

## **Salisbury University Police Department**

### **CHAPTER 25 – GRIEVANCE PROCEDURES**

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*This Directive specifies the criteria to allow employees to resolve their grievances with management fairly and expeditiously.*

#### 25.1 Grievance Procedures

##### 25.1.1 Grievance Procedures System

The University Police Department adheres to the grievance procedures outlined in Salisbury University's Staff and Administrative Employee Handbook for non-exempt and exempt personnel as well as the Memorandum of Understanding between Salisbury University and the Maryland Classified Employees Association (MCEA) – Nonexempt Group (civilians and sworn police officers).

Legitimate problems and differences of opinion may develop between employees and their supervisors. Individuals are encouraged to try to resolve these differences in an informal manner during the course of business and are encouraged to speak with their supervisors. When matters cannot be resolved informally, employees may use the appropriate formal grievance procedure if their complaint regards the interpretation and application of University policy or rule. Employees seeking to file a grievance should obtain from the Office of Human Resources detailed information on the guidelines that apply to the grievance procedure and appropriate representation during any grievance hearings (Also see BOR-USM Policy VII - 8.00). While Contingent Employees do not use the formal USM grievance procedures, these employees should contact the Office of Human Resources to discuss any informal grievance issues and options.

**Non-Exempt:** Except for matters covered by the Law enforcement Officers Bill of Rights, or as otherwise excluded by the MOU, "Grievance" means any cause of complaint arising between an employee who is subject to the MOU and the University on a matter concerning discipline, alleged discrimination, promotion, assignment, interpretation or application of University rules or departmental procedures, or interpretation or application of the terms of the MOU, over which the University management has control. However, if the complaint pertains to the general level of wages, wage patterns, fringe benefits, or to other broad areas of financial management and staffing, it is not a grievable issue.

**Grievance Procedures:** A grievance shall be presented and adjusted in the following manner:

**Step One:** Within thirty (30) calendar days after the event giving rise to the grievance, or within thirty (30) days of the time when the employee should reasonably become aware of its occurrence, the aggrieved employee or the employee's designated representative acting on behalf of the employee, may file a written and signed grievance with the Department of Human Resources. Within fifteen (15) days of receipt of the written grievance, the Department Head or the Department Head's designee will hold a Step One Conference on the grievance. The Department Head or designee, as appropriate, will issue a written decision on the grievance within fifteen (15) days following the close of the conference.

**Step Two:** If the employee is not satisfied with the Step One decision, the employee or the employee's designated representative, acting on behalf of the employee, may appeal to the Department of Human Resources within fifteen (15) days of receipt of the Step One decision. Upon timely receipt of an appeal, the Director of Human Resources or designee, the aggrieved employee and the employee's designated representative where applicable, will hold a Step Two Conference on the grievance within fifteen (15) days of receipt of the appeal. The Director of Human Resources or designee, as appropriate, will issue a written decision within fifteen (15) days following the close of the conference.

**Step Three:** If the employee is not satisfied with the Step Two decision, the employee or the employee's designated representative, acting on behalf of the employee, may, within twenty (20) days after receipt of the Step Two decision, appeal the Step Two decision to the Chancellor, who may delegate the matter to the Office of Administrative Hearings (OAH). The decision of the OAH is final and binding on all parties except to the extent an appeal is otherwise provided by law.

The Administrative Law Judge (ALJ) shall have the power to award back pay in any grievance and the University President shall enforce such order. In a reclassification case, an award of back pay may be made to the employee for a period not to exceed one year prior to the initial filing of the grievance and as otherwise consistent with the provisions of this MOU.

#### **General Provisions:**

1. As used in this Article "days" means calendar days. If the last day a response or action is due falls on a Saturday, Sunday, or day of holiday observance under this MOU, the deadline shall be extended to the next non-holiday weekday. All deadlines in this Article may be extended by mutual agreement. Time limits of the processing of grievances are intended to expedite dispute resolution and, if not extended, must be strictly observed.
2. A failure by University management to provide a response in the time required shall be deemed a denial of the grievance from which an appeal may be taken.
3. Whenever an employee chooses to be represented by a union at a grievance proceeding, an official non-University employee MCEA representative will be the only permitted representative. Employees otherwise may choose different individuals to assist with the proceedings. For purposes of this Article, the Union shall provide a list of its authorized representatives to the Department of Human Resources. A grievance must bear the signature of the employee or the employee's representative at each step of the procedure. To be valid, a grievance must be filed on behalf of a named employee or employees.
4. Meetings scheduled pursuant to this Article shall be scheduled at a mutually agreeable time.
5. Each party shall make every effort to resolve a dispute at the lowest possible level.
6. A decision may not be made at any step of the grievance procedure that conflicts with or modifies a policy approved by the USM Board of Regents or with any applicable statute or administrative regulation issued under appropriate statutory authority, or that otherwise delimits the lawfully delegated authority of University officials, unless prior approval has been obtained from the responsible official.
7. Similar grievances may be consolidated and processed together as a single issue. The person hearing the grievance at Steps One and Two shall make all decisions related to the administration of such consolidated matters at these Steps only.
8. Employee grievance forms shall be available in the Department of Human Resources, and employees shall use the form provided by the Department of Human Resources to file the grievance.
9. The person hearing the grievance may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence or witnesses.
10. Any party who elects to use this procedure for resolution of a problem is presumed to agree to abide by the final disposition arrived at in this procedure and the final disposition may not be subject to review under any other procedure within the University.
11. Release time from normal work schedules is to be granted to the grievant and all witnesses to attend grievance hearings. Expenses incurred in connection with attendance by employees at grievance hearings shall be borne by the employee's department.
12. It is the responsibility of the head of each organizational unit to assure that each employee understands the channels of communication and appeal, specifically who is the department head and who acts in his/her absence.
13. A record of each grievance and its disposition shall be furnished to the employee involved. A file copy of each grievance shall be maintained at the last step at which the grievance was processed, and an additional copy shall be filed with the campus personnel department which shall be available to the employee or the employee's representative.

14. All grievance hearings shall be open hearings unless either party requests that the hearings be closed. At any step of the grievance procedure, either party may require that witnesses be excluded from the hearing room until called.

15. Where the University action or actions which give rise to a grievance also are the basis for an unfair labor practice charge before the State Higher Education Labor Relations Board, the employee must elect to proceed under either this grievance procedure or the unfair labor practice procedures, and the employee thereby waives the right to proceed under the other process.

**Exempt:** Working with their supervisors, exempt employees may use a problem-solving process. Exempt employees seeking to file a grievance should obtain from the Office of Human Resources detailed information on the guidelines that apply to the grievance procedure and consult former BOR Policy Appendix M. The following summary outlines the basic steps involved in the grievance procedure:

- Grievances must be filed in writing to the immediate supervisor within 30 calendar days of the action involved or within 30 calendar days of the employee having had reasonable knowledge of the act. The *First-Step Hearing* will be arranged by the department head within three workdays after receipt of the formal grievance. Within three days of the First Step Hearing, a decision shall be presented either orally or in writing to the employee. If the decision initially was presented orally, a written summary must follow.
- If the employee is not satisfied with the decision that resulted from the First Step Hearing, the employee may file with the intermediate supervisor (i.e., Department Head) for a *Second-Step Hearing* within three workdays after receipt of the written decision. A hearing should be scheduled within five workdays of receipt of the request. Upon conclusion of the hearing, a written decision shall be issued to the employee within three workdays.
- If the grievance is still unresolved, the employee has the right to submit the grievance to be heard by the President or her designee within three workdays after the receipt of the decision resulting from the second-step hearing. The decision of the President shall be binding on both parties and shall be presented in writing to the employee and the supervisor within 10 days. Otherwise, the President may choose to appoint a hearing committee instead of personally considering the grievance. If a committee is to be appointed, it is to be identified within five days of receipt of the grievance at this level. The committee would include three individuals, two of which shall have no managerial responsibility for the employee's functional area. The committee hearing would be held within 10 days of the committee's appointment upon which the committee would submit an advisory opinion to the President within five days of the hearing. The President will then make the final decision and present the findings in writing to the employee and the immediate supervisor within three days. Such findings shall be final and binding upon all parties.

#### **25.1.2 Position Responsible for Coordination of Grievance Procedures and Records**

The Office of Human Resources maintains and controls all grievance records for personnel employed by Salisbury University.

#### **25.1.3 Annual Analysis of Grievances**

The Chief of Police, in conjunction with the Office of Human Resources, will compile an annual analysis of grievances filed by department personnel to determine whether any trends exist relative to the grievances filed so that steps may be taken to minimize the causes of future grievances.

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Edwin Lashley  
Chief of Police