

<b>Chapter: 25</b>	<b>Grievance Procedures</b>
<b>Effective: 03/01/2014</b>	<b>By the Order of:</b>   <b>Patrick L. Gallagher, Chief of Police</b>
<b>Revised: 5/19/2021</b>	

**Chapter 25 Grievance Procedures**

**25.1 Grievance Procedures (CALEA Standard 22.4)**

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**25.1.1 Grievance Procedures (CALEA Standard 22.4.1)**

City of New Bern employees who have a grievance associated with City employment have the right to submit such grievance for orderly settlement.

**A. Identification of matters that are grievable (scope) and the levels in the agency or government to which the grievances may be filed and/or appealed.**

1. A grievance is a claim or complaint based upon an event or condition which affects the circumstances under which an employee works allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.
2. A grievance might involve alleged safety or health hazards, unsatisfactory physical facilities, materials, or equipment, unfair or discriminatory supervisory practices, unjust treatment by fellow workers, or any other matter relating to employment.
3. Probationary employees, recruits, reserve and auxiliary officers and unclassified positions shall not have the benefit of the grievance procedure.
4. Transfers, assignments, selections, promotions are not subject to the grievance process.

**B. Establishment of time limitations for filing or appealing the grievance to the next level.**

1. The employee shall present the grievance in writing within ten (10) days of the occurrence to their immediate supervisor.
2. If the grievance is not resolved during the first step, the employee may file the grievance in writing, within ten (10) working days with the next level in their Chain of Command.
3. If the grievance is not resolved during the second step, the employee may file the grievance in writing, within ten (10) working days with the next level in his/her Chain of Command. This process shall be repeated until the grievance reaches the level of the Chief of Police.

**C. Description of the type of information to be submitted when filing a grievance.**

All grievances that cannot be informally resolved must be submitted in writing to the employee’s supervisor and must contain, at a minimum, the following:

1. A written statement of the facts on which the grievance is based, including the date(s) and time of occurrence.
2. A written statement of the remedy or solution that is being requested.
3. The signature of the aggrieved employee.

**D. Establishment of procedural steps and time limitations at each level in responding to grievances or appeals.**

1. At each level, the management response to a grievance must be in writing, within three (3) working days, and contain the following:
  - a. An acknowledgment of the receipt of the grievance, including the date, time and name of the person receiving the grievance.
  - b. An affirmation or denial of the facts on which the grievance is based.
  - c. An identification of the remedy or resolution, if any, to be made.
2. The Chief of Police shall hear the grievance within three (3) working days of receipt of the grievance. The Chief of Police shall make a decision in writing back to the employee within three (3) working days. Upon receipt of a grievance, the Chief of Police will forward a copy of the grievance to the Human Resources Director.
3. If at this point the grievance is not resolved to the satisfaction of the employee, the employee may appeal the grievance to the Human Resources Director by giving written notice within ten (10) working days. The Human Resources Director will gather all information and facts relating to the grievance and forward them to the City Manager for disposition.
4. The City Manager will decide on the grievance, in writing, within ten (10) working days.
5. The City Manager's decision will be final.
6. The time limits stated above may be extended by mutual agreement, in writing.

**E. Establishment of criteria for employee representation.**

Employees may choose to be represented by an attorney during the hearing with the Chief of Police or if the City Manager requires an oral hearing.

**25.1.2 Coordination / Control of Records (CALEA Standard 22.4.2)**

The Professional Standards Lieutenant shall be responsible for the coordination of grievance procedures. Completed grievances and any related documentation shall be maintained by the Professional Standards Lieutenant.

**25.1.3 Annual Analysis (CALEA Standard 22.4.3)**

Annually, the Professional Standards Lieutenant will conduct an analysis of the agency's grievances and dispositions, as well as supporting policies and practices to identify any trends and shall direct that appropriate steps be taken to minimize the causes of such grievances in the future.

The annual grievance report shall contain, at a minimum, the following:

1. A breakdown by division/section of grievances filed
2. At what level the grievance was resolved
3. Seniority of the person filing the grievance
4. Disposition of the grievance
5. Synopsis of each grievance
6. Analysis of the year's grievances
7. Analysis of supporting policies
8. Analysis of agency practices.

For purposes of the grievance report, the following dispositions will be recorded:

1. Resolved in Favor of the City
2. Resolved in Favor of the Employee
3. Resolved with a compromise between the City and the Employee
4. Resolved with a clarification of policy, procedures, rules and regulations
5. Withdrawn.