

TEXARKANA POLICE DEPARTMENT

GENERAL ORDERS MANUAL

SUBJECT	Grievance Procedures		
NUMBER	1104.10	EFFECTIVE DATE	December 08, 2010
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APPROVED BY		(Reserved for Expansion)	

I. Scope and Purpose

- A. The Texarkana Police Department recognizes its employees are a valuable asset needed to ensure the Agency's mission is accomplished. Employees of this Agency are afforded the right to fair and equitable treatment on all matters that arise from the employment with the Department. In accordance with such, the Department has developed a system by which employees of the Agency can address those individual issues that arise anytime an employee feels as though they have not been treated in a fair and equitable fashion.

II. Policy

- A. It shall be the policy of the Texarkana Police Department to develop a well managed grievance process by which employees of the Agency can address those individual issues that arise anytime an employee feels as though they have not been treated in a fair and equitable fashion. Properly administered, the resolution of grievances can result in improved employee morale and greater job satisfaction. All employees of the Agency shall recognize and adhere to the information contained within this policy.

III. Procedure

A. Conditions and Limitations of the Department's Grievance Process

1. With the exception of temporary employees, the grievance procedures contained within this policy are applicable to all Department employees.
2. Under no circumstances shall more than one procedure be used to redress the same grievance; however, the utilization of these or other procedures does not preclude an employee of the Department from seeking legal remedies as deemed appropriate.
3. The Texarkana Police Department retains the right under applicable law and regulations to manage and institute the following fundamental obligations:
 - a. The right to direct employees in the performance of their duties;
 - b. The right to take the necessary means to achieve the proper ends under emergency situations;
 - c. The right to hire, promote, transfer and reassign employees; and

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- d. In accordance with the policies that define the Department's disciplinary process, the Department retains the right to suspend, demote, discharge and institute disciplinary action upon those employees for just cause.
- 4. The grievance process is not applicable to those matters for which an appeal process is otherwise defined and provided. The grievance process may not be used in addition to or in replacement of those established processes.

B. Defined Scope of the Department's Grievance Process

- 1. All grievances must clearly define the situation in question by way of a written memorandum that contains the alleged wrongful act or situation, the harm created from the alleged situation and all of the facts upon which the allegation is based.
- 2. All grievances must be borne out of an act—or the failure to act—that directly relates to the employee's working conditions or the employee's relationship with the Agency.
- 3. All grievances must define a matter positioned within the Agency's control.
- 4. All grievances must contain the relief sought by the employee while ensuring the relief requested is within the Agency's power to grant.

C. Defined Grievance Process

- 1. The Department's grievance process consists of a series of three (3) steps that integrate automatic appeals within each level. All employees filing a grievance must advance the grievance in a proper manner by utilizing all three (3) steps.

2. Step one (1)—Immediate Supervisor

- a. An employee who believes that elements of his/her working environment become unsatisfactory and can be made more effective should take the following measures:
 - (1) The employee must first discuss the specific problem with his/her immediate supervisor. A problem that results from a specific event or action must be presented within five (5) working days. The supervisor's decision regarding the matter shall be rendered in writing to the employee within five (5) working days following the conference.
 - (2) If the problem cannot be resolved through the conference—or if the employee wishes to document the grievance for further action—the employee may submit a formal written grievance to his intermediate level supervisor. Employees who do not have an intermediate level supervisor may submit their grievance directly to the Chief of Police.

3. Step two (2)—Intermediate Level Supervisor

- a. Grievances submitted at this level must be in writing and meet the following criteria:
 - (1) Grievances at this level must be submitted within a seven (7) day period following the employee's receipt of his/her immediate supervisor's response.
 - (2) Grievances at this level must include a copy of the immediate supervisor's decision and justification as well as the employee's response to this decision; and
 - (3) Grievances submitted at this level must clearly specify the employee's grievance and remedy requested.

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- b. The intermediate level supervisor shall respond to the employee's complaint within seven (7) days of the supervisor's receipt of the complaint.

4. Step three (3)—Chief of Police

- a. If the matter is not satisfactorily resolved in step two, the problem may be presented in writing to the Chief of Police. At this level, the grievance must be accompanied by all preceding responses and submitted to the Chief of Police within seven (7) days following the response of the employee's intermediate supervisor.
 - b. The Chief of Police shall meet with the affected employee and a representative of the employee's choosing if so desired. A written response will be provided to the employee within seven (7) days after receipt of the appeal from the employee.
 - c. Once an officer has met with the Chief of Police concerning a grievance and a decision has been reached either affirming or denying there is a valid grievance, there is no further appeal to the Civil Service Commission. As outlined in *A.C.A. §14-51-212*, the Civil Service Commission is prohibited by law from involvement in the day-to-day operations of the agency.
5. All written responses to grievances must contain the following items:
- a. A notation that indicates the time, date and person who received the grievance.
 - b. An analysis of the facts and/or allegations contained within the grievance.
 - c. Affirmation or denial of the allegations contained within the grievance.
 - d. If available, identification of the remedies or adjustments rendered or scheduled to be rendered.
6. If a grievance is not processed by the aggrieved employee within the specified time limits, the grievance shall be considered void. If the Department fails to process a grievance within the time limits specified, the employee may initiate action by proceeding to the next step. However, employees are encouraged to make a reasonable attempt to determine the reason for the delay.
7. All times specified in this procedure are subject to scheduled vacations, sick leave or other authorized leave necessary for the proper conduct of Departmental business. Additionally, involved parties may request one extension not to exceed seven (7) days by providing written notice to the other parties prior to the expiration of the time limit established for that step.
8. At any time during the grievance process, the employee may withdraw the grievance by making written notification of the withdrawal available to all parties involved within the grievance process.
9. The Chief of Police will designate an officer who shall coordinate the Department's grievance procedures as established within these guidelines. This officer shall also be responsible for:
- a. Maintaining and controlling all records relating to grievances in a manner that will ensure their confidentiality; and
 - b. Preparing written reports analyzing grievances filed as directed by the Chief of Police.

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