees. A summary report of the analysis will be provided to the Sheriff for review. If an apparent trend is observed in filed grievances, the Sheriff may initiate steps to minimize the causes of similar grievance in the future.