

# SANTA CLARA POLICE DEPARTMENT GENERAL ORDER 25.1

## GRIEVANCE PROCEDURE

ISSUED APRIL 2006

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### **25.1.1 Grievance Procedure**

It is the policy of the City of Santa Clara to ensure that employees receive fair and equitable treatment, to provide employees with an easily accessible procedure for expressing dissatisfaction, and to foster sound employee-supervisor relations through communication and ultimate reconciliation of work-related problems.

This General Order is based on the City grievance policy that is contained in [City Manager's Directive 47](#). A copy of this directive may be obtained from any Division Commander, Office of the City Clerk, or the City Manager's Office.

#### **Definition**

For the purposes of this order, a grievance is an appeal from an interpretation of existing rules, regulations, policies, procedures and/or the terms of a current Memorandum of Understanding. A grievance does not include pre-disciplinary or disciplinary action such as oral or written warning or reprimand, suspension, reduction in pay, demotion, and dismissal.

The procedure for appeals on suspensions, demotions, and dismissals is set forth in the Civil Service Rules and Regulations. The procedure for complaints of applicants or employees alleging discrimination is set forth in the City Affirmative Action Plan, a copy of which is on file in the Human Resources Office and in the City Clerk's Office.

#### **Collective Bargaining Agreements**

Grievance procedures for employees covered under collective bargaining agreements are described in those individual agreements. All, however, follow the general grievance policy as set forth in [CMD 47](#).

If circumstances so dictate, an employee association may file a grievance in lieu of a member. Further, all below-mentioned time limits specified in the procedure may be waived by mutual written agreement.

#### **Exempted Employees**

Employees not covered under collective bargaining agreements will follow the grievance procedure described in [CMD 47](#).

## 25.1

### **Procedure**

#### **Employees Responsibility**

Many problems are misunderstandings that can be eliminated by personal review on an informal basis with the immediate supervisor and/or Division head and/or Department head. Because of this, the employee is required to pursue this avenue first. Should this fail to resolve the matter, then the grievance is to be reduced to writing on an approved form and directed to the Department head for formal action.

The grievance form is attached to [CMD 47](#), or may be obtained from an employee's Department or from the City's Human Resources Department. This form includes a description of the type of information to be submitted when filing a grievance.

#### **Right to Representation**

The employee is entitled to choose to be represented by his/her bargaining unit at the beginning of the formal grievance process. In addition to the official representative of the bargaining unit (business agent, etc.), the employee may choose to be represented by a co-worker. If the employee chooses not to be represented by the bargaining unit, he/she may appoint a co-worker or non-employee to represent him/her. No more than one employee other than the grievant may be in a paid status while in attendance at any meetings held to discuss the grievance. During the informal investigation process, the employee may also request that a representative be present, and the supervisor is required to allow the request unless undue hardship for the City would result.

#### **Division Head**

The Division Head shall investigate the situation and attempt to resolve the problem by informal means. Should this fail, then he/she shall make a thorough analysis of the formal grievance and attach this analysis, together with his/her recommendations, to the grievance form and forward all material on to the Department Head within five working days from the date the grievance was filed.

#### **Department Head**

If the problem cannot be resolved informally, then, within five working days of receipt of the grievance material, the Department Head shall review the entire case in a meeting with the aggrieved employee, and the employee's representative(s), if he/she so elects to appoint same, together with any other personnel who, in his/her opinion, could help to resolve the problem. Within five working days of this meeting he/she shall personally present to the employee his/her decision in writing, with an appropriate place where the employee can sign to indicate that the decision either does or does not resolve his/her grievance. If the grievance is resolved, all material shall be forwarded to the Director of Human Resources for filing. If the grievance is not resolved, then all material shall immediately be forwarded to the Municipal Employee Relations Officer for review.

**Municipal Employee Relations Officer (MERO)**

The MERO is an employee appointed by the City Manager to administer labor relations on behalf of the City. Within five working days of receipt of the grievance material, he/she shall meet with all parties concerned, including the employee's representative(s), if any, he/she feels can help to resolve the grievance. A decision shall be reached within five working days of the meeting and presented in writing to the meeting and presented in writing to the Department Head. The Department Head shall personally give it to the aggrieved employee to sign in the appropriate place that the grievance is now either resolved or not, with a copy of the signed statement being returned to the MERO.

The resolved grievance shall be directed to the City's Human Resources Department for filing. If not resolved, all material shall be directed to the City Manager for final review.

**City Manager**

Within fifteen working days of receipt of the grievance material, the City Manager will review the entire matter and, after an investigation that may include a meeting with the parties concerned, submit in writing to the employee, through his/her Department Head, a final decision resolving the issue.

All grievance material shall then be directed to the Human Resources Department for filing.

**Civil Service Commission and Secretary of Civil Service Commission**

Upon referral by the City Manager or written appeal by the aggrieved employee filed with the Secretary of Civil Service Commission within 7 working days of receipt of final decision by the City Manager, the Civil Service Commission, acting as a Board of Review, may, at its discretion, review the grievance in depth and hold a hearing if in their opinion, the circumstances warrant such. Upon conclusion of their investigation, the Board shall present to the City Manager their findings and recommendations. These findings shall not be binding on the City Manager. A copy of their Minutes will be forwarded to the City Council. Under these circumstances, the Secretary to the Civil Service Commission will insure that the complete file is forwarded to the City Human Resources Department for filing in the aggrieved employee's personnel folder.

**25.1.2 Coordination Responsibility**

The Chief of Police and the captains of each Division shall manage the grievance procedure for Police Department employees.