JOPLIN POLICE DEPARTMENT	2-01 STANDARD OPERATING GUIDELINE
SUBJECT: Grievances	**REVIEW DATE: Annually - February**
EFFECTIVE DATE: November 14th, 2007	**ACTION DATE:**
AMENDS/SUPERSEDES: 2-01 Feb. 1st, 2007	**AMEND DATE: April 15, 2011**
ACCREDITATION INDEX: 25.1.1 a, b, c, d, e, 25.1.2, 25.1.3	**APPROVED:** Richard A. Pearson **Chief of Police**

I. POLICY

The department's goal is to provide fair, equitable, and clearly defined means for the resolution of grievances, to ensure employees and their supervisors are accorded reasonable opportunity to present the facts bearing on a grievance, and to guarantee the opportunity to exercise the rights set forth in this order. Every employee has the right to fair treatment in all matters arising from employment and to this end each employee has the right to be heard whenever he or she alleges mistreatment. A grievance process that affords employees the opportunity to air a complaint helps reduce dissatisfaction, identify organizational problems, and increase morale.

II. PURPOSE

The purpose of this order is to establish grievance procedures for departmental employees to resolve disputes or complaints concerning the terms or conditions of employment.

III. APPLICABILITY

A. Included

All regular full-time or part-time employees.

B. Excluded

1. An employee who has voluntarily resigned may not have access to the grievance procedure after the effective date of the resignation.

2. An employee who has been dismissed, demoted, suspended or laid off shall not grieve the action through this policy, but may appeal the action within 30 days through the City's Personnel Board as stated in the City of Joplin Employee Manual 8.10. At appeal hearings, counsel may represent employees. (25.1.1 A, E)

IV. WHAT IS GRIEVABLE (25.1.1 A)

A grievance is a complaint or dispute of an employee relating to employment, including but not necessarily limited to:

A. Disciplinary actions that do not result in a loss of pay.

B. Application and interpretation of compensation issues.

C. The improper application of personnel policies, procedures, rules and regulations, and ordinances and statutes.

D. Acts of reprisal as a result of use of the grievance procedure or of participation in the grievance of another employee.

V. WHAT IS NOT GRIEVABLE

Actions that result in the dismissal, demotion, suspension or laying off of employees are not to be heard through the grievance policy, but rather through the City's appeal procedure as stated in the City of Joplin employee manual sections 8.9 – 8.10. (25.1.1 A, B, C, D, E)

VI. PROCEDURES

A. Nature of the grievance (25.1.1 C)

The City's Human Resource Department provides a grievance form for those wishing to utilize the grievance procedure. An employee's grievance should include the following:

1. Specifically, factually, and clearly detail the allegation and the harm done.

2. State that the harm arose from an act, commission, or omission that directly affects the employee's working conditions or employment relationship.

3. Define a grievable matter that is within departmental control.

4. State the relief sought that is within the department's power to grant.

B. First management step (25.1.1 A, B, C, D)

1. The employee shall identify the grievance in writing and orally to the immediate supervisor (sergeant or above) within 48 hours after the event or action that is the basis for the grievance. A grievance against the immediate supervisor may be initiated with the next-level supervisor. A grievance against the Chief shall be submitted directly to the City Manager (see VI. C. 3.).

2. The supervisor shall give a written response to the employee within five (5) workdays following the meeting, in an effort to resolve the matter.

3. If a resolution is not reached at this point, the employee shall submit the grievance in writing to the next level supervisor outlining the information listed under A above within three (3) work days after receipt of the oral response.

4. As before, the supervisor shall give the employee a written response within five (5) workdays of receipt of the employee's memorandum in an effort to resolve the matter. (The Chief of Police shall have seven (7) working days from the date of receipt to respond in writing to the employee).

5. By following the steps as outlined herein, an opportunity will be given to each level of supervision, up to and including the Chief of Police (Sergeant, Captain, Major, Chief of Police), to try to resolve the matter.

C. Second management step (25.1.1 D)

1. If the employee cannot achieve resolution of the grievance during the first management step, and the status of the complaint as grievable has not been decided, then the employee should forward all written documentation concerning the grievance to the Human Resources Director with a written explanation of his/her dissatisfaction. The grievance must be submitted to the Human Resources Director within three (3) workdays following receipt of the Chief's reply.

2. Within seven (7) days of receipt of the grievance, the Human Resources Director will forward a written recommendation to the employee and the City Manager.

3. The City Manager will make a final decision concerning the alleged grievance within ten (10) working days from the date of receiving the grievance. The decision will be in writing and sent to all concerned. The Manager's decision shall be final and there shall be no further appeal process.

D. Grievance File Maintenance and Review

1. Department employee grievances will be coordinated and maintained in the Human Resource department and shall be considered confidential. (25.1.2)

2. The files shall be reviewed and analyzed annually by the Office of Internal Affairs, who shall file a report with the Chief of Police. This report will include the number of grievances, the final dispositions and recommendations, if any, regarding the Grievance Review Procedure. (25.1.3)

VII. COMPLIANCE

Violations of this policy, or portions thereof, may result in disciplinary action as described in the City of Joplin's Personnel Rules or the Joplin Police Department's Rules and Regulations and General Orders. Employees of the Joplin Police Department, while assigned to or assisting other agencies, shall comply with this policy.

VIII. APPLICATION

This document constitutes department policy, is for internal use only, and does not enlarge an employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense, with respect to third party claims insofar as the employee's legal duty as imposed by law. Violations of this policy, if proven, can only form a basis of a complaint by this department, and then only in a non-judicial administrative setting.