



# GENERAL ORDER

Loudoun County Sheriff's Office

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<b>Chapter:</b> Personnel Management	<b>Section:</b> 301	
<b>Subject:</b> Grievance Procedure	<b>Topic:</b>	
<b>Accreditation:</b>	<b>Revised:</b>	<b>Reaffirmed:</b>
<b>Enacted:</b> 08/09/2016	<b>Last Review:</b> 08/09/2015	<b>Next Review:</b> 07/30/2017

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## I. PURPOSE

This General Order is issued for the purpose of affording a fair and equitable method for the resolution of certain disputes which may arise between the Loudoun County Sheriff's Office and its sworn employees.

## II. POLICY

When administering the county personnel system, it shall be the policy of the Loudoun County Sheriff's Office to resolve an employee's complaint or dispute in a prompt manner. The Sheriff's Office's sworn personnel shall use the provisions of this General Order for all personnel grievance resolutions. If provided for in a current Cooperative Agreement between the Sheriff and the Board of Supervisors, non-sworn employees shall use the grievance procedure specified in Chapter 11 of the County of Loudoun Human Resources Handbook.

The terms of this General Order are not intended to contradict or extend to employees of the Sheriff's Office rights not granted or expressly prohibited by Title 15.2-1603 of the Code of Virginia of 1950, as amended. This General Order does not abrogate the Sheriff's full authority to direct, to control, and to remove deputies from appointment.

## III. DEFINITION OF TERMS USED IN THIS ORDER

A. Grievance: A complaint or dispute by an employee relating to their employment, including:

1. Disciplinary actions involving the dismissal, demotion, or suspension of such employee. Dismissals shall be grievable when resulting from misconduct or unsatisfactory performance
2. The application of personnel policies, procedures, rules, and regulations
3. Acts of reprisal due to an employee's (i) utilization of the grievance procedure, (ii) participation in another employee's grievance, (iii) compliance with any law of the United States or Commonwealth of Virginia, (iv) reporting any violation of such law to a governmental authority, or (v) seeking any change in law before the Congress of the United States or General Assembly
4. Complaints of discrimination by an employee based on race, color, creed, political affiliation, age, disability, national origin, or sex

- B. Grievant: The sworn employee submitting a complaint or dispute in compliance with this General Order.
- C. Department Head: The Sheriff. This term is used extensively in the County of Loudoun Grievance Procedure. The Sheriff may, upon his written authorization, designate the Chief Deputy to act in his place as Department Head for purposes of this General Order.
- D. Senior Staff Supervisor: Division Commander. This term is used extensively in the County of Loudoun Grievance Procedure.
- E. Respondent: The person representing the supervisory or managerial authority of the Sheriff's Office who is charged with responding to the submission of a grievance under this General Order. This may be the grievant's immediate supervisor, a Division Commander, or the Sheriff, depending on the step to which the grievance is taken.

IV. MANAGEMENT RESPONSIBILITIES

- A. The Sheriff reserves the exclusive right to manage the affairs and operations of the Sheriff's Office. Accordingly, the following complaints are not grievable:
  - 1. Establishment and revision of wages or salaries, position classifications, or general benefits
  - 2. Work activity accepted by the employee as a condition of employment, or work activity which may reasonably be expected to be a part of the job content
  - 3. The methods, means, and personnel by which such work activities are to be carried out
  - 4. The contents of ordinances, statutes, or established personnel policies, procedures, rules and regulations
  - 5. Failure to promote, except where the employee can show established policies or procedures governing promotion were not followed or fairly applied
  - 6. The termination, layoff, demotion, transfer, or suspension from duties due to a lack of work, reduction in work force, or job abolition.

However, in the event such action affects an employee who has been reinstated as the result of the final determination of a grievance and such reinstatement has occurred within the six-month period immediately preceding the termination, lay-off, demotion, transfer, or suspension from duties due to a lack of work, reduction in work force, or

job abolition, such action shall be grievable. It is further provided that the action shall be upheld upon a showing by the department head that (i) there was a valid business reason for the action, and (ii) the employee was notified of such in writing prior to the effective date of the action

7. The hiring, promotion, transfer, assignment, and retention of sworn personnel in the Sheriff's Office
8. The relief of employees from duty in emergencies

V. COVERAGE OF PERSONNEL

- A. Only a regular full or part-time sworn employee of the Sheriff's Office is eligible to file a grievance under this Order. The following sworn employees may not file a grievance:
1. Probationary deputies
  2. Bureau Commanders (rank of Lieutenant Colonel)
  3. Division Commanders (rank of Major)
  4. Deputies who have received disciplinary action (for dismissal, demotion, or suspension) as the result of a conviction on any criminal charge shall only have access to this grievance process up to and through the Third Step as set forth in paragraph X.C. below. These deputies shall not have access to a grievance panel.

VI. PARTIES TO A GRIEVANCE

- A. In order to be pursued as a grievance, the condition or occurrence complained of by an employee shall:
1. Personally and directly affect the employee
  2. Be capable of being remedied by the employer
- B. Questions concerning a particular employee's standing to file a grievance and/or the Sheriff's authority to remedy the occurrence or condition complained of shall be determined in accordance with the procedure for any other question concerning grievability.

VII. GRIEVABILITY

- A. The determination as to whether a complaint or dispute is grievable and qualifies for a panel hearing shall be resolved in writing by the County Administrator, or his designee, who may refer the matter to the Sheriff for a recommendation on the decision.

- B. Either the grievant or a management representative may request, in writing, a determination of grievability at any time prior to the panel hearing, at the request of the grievant or the Sheriff, using the form provided.
- C. The County Administrator, or his designee, shall issue a determination of grievability, in writing, within ten (10) work days of receipt of a request for such determination. Failure to decide the issue of grievability within such time, or any extension thereof, shall be deemed a determination that the issue is grievable. For each complaint or dispute pursued, only one determination of grievability may be sought from the County Administrator, or his designee. A copy of the determination shall be sent to the grievant and to the Sheriff.
- D. Decisions of the County Administrator may be appealed to Loudoun County Circuit Court for a hearing on the issue of grievability.

Review of the County Administrator's decision regarding grievability shall be instituted by filing a notice of appeal with the County Administrator within ten (10) calendar days after the date of receipt of decision and giving a copy to all concerned parties.

- 1. Within ten calendar days thereafter, the County Administrator shall transmit to the Clerk of the Loudoun County Circuit Court a copy of the decision of the County Administrator, or his designee, a copy of the notice of appeal, and the exhibits. A list of the evidence furnished to the court shall also be furnished to the grievant. The failure of the County Administrator, or his designee, to transmit the record within the time allowed shall not prejudice the rights of the grievant. The court, on motion of the grievant, may issue a Writ of Certiorari requiring the County Administrator, or his designee, to transmit the record on or before a certain date.

Within thirty days (30) of receipt of such records by the clerk, the Court, sitting without a jury, shall hear the appeal on the record transmitted by the County Administrator and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The Court, in its discretion, may receive such other evidence, as the ends of justice require. The court may affirm the decisions of the County Administrator or may reverse or modify the decision. The decision of the Court shall be rendered no later than the fifteenth day from the date of the conclusion of the hearing. The decision of the Court is final and is not appealable.

- E. Once raised, the issue of grievability must be resolved before the grievance is processed further. Any time limitations prescribed by this grievance procedure shall be tolled during the time in which the County Administrator, his/her designee, or the Circuit Court is considering the issue of grievability. Time limits shall begin to run again the day after a determination of grievability has been issued.

VIII. GENERAL POLICY

- A. Once an employee reduces his grievance to writing, the employee must specify on the "County of Loudoun Employee Grievance Form" the specific remedy the employee expects to obtain through the use of this procedure.
- B. When the grievant decides to reduce their grievance to writing, they shall obtain the necessary forms from the Human Resources office. That office shall open a file on the grievance, and assist the grievant and the department head in the processing of the grievance. Nothing herein, however, shall be interpreted as a requirement that the Human Resources office informs the grievant of the exhaustion of time limitations.
- C. All meetings and hearings provided for in this General Order shall be conducted at a reasonable time and place, as designated by the respondent superior officer, preferably when the grievant is on-duty, or when reasonable efforts have been made to ensure the attendance of the grievant during normal office hours while in pay status. This pay status shall not apply in cases involving a dismissed or terminated employee.
- D. Where an employee is reasonably required to be present as a witness in a meeting or hearing provided for in this procedure, the Sheriff's Office will cooperate insofar as is possible in making that witness available for such purpose. In any case, the Sheriff's Office shall not procure the absence of any necessary witness, but the operation of essential services shall not be interrupted in order to facilitate such an appearance.
- E. The position responsible for the coordination of grievances occurring within the Loudoun County Sheriff's Office is the Internal Affairs Section. The Internal Affairs Section shall retain copies of all grievances. They shall be maintained in the same secure, confidential manner as internal affairs files.

IX. CONSOLIDATION AND ADJOURNMENT

- A. In the event two or more grievances, which arise out of the same factual circumstances, are pending at the same time, the County Administrator, or his designee, at any time prior to the commencement of a panel hearing, may consolidate those grievances for joint processing. A decision as to whether or not the grievances are appropriate for consolidation shall be based upon considerations of efficiency and the ability to afford a full and fair resolution of the complaints or disputes.

If the grievances are consolidated, all time limits set forth in this procedure shall thereafter be calculated from the date of the last filed grievance. Once consolidated, the grievances shall all be processed as a single matter.

- B. Any meeting or hearing required to be convened by this procedure may be adjourned to another time or place by mutual agreement between the grievant and the respondent. A panel hearing may be adjourned only by majority vote of the members of the panel.

X. PROCEDUREA. First step - Immediate Supervisor Level

The grievance procedure shall be initiated by a face-to-face discussion with the grievant and supervisor regarding the complaint or dispute.

1. A deputy, who has a complaint or dispute, shall discuss the grievance with his/her immediate supervisor within twenty calendar days after the occurrence of the event giving rise to the grievance, or within twenty calendar days following the time when the employee should reasonably have known of its occurrence.

For the purpose of this section, the term "immediate supervisor" shall mean the person who is, or most recently has been, exercising limited supervision over the employee.

For purposes of this section, the term "occurrence of event" shall include, but not be limited to:

- a. The date on which the Sheriff, or his designee, advises the employee, either orally or in writing, of disciplinary action including, but not limited to, dismissal, demotion, suspension, or transfer or
- b. The date on which the employee is advised, either orally or in writing, by an appropriate supervisor, consistent with the employee's chain of command, of disciplinary or corrective action, or of orders creating the dispute or complaint.

If discipline has been handled at the level of Sheriff, the grievant shall start the process at Section XI, D of this General Order.

2. The grievance need not be reduced to writing at this step.
3. No persons, other than the grievant and the immediate supervisor, may be present during this discussion.
4. The immediate supervisor shall respond to the grievance, either orally or in writing, within seven (7) calendar days of the conclusion of the grievance discussion.

B. Second Step - Division Commander Level

If, after exhausting the first step, the grievance has not been resolved to the satisfaction of the grievant, the grievant may seek resolution of the matter through a face-to-face meeting with the grievant's Division Commander.

1. The grievant shall reduce the grievance to writing on the "County of Loudoun Employee Grievance Form". The written grievance shall set forth the facts on which the complaint or dispute is based, and shall state the specific remedy sought by the grievant. The grievant shall provide all the information required by the form and shall sign the form. When required information is unavailable, the grievant shall so indicate in writing.
2. The written grievance shall be filed with the grievant's Division Commander within seven calendar days after the grievant has received his immediate supervisor's oral or written response.
3. In the event that the immediate supervisor is also the grievant's Division Commander, the grievant shall advance to Step Three of this procedure. The grievant shall reduce the grievance to writing and file the completed form with the Sheriff within seven (7) calendar days of the grievant's receipt of the response from his/her immediate supervisor.
4. The Division Commander shall hear the written grievance within seven (7) calendar days of receipt thereof. Only the grievant, the Division Commander, and appropriate witnesses for each side may be present at this meeting. Witnesses may be present only while providing testimony.
5. The Division Commander shall provide the grievant with a written response to the grievance within seven (7) calendar days after the conclusion of the meeting.

C. Third Step - Sheriff

If, after exhausting the foregoing steps, the grievance has not been resolved to the satisfaction of the grievant, the grievant may seek resolution of the matter with the Sheriff. This shall be considered the final management step.

1. The grievant shall submit the written grievance to the Sheriff within seven (7) calendar days of the grievant's receipt of the response from the Division Commander.
2. The Sheriff shall hear the grievance within seven (7) calendar days after the submission of the written grievance.
3. The grievant, the Sheriff, and appropriate witnesses may be present at this meeting. Witnesses may be present only while providing testimony. In addition, the grievant, at his/her option, may have a representative of his/her choice present. If legal counsel represents the grievant, the Sheriff likewise has the option of being represented by counsel. The grievant shall notify the Sheriff at least four (4) calendar days before the meeting of his/her decision to be represented by legal counsel. If the grievant desires non-lawyer representation, that representative shall:

- a. Be a sworn or non-sworn employee of the Sheriff's Office;
  - b. Be a volunteer who agrees to represent the grievant; and
  - c. Not be an anticipated witness to any factual matter in dispute during the pending grievance.
4. The non-lawyer representative may continue to represent the grievant during the Fourth Step, Panel Hearing, but may not so serve if needed as a witness by either party.
  5. The Sheriff shall provide the grievant with a written response to the grievance within seven (7) calendar days after the conclusion of the meeting.
  6. If the complaint or dispute has been administered by the Sheriff and not resolved to the grievant's satisfaction, the grievant may proceed directly to a panel hearing.

D. Appeal of the Decision of the Sheriff

If, after exhausting the foregoing steps, the grievance has not been resolved to the satisfaction of the grievant, the grievant may request a hearing before an impartial panel.

1. In order to qualify for such a panel hearing, the grievant shall file a written appeal to the County Administrator within seven (7) calendar days of the grievant's receipt of the Sheriff's written decision (or twenty (20) calendar days if the discipline was handled by the Sheriff).
2. Such written appeal shall be made on the "County of Loudoun Grievance Reply at Step 3 and Employee Answer/Request for Panel Hearing Form" and made available to the grievant upon request through the Human Resources office. The form, when completed by the grievant, shall again set forth the facts upon which the grievance is based and the specific remedy sought by the grievant. It shall also indicate name, address, and telephone number of the sworn employee whom the grievant has appointed to sit on the impartial panel in accordance with the provisions of Chapter XII below.
3. The grievant shall also notify the Sheriff within seven (7) calendar days of his/her decision to be represented by a lawyer or non-lawyer representative and provide the name of that representative. If the grievant decides to represent him/herself, that should be stated as well.

XI. CONVENING THE PANEL HEARING

- A. The County Administrator, upon receipt of the grievant's request for a panel hearing, shall promptly submit the request form, accompanied by all required attachments, to the Human Resources Manager. The Manager shall coordinate the selection of the members of the panel and assist the panel in scheduling the panel hearing.



- B. The panel shall be constituted as provided herein.
1. The panel shall be composed of three members consisting of one member appointed by the grievant, one member appointed by the Sheriff, and a third member selected by the first two. All panel members must be sworn employees of the Sheriff's Office.
  2. In the event that, within seven calendar days of the appointment of a panel member by the Sheriff, agreement cannot be reached as to the final member of the panel, the Loudoun County Circuit Court Chief Judge shall select the final member. The Chief Judge shall appoint only a sworn employee of the Sheriff's Office.
  3. In order to ensure impartiality, the panel shall not be composed of any persons having direct involvement with the grievance being heard or with the complaint or dispute giving rise to the grievance. Sheriff's Office employees in direct line of supervision of a grievant, members of the grievant's household, and the following relatives of a participant in the grievance process are prohibited from serving as panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew, and first cousin.
  4. In all cases, the third member shall be chairperson of the panel.
- C. In the event that a panel hearing, comprised of two or more consolidated grievances in accordance with Section X, A, involves more than a single grievant, each separate grievant shall appoint one panel member and the Sheriff shall appoint one panel member in response to each such selection. The number of panel members selected by the grievants will be equal to the number of panel members selected by the Sheriff. The final panel member shall be chosen in accordance with the provisions of Section XII, B.
- D. The grievant shall appoint a panel member in accordance with the provisions of Section XII, B, 1 and 3 above. The Human Resources Manager shall contact the grievant's designated panel member to confirm their willingness to serve as a panel member. Should the initial appointee be unwilling or unable to serve, the grievant shall be notified and shall have seven (7) calendar days in which to appoint a panel member who is ready, willing, and able to serve.
- E. Upon receiving the request for a panel hearing, the Human Resources Manager shall promptly notify the Sheriff that a panel hearing has been requested. The Sheriff shall appoint a panel member within seven (7) calendar days of receipt of such notice. The Sheriff shall verify that the appointee is ready, willing, and able to serve on the panel before notifying the Manager of the selection.
- F. When both the grievant and the Sheriff have notified the Human Resources Manager of their respective panel member selections, the Manager shall promptly notify these two appointed panel members. The two panel members will have seven (7) calendar days

from receipt of such notice to select the final panel member in accordance with the provisions of Section XII, B.

- G. In the event the two appointed panel members fail to reach an agreement within the seven (7) day period as to the appointment of the final member, the Human Resources Manager shall promptly forward a request to the Circuit Court through the County Attorney's Office for appointment of the final panel member.
- H. The final member serves as chairperson of the panel.
- I. After consulting with the other panel members, the grievant, and the Sheriff, the chairperson will set the time and place for the hearing and notify such persons accordingly. The hearing shall commence at the earliest available date agreeable to all involved parties.
- J. In all cases of a sworn employee's grievance, panel members shall be sworn employees of the Sheriff's Office. In cases of a civilian employee's grievance, the makeup of the panel shall be governed by Chapter 11 of the County of Loudoun Human Resources Handbook
- K. Any determination rendered by the panel shall be decided by a majority of the members of the panel. Each panel member casts one vote.

XII. DOCUMENT EXCHANGE

- A. The Human Resources Manager shall provide members of the panel with copies of the grievance record. A list of the documents constituting that record will be provided to the grievant.
- B. At least ten (10) calendar days prior to the panel hearing, the grievant and his/her representative shall be allowed access to copies of all relevant files intended for use by the Sheriff at the hearing, not to include documents which are protected under State or Federal law or regulations.
- C. At least five (5) days prior to the commencement of the hearing, each side shall exchange documents, exhibits, and a list of prospective witnesses.

XIII. CONDUCT OF THE PANEL HEARING

The panel shall conduct the hearing in accordance with the following rules:

- A. The hearing shall be open to the public unless requested closed by either party.
- B. Upon the request of either party, witnesses shall be subject to the Rule on Witnesses and the witnesses shall be sequestered during the taking of evidence. Nothing herein shall be interpreted to require that a grievant or the Sheriff shall be denied the opportunity to be present during any portion of the hearing.

- C. The panel members shall be sworn in by a notary public using the following oath:
- “Do you solemnly swear to fairly and impartially discharge your duties as a member of this grievance panel, to render a decision regarding the resolution of this grievance based upon a full consideration of all the competent evidence presented, and not upon any other considerations which may arise out of your appointment as a deputy of the Sheriff and without fear of reprisal for the discharge of such duty?” Answer: "I do."
- D. The grievant shall proceed first.
- E. The Sheriff may elect to represent himself and have legal representation if the grievant has chosen to do so, or request representation by a designated subordinate during the hearing.
- F. Each party shall be afforded 20 minutes before the taking of evidence to make an opening statement. In addition, the panel, at any time during the course of the hearing, may ask the parties or their representatives for statements clarifying the issues involved in the grievance. The panel may also require that both parties submit written proposed findings of fact to the panel before the hearing in order to focus the panel on the issues of the dispute.
- G. Exhibits, when offered by any party, may be received as evidence by the panel so long as such exhibits are determined by the panel to be relevant to the issue before them. When exhibits are received, they shall be marked and made a part of the record. All evidence shall be offered in the presence of the panel and the parties except by mutual consent.
- H. Each party shall be afforded a full and fair opportunity to offer evidence and cross examine witnesses without regard to the burden of proof, and shall produce such additional evidence as the panel may deem necessary in order to arrive at an understanding and determination of the dispute.
- I. There shall be no formal rules of evidence for the panel hearing. However, the panel shall be the judge of the relevancy and materiality of any evidence offered. The issue of relevancy or materiality may be raised by either party or by any member of the panel. A determination of relevancy or materiality shall be based upon the following considerations:
1. The need to afford each party a full and fair opportunity to present facts and arguments;
  2. The need to avoid unnecessary delay;
  3. The scope of the remedy that may be awarded by the panel and effectively implemented by the parties; and
  4. Any determination rendered by the panel is decided by a majority of the members

of the panel, who each carry one vote.

- J. The hearing may be adjourned to another time or place by the panel.
- K. The panel chairperson shall specifically inquire of all parties whether they have any further proofs to offer or witnesses to be heard. When all parties have indicated that their evidence has been fully presented in accordance with these rules, the chairperson shall permit each party to present a closing summary that shall not exceed fifteen (15) minutes in duration. The grievant may elect to reserve up to five (5) minutes of the 15 minutes allotted for his closing summary for rebuttal. Attachment A is a sample format that may be used to guide the panel in the conduct of the hearing.
- L. Upon the conclusion of the presentation of the closing summaries, the chairperson shall declare the hearing closed.
- M. Once closed, the hearing may not be reopened.
- N. The panel shall determine the procedure to be followed in all matters not covered by these rules, and
- O. The Human Resources Manager shall ensure that a verbatim record of the hearings is made either in writing or on recording tape. Such record shall be retained in the custody of the Manager for a period not less than six months. In the event that the Manager is directly involved in the grievance, the County Administrator shall assume these duties. The grievant shall be entitled to receive a copy of such record upon payment of a reasonable fee.

#### XIV. DECISION OF THE GRIEVANCE PANEL

- A. The panel is only authorized to determine whether or not a grievance pursued by an employee has merit and what remedy, if any, should be afforded. The panel is not authorized to formulate or change policy, rules, or procedures. The panel's decision shall not abridge in any way the Sheriff's right to exercise the management responsibilities identified in Section IV.
- B. The decision of the panel shall be filed in writing on the *County Decision of the Panel* form, by the panel chairperson to the Sheriff, County Administrator, Human Resources, and the grievant no later than fourteen (14) calendar days after the closing of the hearing. The decision shall summarize the grievance and the evidence, shall make specific findings of fact, and shall state in full the reasons for the decision, and the remedy to be granted. Decisions shall be by majority vote of the entire panel.
- C. The grievant shall bear any cost involved in employing representation and in preparing his or her case.

- D. If the panel determines that the grievance is meritorious in whole or in part, it may grant specific relief as follows:
  - 1. Recommend that an employee be reinstated to a former position; award back pay; recommend expungement of information contained in the employee's personnel files or other files maintained by the County; or render opinions as to the application, or interpretation of these personnel policies or rules and regulations adopted thereunder, as they may relate to the specific facts of the case before it; and
  - 2. If the panel finds that the Sheriff failed to follow established procedures governing promotion, demotion, transfer, hiring or layoff, it shall remand the grievance to the Sheriff with the recommendation that the action taken by the Sheriff be rescinded and proper procedures be followed for the matter in issue. In connection with such remand, the panel may make provisional or remedial recommendations regarding the grievance. For example, a person improperly promoted to a position may continue to serve temporarily in the position to which he was promoted, pending compliance with appropriate procedures.
  - 3. Any grievance brought under the provision of Section IV, 6 of this General Order, shall be upheld by the panel upon a showing by the Sheriff that:
    - a. There was a valid business reason for the action; and
    - b. The grievant was notified of such reason in writing before the effective date of the action.
- E. The panel may affirm or modify any decision reached by any supervisor at any previous stage of the grievance proceedings.
- F. In the event that the panel finds that the grievance has no merit, the panel shall order that a statement to that effect be included in the grievant's personnel file.

**XV. IMPLEMENTATION OF REMEDY**

- A. The decision of the panel shall be consistent with the provisions of law and written policies. This decision shall be advisory only, and non-binding on the Sheriff, although the panel's decision will be accorded "significant weight" in any decision the Sheriff may make.
- B. Any panel recommendation may be subject to review for conformance with written policy by the County Administrator, or his designee. This review shall be provided to the Sheriff within seven (7) calendar days of the receipt of the panel's recommendation and shall be advisory in nature.

- C. The Sheriff, within seven (7) calendar days of receiving the County Administrator's review, if any, shall issue his final decision and order any steps he deems necessary in its implementation.

XVI. COMPUTATION OF TIME

- A. Except where otherwise provided, time periods stipulated by these regulations shall be deemed to begin on the day following that on which any action is to be taken or report rendered, and to run without regard to weekends or holidays. If a time period herein provided ends on a weekend or holiday, the last day of the time period shall be deemed to be the end of the business day of the first working day following. Thus, for example, a written grievance following the first step must be presented to the grievant's Division Commander within seven (7) calendar days of the immediate supervisor's reply to the informal grievance. The seven (7) calendar days shall begin on the day after receipt of the supervisor's reply and terminate on the seventh (7th) calendar workday following, regardless of whether that is a weekend or holiday.

If, in fact, it is a weekend or holiday, the time period shall be deemed to terminate at the end of the next full working day.

- B. Time limits established under this procedure are intended to be strictly construed and enforced. However, in the interest of fairness, any time limits may be extended if all parties agree to such extensions.

Attachment "A"

**PROCEDURE FOR CONDUCT OF PANEL HEARING**

- Swearing In of Panel Members (Should be on the record)
- Call to Order By Chairman
- Receipt of Grievance Form - (If the Panel has requested written proposed Findings of Fact, they should also be presented at this time.)
- Opening Statements
  1. Grievant
  2. Sheriff
- Presentation of Evidence - (Witnesses to be sworn and exhibits to be marked and made part of record.)
  1. Grievant
  2. Sheriff
- Chairman should inquire of counsel for each side as to whether or not they have any additional proofs to offer or witnesses to be heard.
- Closing Statements
  1. Grievant
  2. Sheriff
- Closing of Hearing