

MONROE COUNTY SHERIFF'S OFFICE

General Order

CHAPTER: 14		TITLE: Grievance Procedures
EFFECTIVE DATE: April 8, 2014	NO. PAGES: 4	REVIEWED/REVISED: January 30, 2017
REFERENCE: CFA 10.03, 15.04 CALEA 25.12, 25.13		RESCINDS:

I. PURPOSE

The purpose of this directive is to establish a grievance procedure.

II. DISCUSSION

This directive shall apply to all Sheriff's personnel. Good management practices recognize that a carefully designed grievance process can help to reduce personnel dissatisfaction, increase morale, identify problems in the organization, and increase the positive perception Members have of the organization. Therefore, it is the policy of the Sheriff that his Office shall have a formal grievance process that allows a Member to resolve a grievance with management fairly and expeditiously. All or part of this grievance process may be superseded by a collective bargaining agreement between the Sheriff and a recognized collective bargaining unit.

III. POLICY AND PROCEDURE

Grievable matters include:

- 1) Concerns over the interpretation of personnel policies, rules, and procedures.
- 2) Acts of alleged reprisals as a result of using the grievance procedure.
- 3) Discrimination against a member, including newly-appointed members, in regard to race, color, religion, creed, age, sex, national origin, disability, genetics, sexual orientation, gender identity, gender expression, when the Member disagrees with the resolution of a claim filed under Chapter 15 of the General Orders.
- 4) Discrimination against a member for reporting improper or illegal activities.
- 5) Member Performance Evaluations.
- 6) Harassment, when the Member disagrees with the resolution of a claim filed under Chapter 15 of the General Orders.
- 7) Appeals of disciplinary actions not addressed in Chapter 24 (Career Service Bill) of these General Orders.

A. Procedures

1. Within 14 days from the time a Member knows or should have known that a grievance has occurred, said Member shall prepare an interoffice memorandum stating the grievance and the facts upon which it is based; the allegation of the specific wrongful act and harm done; and, the remedy or adjustment sought.

2. The interoffice memorandum shall be sent directly to the Executive Director of the Human Resources Division, who will acknowledge receipt of the grievance by noting the time and date. [CFA 10.03a]
 - a. The Executive Director of Human Resources shall review and determine appropriate course of action; such as investigation or mediation.
 - 1) If further investigation is required, the Executive Director of Human Resources shall engage Internal Affairs as appropriate.
3. Should the grievant fail to articulate a potentially actionable grievance, the Executive Director of Human Resources shall direct a memorandum of explanation for non-investigation of the grievance to the aggrieved member within fourteen working days of the receipt of the grievance.
4. If the grievant articulates a potentially actionable grievance, the Executive Director of Human Resources Division will retain a copy of the grievance.
 - a. The original will be sent to the appropriate Division Commander.
 - b. If the grievance is with a Division commander or above, the grievance will be sent to the next level of command.
5. The Division Commander or Director shall review all material regarding the grievance, review and analyze the facts or allegations, confirm or refute in writing, the allegations in the grievance, and if the grievance involves a health or safety matter, identify the remedy or adjustments, if any, to be made. [CFA 10.03b]
6. Should the aggrieved Member be dissatisfied with the Commanders / Director's decision, the Member may appeal by:
 - a. Within three (3) working days of receiving the response to be appealed, submit an interoffice memorandum through the Human Resources Director to the Undersheriff, detailing the reason for appeal.
 - b. The appeal papers shall be acknowledged by the Undersheriff by noting the time and date, and persons receiving the appeal for the Undersheriff.
 - c. Within seven (7) working days after receipt, the Undersheriff shall analyze the facts or allegations, confirm or refute the allegations, and identify the remedy or adjustments, if any, to be made and respond in writing to the aggrieved Member. [CFA 10.03c]
7. Should the aggrieved Member still be dissatisfied, he/she may make a final appeal directly to the Sheriff:
 - a. Within three (3) working days of receiving the response to be appealed, submit an interoffice memorandum through the Human Resources Director to the Sheriff, detailing the reason for appeal.
 - b. The appeal papers shall be acknowledged by the Sheriff by noting the time and date, and persons receiving the appeal for the Sheriff.
 - c. Within seven (7) working days after receipt, the Sheriff shall analyze the facts or allegations, confirm or refute the allegations, and identify the remedy or adjustments, if any, to be made and respond in writing to the aggrieved Member.
8. The Executive Director of the Human Resources Division shall be responsible for the maintenance and control of all grievance records. Such records shall be maintained in compliance with Florida Statutes

Chapter 119. The Executive Director of Human Resources shall also be responsible for the coordination of grievance procedures and the grievance process. [CALEA 25.1.2]

9. An annual analysis of grievances, as well as supporting policies and practices shall be conducted by the Executive Director of the Human Resources Division. If through analysis, a trend is noticed in filed grievances, steps shall be taken to address the causes of such grievances in the future. [CALEA 25.1.3]

10. Nothing contained herein shall prohibit a Member from seeking assistance of any person in the drafting of the grievance or in the drafting of any appeal.

11. Members may have representation during all phases of the grievance procedure, which may include another member.

B. Collective Bargaining Agreement Grievances (CBA)

1. Grievances filed pursuant to any CBA shall be filled as outlined in the CBA.
2. Any member receiving a CBA grievance on behalf of MCSO shall immediately provide a complete copy to the Director of Human Resources.

IV. AMERICAN WITH DISABILITIES ACT GRIEVANCE PROCEDURE

A. Policy Statement

The Monroe County Sheriff's Office has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the US Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, by denied the benefits of, or be subjected to discrimination" in programs or activities sponsored by a public entity.

B. Definitions

1. Qualified Individual with a Disability - A disabled person who is able to perform the essential functions of a job or meet the essential eligibility requirements of the program, benefit or service, with or without an accommodation to his/her condition.
2. Reasonable Accommodation - Any modification or adjustment to a job, activity, service or program by changing policies, practices, providing auxiliary aids and improving physical accessibility, unless that would impose an undue hardship on the agency.
3. Undue Hardship - An accommodation that requires significant difficulty or expense in relation to the size of the Agency, the resources available, and the nature of the operations. The concept of undue hardship includes any action that is unduly costly, extensive, substantial, disruptive, or that would fundamentally alter the nature or operation of the program, service, or job.

C. Procedures

Any individual who feels that they have been excluded from participation in, denied benefits of, or been the subject of discrimination in programs, activities, services or employment provided by the Monroe County Sheriff's Office may file a complaint with the designated ADA Coordinator, the Executive Director of Human Resources.

1. Complaints should be addressed to the Executive Director of Human Resources.
2. A complaint may be filed in writing, person, or by telephone. Complaints should provide the name and address of the person filing it, and briefly describe the alleged violation of the regulation(s).
3. A complaint shall be filed within thirty (30) days after the complainant becomes aware of the alleged violation.
4. An investigation, as may be appropriate, shall follow a filing of complaint. The investigation shall be conducted by the ADA Coordinator or his/her designee. These rules contemplate informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
5. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later than forty-five (45) days after its filing.
6. The ADA Coordinator shall maintain the files and records of the Monroe County Sheriff's Office relating to all ADA complaints filed.
7. The complainant may request a reconsideration of the case in instances where he/she is dissatisfied with the resolution. The request for reconsideration should be made within ten (10) days to the Sheriff. The request for reconsideration may be made in writing, person, or by telephone.
8. The right of a person to a prompt and equitable resolution of the complaint filed hereafter shall not be impaired by the person's pursuit of other remedies such as filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not prerequisite the pursuit of other remedies.
9. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards and to assure that the Monroe County Sheriff's Office complies with the ADA and implementing regulations.