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		Distribution: All
Title: GRIEVANCE PROCEDURES		Section: Personnel
Issued: 06/08/2010	Effective: 06/16/2010	Revised: 06/25/2020
Rescinds: All Previous	Amends:	
CALEA References: LE 22.4.1 – 22.4.3; COM 3.5.1a-e, 3.5.2, 3.5.3		
Review: Annual	Authority: Chief Michael A. Keller	

I. Purpose

The purpose of this General Order is to provide a procedure whereby employees may resolve disputes or complaints concerning the working conditions of their employment and are not applicable to disciplinary decisions.

II. Policy

The department recognizes that every employee has the right to be treated fairly in matters arising from employment in this agency; that each employee should have the opportunity to be heard fully any time their right to fair treatment has been violated; and that a carefully designed grievance process can help to reduce personnel dissatisfaction, increase morale, identify problems in the organization and increase the positive perception employees have of their employment with the agency. Therefore, whenever an employee believes that they have been treated unfairly with regard to the terms and conditions of their employment, they may initiate proceedings as specified in this policy in order to resolve those matters.

III. Definitions

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IV. Regulations

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V. Procedures

A. Conditions and Limitations

1. The grievance procedures set forth in this General Order are applicable to all employees (LE 22.4.1a; COM 3.5.1a).
2. Nothing in this General Order changes the “at-will” status of an employee as explained in the City of Andover Personnel Policy & Guidelines, nor creates any contractual rights of employment between the Department and an employee.

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3. This grievance procedure is not applicable to matters for which an appeal process is otherwise provided and may not be used in addition to or in replacement of those processes (i.e. annual evaluations, discipline) (LE 22.4.1a; COM 3.5.1a).
4. The scope of the employee grievance must:
 - a. Clearly define the situation in question through a written allegation of the specific wrongful act or situation, the harm done and the facts upon which it is based (LE 22.4.1c; COM 3.5.1c);
 - b. Arise out of an act or failure to act that directly relates to the working conditions of the eligible employee or to the employee's employment relationship (LE 22.4.1a; COM 3.5.1a);
 - c. Define a matter within the control of the Department (LE 22.4.1a; COM 3.5.1a);
 - d. State such relief sought that is within the power of the Department to grant (LE 22.4.1a; COM 3.5.1a).

B. Grievance Procedure

The grievance procedure established by this Department consists of three steps for appeal, each of which must be utilized in turn before appeal is made to the next step unless otherwise specified in this policy.

1. *Step one – immediate supervisor.* An employee who believes that elements of their working environment are unsatisfactory and can be made more effective should take the following measures:
 - a. Discuss the specific problem with their immediate supervisor. A problem that results from a specific event or action must be presented within seven days. The supervisor's decision regarding the matter shall be rendered in writing to the employee within seven calendar days following the conference. The employee has the right to the presence of a representative of his choosing during the conference to act only as a witness (LE 22.4.1a, b, d & e; COM 3.5.1a, b, d & e).
 - b. If the problem cannot be resolved through the conference and/or the employee wishes to document the grievance for further action, they may submit a formal written grievance to their intermediate level supervisor. Employees who do not have an intermediate level supervisor may submit their grievance directly to the Chief of Police (LE 22.4.1a; COM 3.5.1a).
2. *Step two-intermediate level supervisor.* Grievances submitted to an intermediate level supervisor shall be in writing. The grievance must:
 - a. Be submitted within seven days following receipt of the immediate supervisor's response.
 - b. Include a copy of the immediate supervisor's decision and justification;



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- c. Specify the employee's grievance and the specific remedy requested;
 - d. Provide a response to the immediate supervisor's decision; and
 - e. Be responded to by the intermediate level supervisor within seven days of receipt (LE 22.4.1b, c & d; COM 3.5.1b, c & d).
3. *Step three-Chief of Police.* If the matter is not satisfactorily resolved in step two, the problem may be presented in writing to the Chief of Police, together with a copy of all preceding responses, within seven days following the response of the employee's intermediate supervisor. The Chief of Police shall meet with the affected employee and a representative of the employee's choosing, to serve as a witness only, if so desired. A written response will be provided to the employee within seven days following the meeting with the employee. (LE 22.4.1a, b, d & e; COM 3.5.1a, b, d & e).
4. *Written responses to grievances.* Written responses to grievances shall include the following:
- a. Notation of the time, date and person who received the grievance.
 - b. Analysis of the facts or allegation in the grievance.
 - c. Affirmation or denial of the allegations.
 - d. Identification of the remedies or adjustments, if any, to be made.
5. *Time limits.* If a grievance is not processed by the aggrieved employee within the specified time limits provided in this General Order, the grievance shall be considered void. If the department fails to process a grievance within the time limits specified, the employee may initiate action by proceeding to the next step. However, employees are encouraged to make a reasonable attempt to determine the reason for the delay (LE 22.4.1b & d; COM 3.5.1b & d).
6. *Time extensions.* All times specified in this procedure are subject to scheduled vacations, sick leave or other authorized leave necessary for the proper conduct of departmental business. Additionally, involved parties may request one extension not to exceed seven days by providing written notice to the other parties prior to the expiration of the time limit established for that step (LE 22.4.1b & d; COM 3.5.1b & d).
7. *Withdrawal of grievance.* At any time during the grievance process, the employee may withdraw the grievance by making written notification of the withdrawal available to all parties involved in the grievance process.
8. *Coordination of grievance procedures.* The Operations Division Commander shall coordinate the Department's grievance procedures as established within these guidelines. The Operations Division Commander shall also be responsible for (LE 22.4.2; COM 3.5.2):
- a. Maintaining and controlling all records relating to grievances in a manner that will ensure their confidentiality; and
 - b. Annually prepare a written report analyzing grievances filed and submit to the Chief of Police for review (LE 22.4.3; COM 3.5.3).

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C. Appeals

Once the department's grievance procedure has been exhausted, the problem may be presented in writing to the City Administrator, together with a copy of all preceding responses, within three days following the response of the Chief of Police. The City Administrator shall address the concerns as soon as is practical, and shall do so in writing to the employee. The City Administrator's decision/finding is final (LE 22.4.1a, b & d; COM 3.5.1a, b & d).