



GRIEVANCES

INDEX CODE: 708
EFFECTIVE DATE: 02-03-23

Contents:

- I. Purpose
- II. Definitions
- III. Procedures for Filing Grievance/Appeal Forms
- IV. Responding to Grievances
- V. Grievance Process (Represented Employees)
- VI. Grievance Process (Non-represented Employees)
- VII. Anne Arundel County Personnel Board
- VIII. Coordination of the Grievance Process
- IX. Maintenance of Grievance Records
- X. Proponent Unit
- XI. Cancellation

I. PURPOSE

This directive is designed to provide information to employees of the Anne Arundel County Police Department concerning the procedures which have been established to handle grievances. The Anne Arundel County Police Department encourages all employees to make a concerted effort to resolve differences in an informal manner through meetings and discussions with supervisors or others with whom there is a difference of opinion on work related issues. However, when informal mechanisms fail to produce a satisfactory outcome, the grievance process has been established as a means by which fair and impartial decisions are made.

II. DEFINITIONS

A. Binding Arbitration

A step in the appeal/grievance process which allows the aggrieved party to submit the appeal or grievance to arbitration proceedings in lieu of an appeal to the Personnel Board. Employees should consult their respective labor agreements and Article 6, Section 4-113 of the Anne Arundel County Code for information on the process of binding arbitration.

B. Grievance/Appeal

In Anne Arundel County, the term Appeal and Grievance are frequently used interchangeably. In general, the term Appeal of Personnel Practices is applied to non-represented employees and the term Grievance to represented employees.

The grievance/appeal process is defined in the Anne Arundel County Employee Relations Manual, Section F-2, as "a means for resolving disputes between management and non-probationary classified employees."

Represented employees will find a definition of "grievance" in their respective union Agreement and should consult that document for guidance. In general, however, the language of union contracts defines grievance as a difference or dispute between an employee and the County regarding the meaning, interpretation or application of the expressed terms of the Agreement....or the allegation that directions or actions of their supervisor constituted a violation of County Code or other applicable law. Note, however, that the agreement covering police officers and Sergeants state that "any matter subject to the procedures of the present Article 41, Title 4, Subtitle 2, Section 4-201 (Police Training Commission) of the Annotated Code of Maryland, or as it may hereafter be amended, shall not be construed as a grievance."

C. Personnel Board

A group of five citizens appointed by the County Executive in accordance with Section 520 of the Anne Arundel County Charter. One of the functions of the Personnel Board is to hear employee grievances. In Anne Arundel County, this Board renders final decisions and is the final authority in the internal appeal process for all employees, unless the aggrieved party submits the appeal or grievance to arbitration proceedings in lieu of filing the appeal to the Personnel Board. Section 521 of the Anne Arundel County Charter enumerates the powers and duties of the Personnel Board.

D. Represented Employee

An employee of the classified service whose class of work is represented by a Union which engages in collective bargaining for the benefit of said employee.

E. Non-Represented Employee

An employee of the classified service whose class of work is not represented by a Union. The terms mid-level employee and mid-level manager are sometimes used to identify such employees.

F. Probationary Employee

An employee who has probationary status with Anne Arundel County as defined in Charter and Code. *Sworn probationary employees are eligible for union membership upon graduation from the Police Academy. Sworn probationary employees have all grievance rights, except that they cannot grieve a termination unless there is alleged discrimination. All other* probationary employees are not eligible for union membership and have limited rights, under the grievance process. Generally, if probationary employees have appeal rights, such rights involve the right to appeal termination or discharge if the employee alleges such discharge was discriminatory. Employees, whose class of work is represented by a Union, should consult the applicable contract. Non-represented employees should consult the applicable Article of the Anne Arundel County Code. Employees should consult their applicable labor agreement; Article 6, Section 1-107 of the Anne Arundel County Code and/or Index Code 714 for information relative to the probationary period.

III. PROCEDURES FOR FILING GRIEVANCE/APEAL FORMS

A. Non-represented employees will use the form entitled "Appeal of Personnel Practices" to file an appeal. See Appendix A for a copy of the form. This form is also available from the Office of Personnel and the Police Personnel Section. The appeal process for non-represented employees is discussed at length in Section VI of this Index Code.

B. Represented employees should consult their respective union contract for guidance and information relative to filing a grievance. It should be noted that not all union contracts contain the particular form to be used in filing grievances. For example, Local 582 and 2563 agreements contain a form for filing the Step 1 grievance, but no specified form for filing beyond Step 1. The contract for FOP Local 70 does not contain any forms. Local 582, 2563, and Teamsters local 355 should use the Step 1 grievance form for the first step of the process, and the form entitled "Appeal of Personnel Practices" to file subsequent steps of the grievances process. Police officers, Sergeants and Lieutenants should use the "Appeal of Personnel Practices" form for filing grievances at Step 1 and beyond.

C. All union contracts provide the following information:

1. Definition of a grievance including issues which may be grieved;
2. Time requirements for filing a grievance;
3. Individual to whom the grievance should be filed;
4. Number of steps available in the grievance process;
5. Employee's rights to representation in the grievance process;
6. Management's responsibility for preparing a response, the time frame and method of delivery of response.

D. When filing an appeal or grievance, the employee must provide specific information relative to the matter; and sufficient information to determine if the matter is, in fact, the subject of a grievance/appeal. The following information must be provided:

1. Basic information such as name, date filed, assignment, and the step of the grievance process.

2. Grievance Issue.
3. Date of Occurrence.
3. Specific Rule Violated
4. Contract Article Violated (including section)
5. Nature of Grievance.
6. Relief Requested.

IV. RESPONDING TO GRIEVANCES

Union contracts specify the methods by which management will respond to grievances, and the method of delivery of the response. Management's response to appeals filed by non-represented employees is explained in Section VI of this Index Code.

Police Department procedures to be followed in responding to grievances shall include, to the extent permitted (or not prohibited) by existing contracts, the following steps:

- A. Acknowledging receipt by noting time, date, and person receiving the grievance;
- B. Analyzing the facts or allegations;
- C. Affirming or denying, in writing, the allegations in the grievance; and
- D. Identifying the remedy or adjustments, if any, to be made.

V. GRIEVANCE PROCESS (REPRESENTED EMPLOYEES)

Each union has grievance process as a part of its written agreement with Anne Arundel County. When a represented employee elects to file a grievance, the employee should consult the current written agreement between the applicable union and Anne Arundel County. The employee should follow the procedures specified in the contract.

VI. GRIEVANCE PROCESS (NON-REPRESENTED EMPLOYEES)

Non-represented employees will follow the procedures outlined below when filing an appeal:

A. Step 1: Written Appeal to the County's Personnel Officer

1. A written appeal (using the Appeal of Personnel Practices form) shall be filed with the County's Personnel Officer within ten (10) days following the event giving rise to the appeal or when the employee should have reasonably gained knowledge of such event.
2. Within fifteen (15) work days of receipt of the employee's appeal, the County Personnel Officer (or designated representative) shall hold a meeting with the employee and attempt to resolve the appeal and shall issue a decision.

B. Step 2: Appeal to the Personnel Board or Submit to Binding Arbitration

If the appeal is not resolved by the Personnel Officer (or designated representative) the employee may select one of the following for further appeal:

1. Appeal to the Personnel Board

The Personnel Board is authorized by Section 521 (a) (2) of the County Charter to hear appeals from employees on issues pertaining to disciplinary action suspending, reducing in rank or pay, or removing any officer or employee in the classified service; and any other action designated by law. Additionally, the Personnel Board has the authority by Section 521 (a) (3) of the Charter to hear appeals from any action pertaining to the methods of examinations, certification, or preparation of eligibility lists for appointment or promotion.

- a. If the appeal is not resolved by the Personnel Officer and the employee desires further consideration by the Personnel Board, the employee shall submit a written appeal to the Personnel Board within ten (10) work days of the response from the Personnel Officer. Such appeal shall be forwarded to the secretary of the Personnel Board.
- b. The Personnel Board shall place the appeal on its docket for hearing at its next meeting; and shall render its decision on the appeal within a reasonable amount of time.

c. As provided by Section 521 (b) of the Charter, within thirty (30) calendar days after any final decision by the Personnel Board is rendered, any person aggrieved by the decision of the Board and a party to the proceedings before it may appeal such decision to the Circuit Court for Anne Arundel County. The court has the power to affirm the decision of the Board, or if such decision is not in accordance with law, to modify or reverse such decision, with or without remanding the case for rehearing. Within thirty (30) calendar days after the decision of the Circuit Court is rendered, any party to the proceeding who is aggrieved thereby may appeal such decision to the Court of Special Appeals of the State.

2. Submit to Binding Arbitration

An employee wishing to submit the appeal to binding arbitration in lieu of appeal to the Personnel Board may do so providing the subject of the appeal is listed under Section 521 (a) (2) of the Charter. These are identified as “any disciplinary action suspending, reducing in rank or pay, or removing any officer or employee in the classified service, and any other action designated by law.”

- a. The employee requesting submission of the appeal to binding arbitration shall do so within ten (10) work days of the response from the Personnel Officer.
- b. The employee shall provide all other parties and the Personnel Officer with written notice of the request, including a summary of the issues presented by the appeal, and the relief sought.
- c. The employee shall make arrangements for selection of an arbitrator in accordance with Article 6, Section 4-113 of the Anne Arundel County Code.

VII. ANNE ARUNDEL COUNTY PERSONNEL BOARD

The Anne Arundel County Personnel Board has jurisdiction to hear and decide finally for the County the following matters:

- A. Appeals from and actions pertaining to the allocation or reallocation of positions;
- B. Appeals from any disciplinary action suspending, reducing in rank or pay, or removing any officer or employee in the classified service;
- C. Any other action designated by law or collective bargaining agreement to be subject to grievance procedures;
- D. Appeals from any action pertaining to the methods of examination, certification, or preparation of eligibility lists for appointment or promotion.

VIII. COORDINATION OF THE GRIEVANCE PROCESS

The manager of the Police Personnel Section will serve as the Department's grievance coordinator. Duties shall include preparation of an annual analysis of grievances, as well as supporting policies and practices, to the Police Chief, and providing administrative assistance to the Command Staff with respect to grievance matters.

IX. MAINTENANCE OF GRIEVANCE RECORDS

The Administrative Secretary to the Police Chief and the Police Personnel Section will maintain such additional records as are necessary to generate the annual analysis of grievances.

X. PROPONENT UNIT: Personnel Section.

XI. CANCELLATION: This directive cancels Index Code 708, dated *05-23-22*.