



# MARYLAND STATE POLICE PERSONNEL DIRECTIVE



## Grievance Procedures –Civilian Employees

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| <b>Distribution:</b> All Civilian Employees | <b>Index:</b> <b>PER15.02</b>        |
| <b>DLI Reference:</b> N/A                   | <b>Rescinds:</b> Chapter 4, Sec. XXI |
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### .01 Purpose

To establish and maintain a process by which civilian employees may file grievances.

### .02 Policy

Civilian employees may present a grievance according to the procedures contained in this written directive free from coercion, discrimination, interference, reprisal or restraint. Grievances will be maintained separately from a civilian employee's personnel file.

### .03 Definitions

DAYS: a calendar day.

EMPLOYER: an employee's appointing authority; an employee's principal unit; or the Department of Budget & Management (DBM).

GRIEVANCE: a dispute between an employee and the MSP or DBM about the interpretation of and application to the employee of a personnel statute, policy or regulation adopted by the Secretary, Office of Human Resources, DBM or any other statute, policy or regulation over which the MSP has control.

GRIEVANT: a civilian employee of the MSP who is authorized by law or regulations to initiate a grievance and who has done so.

PARTY: a civilian employee of the MSP having a grievance; MSP or DBM.

### .04 References

[MD. CODE ANN., STATE PERS. & PENS., §12–201, et seq.](#)

[MD. CODE ANN., PUB. SAFETY, §2–205.](#)

[EXECUTIVE ORDER01.01.1994.25: GRIEVANCE PROCEDURES – STATE EMPLOYEES](#)

### .05 CALEA Standards

|     |        |        |        |     |       |       |       |     |       |       |       |
|-----|--------|--------|--------|-----|-------|-------|-------|-----|-------|-------|-------|
| LE: | 25.1.1 | 25.1.2 | 25.1.3 | TA: | 4.5.1 | 4.5.2 | 4.5.3 | CM: | 3.5.1 | 3.5.2 | 3.5.3 |
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**.06 Procedures**

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**A. Scope<sup>1</sup>**

1. A grievance may not include a dispute regarding:
  - a. pay grade or range for a class;
  - b. amount or the effective date of a statewide pay increase;
  - c. establishment of a class;
  - d. assignment of a class to a service category;
  - e. establishment of classification standards;
  - f. a Mid-year performance appraisal; or
  - g. a verbal reprimand or counseling.
2. These grievance procedures does not apply to:
  - a. an employee who is appointed by the Governor, or whose appointment requires the Governor's approval;
  - b. an employee in the Executive Service of the State Personnel Management System;
  - c. an employee subject to a collective bargaining agreement that contains another grievance procedure; or
  - d. a temporary employee.

**B. Representation**

1. A grievant may choose any person to assist or represent him at any time during the grievance process and will notify the MSP of that choice.<sup>2</sup>
2. The Commander of the Administrative Hearing Office (AHO) will represent the MSP position in grievance proceedings and will notify the grievant of the designation.
3. The Commander, AHO will designate a commissioned officer as the Hearing Officer at Steps 1 and 2 of grievance proceedings.
  - a. The same commissioned officer will not preside over more than one step during a grievance
  - b. The commissioned officer presiding over the Step 2 hearing will be of higher rank than the commissioned officer presiding over the Step 1 hearing.

**C. Pre-Grievance Procedures**

1. Before initiating a grievance procedure, an employee must present the matter verbally to his supervisor for discussion.
2. If the grievance is not resolved, the employee may proceed with the grievance.

**D. Resolution**

Every party to a grievance will make every effort to resolve the grievance at the lowest level possible.

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<sup>1</sup> LE: 25.1.1(a) TA: 4.5.1(a) CM: 3.5.1(a)

<sup>2</sup> LE: 25.1.1(e) TA: 4.5.1(e) CM: 3.5.1(e)

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### E. Bypass of Steps

Steps may be bypassed in accordance with MD. CODE ANN., STATE PERS. & PENS., §12-2019(B).

### F. Consolidation of Grievances

1. The MSP may consolidate multiple grievances filed by one employee at any step in the grievance proceeding.
2. The MSP may consolidate similar grievances filed by more than one grievant and process the grievances in a single proceeding if all of the grievants agree.

### G. Grievance Procedure Overview

1. The three steps available to a grievant in the grievance procedure are:
  - a. STEP ONE: the initiation of a grievance;
  - b. STEP TWO: appeal to the Superintendent; and
  - c. STEP THREE: appeal to the Secretary of DBM.
2. If a grievance is based on a Performance Evaluation Program (PEP) rating of "Meets Standards" or better:
  - a. The grievant may only appeal the grievance at Steps One and Two ; and
  - b. A decision at Step Two of the grievance procedure is final.

### H. Grievance Procedure

#### 1. Step One

- a. Grievant initiates a grievance proceeding by filing a written grievance<sup>3</sup> with the Commander, AHO.
- b. The grievance must be filed using a State Personnel Management System Appeal and Grievance Form (DBM/ERD-1) which may be obtained from the AHO.
- c. A grievance procedure must be initiated by an employee within 20 days<sup>4</sup> after the:
  - (1) Occurrence of the alleged act that is the basis of the grievance; or
  - (2) Employee first knew of or reasonably should have known of the alleged act that is the basis of the grievance.
- d. Within 10 days after receiving a grievance,<sup>5</sup> a commissioned officer appointed by the Commander, AHO will hold a conference with the grievant and will attempt to resolve the grievance.
- e. Within 10 days after the conference,<sup>6</sup> the commissioned officer will issue a written decision to the grievant.

#### 2. Step Two

- a. Within 10 days<sup>7</sup> after receiving a decision at Step One, a grievant or his representative

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<sup>3</sup> LE: 25.1.1(c) TA: 4.5.1(c) CM: 3.5.1(c)

<sup>4</sup> LE: 25.1.1(b) TA: 4.5.1(b) CM: 3.5.1(b)

<sup>5</sup> LE: 25.1.1(d) TA: 4.5.1(d) CM: 3.5.1(d)

<sup>6</sup> LE: 25.1.1(d) TA: 4.5.1(d) CM: 3.5.1(d)

<sup>7</sup> LE: 25.1.1(d) TA: 4.5.1(b) CM: 3.5.1(b)

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may appeal the decision in writing to the Superintendent.

- b. An appeal to the Superintendent will include a copy of the Step One decision being appealed.
- c. Within 10 days after receiving an appeal<sup>8</sup>, the commissioned officer representing the Superintendent will:
  - (1) Review the grievance record; and
  - (2) Confer with the grievant and attempt to resolve the grievance.
- d. Within 10 days after the conference, the Superintendent will issue a written decision to the grievant.<sup>9</sup>

### 3. Step Three

- a. Within 10 days<sup>10</sup> after receiving a decision on a Step Two grievance, a grievant or his representative may appeal the decision in writing to the Secretary of DBM.
- b. An appeal must include a copy of the decision being appealed and any prior decisions.
- c. Within 30 days after an appeal<sup>11</sup> is received, the Secretary of DBM will:
  - (1) review the grievance record;
  - (2) order an audit of the position if the grievance is based on a position reclassification and if the position has not been audited within the last year;
  - (3) attempt to resolve the grievance with a settlement that is binding on all parties, if the Secretary of DBM does not agree with the decision of the MSP;
  - (4) refer the grievance to the Office of Administrative Hearings, if the grievance is not settled; and
  - (5) give the parties written notice of this action.
- d. The decision of the Office of Administrative Hearings is the final administrative decision.

### I. Miscellaneous Provisions

- 1. If the MSP fails to respond to a grievance within the time limits set forth in this section, this constitutes a denial of the grievance and the employee may appeal to the next step.
- 2. If the commissioned officer who is responsible for preparing the decision to a Step One or Step Two grievance cannot respond within the time specified in this section because the officer is on approved leave for three or more days:
  - a. The period for the decision will be extended by the number of days of the approved leave, to a maximum of 14 days.
  - b. The grievant will be notified of the extension of time.
- 3. If a grievant fails to appeal a decision according to this section to the next step in the grievance procedure, the grievant is considered to have accepted the decision.

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<sup>8</sup> LE: 25.1.1(d) TA 4.5.1(d) CM: 3.5.1(d)

<sup>9</sup> LE: 25.1.1(d) TA 4.5.1(d) CM: 3.5.1(d)

<sup>10</sup> LE: 25.1.1(b) TA 4.5.1(b) CM: 3.5.1(b)

<sup>11</sup> LE: 25.1.1(d) TA 4.5.1(d) CM: 3.5.1(d)

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4. In accordance with State Personnel and Pensions Article, Section 12-107(a), the parties may agree to waive any time limitations specified in this chapter.

### J. Release Time

1. A grievant and his representative will be given reasonable time during work to:
  - a. Investigate and process the grievance; and
  - b. Participate at any conference or hearing relating to the grievance.
2. An employee will be granted release time from the employee's normal work schedule to attend a grievance conference or hearing as a witness.

### K. Records<sup>12</sup>

1. All grievances will be filed with the Commander, AHO.
2. The grievant will provide a copy of the grievance to his supervisor when the grievance is filed.
3. After Steps One or Two of a grievance proceeding, the commissioned officer who conducted the grievance proceeding will provide a copy of the grievance and its disposition to the:
  - a. grievant;
  - b. grievant's representative; and
  - c. Commander, AHO.

### L. Annual Review<sup>13</sup>

1. Each year the Commander, AHO will prepare a summary report of all grievances presented during the previous calendar year. At a minimum, the report will contain the:
  - a. Nature of the grievance;
  - b. Stated policy or procedure that was in dispute;
  - c. Date the grievance was filed;
  - d. Date of the final disposition of the grievance;
  - e. Step in the grievance process at which the grievance was concluded; and
  - f. Final decision.
2. The annual report will be forwarded to the Superintendent and each organization that serves as the exclusive representative for any civilian employees within the MSP no later than February 1.

Approved:

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Colonel Marcus L. Brown  
Superintendent 01/01/2014

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<sup>12</sup> LE: 25.1.2    TA: 4.5.2    CM: 3.5.2

<sup>13</sup> LE: 25.1.3    TA: 4.5.3    CM: 3.5.3