

	CLAY COUNTY SHERIFF'S OFFICE		Policy 1005
	SUBJECT: GRIEVANCE		Approved by: Sheriff Will Akin 10/12/2022
	ISSUED: 06/11/2019	REVISED: 06/01/2022; 10/12/2022; 12/06/2022	CANCELS:
	CALEA References: 22.4.1		

1005.1 PURPOSE AND SCOPE

- (a) The purpose of this policy is to establish guidelines for the filing and processing of member grievances.

1005.1.1 POLICY

- (a) It is the policy of the Clay County Sheriff's Office to resolve all member grievances promptly and in a fair and consistent manner without discrimination or retaliation. The Office encourages effective communication between members and supervisors.

1005.1.2 GRIVANCE DEFINED (22.4.1a)

- (a) A grievance is any difference of opinion concerning terms or conditions of employment or a dispute involving the interpretation or application of any of the following documents by the persons affected:
 1. This Policy Manual
 2. County rules and regulations covering personnel practices or working conditions
- (b) Grievances may be brought by an individual member or by a member bargaining group representative.
- (c) Complaints that are specifically excluded from the category of grievances include:
 1. Complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background, and other lawfully protected status or activity that are subject to the complaint procedures set forth in the Discriminatory Harassment Policy.
 2. Complaints related to state workers' compensation.
 3. Personnel complaints consisting of any allegation of misconduct or improper job performance by any Sheriff's Office member that, if true, would constitute a violation of Sheriff's Office policy, federal, state, or local law as set forth in the Personnel Complaints Policy.
- (d) The grievance procedure should not be used as a replacement or an addition to any other grievance mechanisms that may be available in the County or through the individual's employment agreement.
- (e) An appeal to disciplinary action shall be considered a grievance.

1005.2 PROCEDURE (22.4.1b)

- (a) Except as otherwise required under an employment agreement or County policy if applicable, if a member believes they have a grievance as defined above, with the exception to grieving a termination, then that member shall observe the following procedure:
1. Attempt to resolve the issue through informal discussion with the immediate supervisor within three (3) business days of the action or incident resulting in the complaint. (22.4.1c)
 - i. If the complaint involves the immediate supervisor, the member may choose to make the initial presentation to the next level of supervision. (22.4.1b)
 2. If after a reasonable period of time, generally five (5) business days, the grievance cannot be settled by the immediate supervisor, the member may appeal to the Division Commander, requesting review through the chain-of-command up to the Division Commander of the affected division.
 3. If the member and the Division Commander are unable to arrive at a mutual solution, within three (3) business days the member may submit an appeal to the Bureau Commander.
 4. If the member and the Bureau Commander are unable to arrive at a mutual solution within three (3) business days, the member may submit an appeal to the Undersheriff or their designee. The process shall proceed as follows (22.4.1b, c):
 - i. Submit in writing a statement of the grievance and deliver a copy to the immediate supervisor, the Division Commander, Bureau Commander, and the Undersheriff. The statement shall include:
 - A. The basis for the grievance (i.e., the facts of the case).
 - B. A description of the complained or wrongful act and the harm alleged.
 - C. The specific policies, rules, or regulations that were violated.
 - D. A statement articulating the reason that proposed prior resolutions of the grievance are unsatisfactory.
 - E. The remedy or goal being sought by the grievant that is within the power of the Office to grant.
 - ii. Written requests for extensions of time to respond shall be reasonably granted.
 5. Within three (3) business days of the submission, the member shall receive a copy of the acknowledgment signed by the Undersheriff including the date and time of receipt.
 - i. Within those business days, the Undersheriff shall appoint a review board consisting of three commanders not involved in the grievance at hand; one commander shall be appointed as the foreman and will be responsible for all records and recommendations of the board.
 6. Within ten (10) business days, the appointed board shall review and analyze the facts or allegations of the grievance. Upon conclusion, the foreman shall submit the following records to the Undersheriff:
 - i. Written recommendations for affirming or denying the grievance with the reasoning for the decision.
 - ii. If affirmed, the documentation shall contain recommendations for a remedy.
 7. Within four (4) business days, the Undersheriff will provide a response to the member. The response will be in writing and will affirm or deny the grievance. The response shall

include any remedies, if appropriate. The decision of the Undersheriff shall be considered final. (22.4.1e)

- (b) Except as otherwise required under an employment agreement or County policy if applicable, if a member believes they have a grievance as defined above concerning a termination, then that member shall observe the following procedure:
1. Within three (3) business days of a member receiving their notice of termination, the member may appeal their grievance to the Sheriff.
 2. The Sheriff will review the findings and, within five (5) business days, provide their response to the appealing member. The Sheriff has the final decision-making authority in employment matters.
 3. Within five (5) business days of the closed hearing, the Review Panel Foreman will present the panel's findings to the Sheriff.
 4. The closed hearing will be held, to include the Review Panel and the appealing member and their legal representation. The member will be given their opportunity to present any evidence and factual findings they deem relevant to their grievance.
 5. Within three (3) business days of being assigned, the Review Panel will set a date and time for the closed hearing. The appealing member will be given no fewer than seven (7) business days to review all documents relating to the case.
 6. Within five (5) business days of the Sheriff receiving the grievance, the Sheriff or their designee will appoint a Review Panel.
 - i. The Review Panel will consist of a Bureau Commander and two (2) captains.
 - ii. The Bureau Commander will serve as the Foreman and will manage all communications with the Sheriff and the appealing member.

1004.3 MEMBER REPRESENTATION

- (a) Members are entitled to have representation of their choosing during the grievance process. If the grievant is a member of a bargaining group, the representative may be selected by the member from the appropriate employee bargaining group.

1004.4 PUNITIVE ACTION

- (a) At no time will punitive or retaliatory action be taken against a member for exercising their rights during, after, or in relation to the grievance procedure.

1004.5 GRIEVANCE RECORDS

- (a) At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Undersheriff or designee (generally the Custodian of Records) for inclusion into a secure file for all written grievances. Records shall be maintained in accordance with the organization's applicable records retention schedule.

1004.6 GRIEVANCE AUDITS (22.4.3)

- (a) The Undersheriff or designated commander shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether any policy/procedure changes or training may

be appropriate to avoid future grievances. Training recommendations will be made by the Commander to the Training Sergeant. The Commander shall report the findings in a confidential and generic memorandum to the Sheriff without including any identifying information from any individual grievance. If the audit identifies recommended changes or content that warrants a revision to this Policy Manual, the Commander should promptly notify the Sheriff or the authorized designee.