

Grievances

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the filing and processing of employee grievances.

1003.1.1 GRIEVANCE DEFINED

A grievance is a difference of opinion or dispute regarding the meaning, interpretation, or application of any of the following:

- (a) A grievance shall be defined as any cause of complaint arising between an employee and employer on a matter concerning alleged discrimination, promotion, interpretation or application of University rules or organizational procedures over which the University management has control.
- (b) In addition, contested written comments retained on Performance Development Program documents after discussion between the rating official and employee may be grieved through the procedures of Article 13 of the American Federation of State, County and Municipal Employees Memorandum of Understanding.
- (c) Complaints pertaining to staffing, general level of wages, wage patterns, fringe benefits, or other broad areas of financial management are not issues that can be grieved.
- (d) This Policy Manual
- (e) Rules and regulations governing personnel practices or working conditions.
- (f) Sworn agency members may file a grievance for alleged violations or disagreements of provisions of the current MOU in accordance with Section 13-201 of the Annotated Code of Maryland.

Workplace issues that do not amount to misconduct under the Personnel Complaints Policy 1010, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy 315. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state, or local law, as set forth in the Personnel Complaints Policy 1010.

1003.2 POLICY

It is the policy of the University of Maryland, Baltimore Police Department to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint or retaliation against any employee who submits or is otherwise involved in a grievance.

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1003.3 RESOLVING GRIEVANCES

The University of Maryland Baltimore, Office of Human Resource Services, and Employee/Labor Relations Unit is responsible for the coordination of grievance procedures. The Chief of Police will ensure that all levels of supervision follow the grievance procedures outlined above.

The organization's procedures for resolving differences between employees and management include the following:

- (a) Informal - An aggrieved employee enters into informal discussions with the supervisor to resolve the issue; and
- (b) Formal - A procedure whereby the grievance is submitted in writing to the Chief of Police under established time limitations as specified in UMS VII – 8.00 Policy on Grievances for Exempt and Non-Exempt Staff Employees.

Employee Representation: At any phase of the formal grievance process, the employee may select another person, friend, co-worker, attorney, etc., to assist or speak on behalf of the aggrieved person. At any point in the grievance procedure, the employee may elect to change or dismiss his representative by providing written notice to the person hearing the grievance. However, this does not allow the aggrieved to return the grievance to a lower step in the procedure.

Grievances may be brought by an individual employee or by an employee group representative. Employees may have representation during the grievance process

1003.4 FORMAL AND INFORMAL GRIEVANCE

Informal: - Within thirty (30) working days after the occurrence or condition giving rise to a grievance, the employee may enter into informal discussions with the supervisor. Within three (3) working days the supervisor, after analyzing the facts or allegations, shall give their verbal response to the respective employee or shall advise the employee that additional time for such decision is needed, in which case the remedy or adjustment must be made known to the employee within three (3) working days thereafter.

Formal: - If the employee is not satisfied with the informal resolution or remedy sought, the employee will within three (3) working days make a written statement of the grievance and the facts upon which it is based by utilizing the Grievance Form which allows for the following information:

- (a) A written allegation of the specific wrongful act and harm done; and
- (b) A written statement of the remedy or adjustment sought.

Upon receipt of the written statement, the Chief of Police or designee will acknowledge its receipt by signing their name along with the date and time. Within five (5) working days, the Chief of Police or designee shall analyze the facts or allegations, meet with the aggrieved and/or representative and shall within five (5) working days after the meeting affirm or deny the decision, in writing, on the Grievance Form. A statement of the allegation and the remedy or adjustment shall also be included on the Grievance Form.

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1003.5 APPEALS PROCESS

Formal Resolution – If the employee and/or the employee's designated representative are not satisfied with the formal resolution, the employee may appeal to the President of the University of Maryland, Baltimore or the President's designated representative. The appeal must be submitted to the President of the University of Maryland, Baltimore or the President's designated representative within five (5) working days after receipt of the written decision from the Chief of Police or designee.

Legal Counsel Representation – Both the aggrieved person and the President of the University of Maryland, Baltimore may be represented or accompanied by legal counsel, fellow employees, etc. The President or representative shall hold a conference with the employee and/or the employee's representative within ten (10) days of receipt of the written grievance appeal and a written reply identifying the remedy or adjustments to be made shall be provided to the employee within fifteen (15) working days after the conclusion of the conference.

Office of Administrative Hearings – In the case of any unresolved grievance between an employee and the University, the aggrieved employee, after exhausting all available procedures provided by the University, shall have the right to submit the grievance to either arbitration or to the President of the University. The appeal must be submitted within ten (10) days after the receipt of any written decision pertaining to the grievance and issued by the University. In the event of arbitration, an arbiter shall be supplied by the American Arbitration Association. The parties involved shall be equally assessed any fees resulting from arbitration. In either case, the President of the University or Administrative Law Judge shall make the final decision which shall be binding upon all parties.

The UMBPD does not have a grievance board.

1003.6 GRIEVANCE RECORDS

Due to their sensitivity and to control access to them, all documents and records concerning employee grievances are maintained in the Office of the Chief of Police.

A record of each grievance is maintained on a computerized log. A copy of the grievance form is placed in the employee's personnel file.

A copy of each grievance shall be filed with the University of Maryland, Baltimore's Office of Human Resource Services. These records will be available to the employee or their representative.

1003.7 POLICY OR TRAINING IMPLICATIONS

If an employee who participates in the grievance review process identifies any issue that may warrant an immediate revision to this Policy Manual, a procedural change or an immediate training need, the employee should promptly notify the Chief of Police through the chain of command via a memorandum.

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1003.8 GRIEVANCE ANALYSIS

A member designated by the Chief of Police shall conduct an annual analysis of all grievances filed the previous calendar year to identify trends and to recommend steps, if any, to minimize the causes of such grievances in the future. The analysis shall be documented in a confidential memorandum without including any identifying information about any individual grievance.