

	STANDARD OPERATING PROCEDURE State Form 39870(R/S-06)	Reference Number HMR-018
	Subject Grievance Procedure	
	Special Instructions Replaces HMR-038 dated September 2, 2009	Effective Date March 1, 2015

I. PURPOSE

Establish guidelines for employees to formally resolve their complaints with command after informal attempts to resolve differences have failed.

II. POLICY

Employees (except probationary employees) shall attempt to resolve management differences informally, whenever possible. An employee, who believes the informal resolution leaves the problem unresolved, shall submit a formal grievance as outlined in this procedure. An employee may withdraw a grievance at any time during the process or may appeal, through channels, to the Superintendent.

III. DEFINITIONS

A. Grievance – An unresolved complaint against supervisory personnel for a misapplication or misinterpretation of law, Department regulations, rules, or standard operating procedures as applied to the grievant.

B. Employee – An employee of the Department above the position of probationary employee (officer or civilian) and below the position of Assistant Chief of Staff.

IV. ELECTION OF REMEDY

A. Employees (except probationary employees) shall attempt to resolve management differences informally, whenever possible. An employee who believes the informal resolution is not fair, or remains unresolved, and just cause exists for a formal complaint, may initiate a grievance. The grievance shall be written and adhere to the provisions outlined within this procedure.

B. An employee who elects to file a grievance under this policy waives the right to proceed under any other complaint procedure administered pursuant to state statute, Department regulations, rules or standard operating procedures in regard to the same subject matter as the grievance.

C. If an employee first files a complaint under any other complaint procedure, the employee shall not be entitled to use this grievance procedure. Any other subsequent grievance filed under this policy shall be considered void and terminated and not subject to further appeal or refiling.

V. PROCEDURE

The grievance process shall be initiated no later than seven (7) calendar days from the date the employee became aware, or by the exercise of reasonable diligence, should have become aware of the occurrence giving rise to the complaint.

A. The complaint shall be initiated by a discussion between the employee and the employee's immediate supervisor. At the time of the discussion, the employee shall present a completed and signed "[Notice of Grievance](#)" memorandum to their immediate supervisor. The immediate supervisor shall render an oral response within seven (7) calendar days from the date the discussion was held. The immediate supervisor and grievant shall verify the date the oral discussion was held and the date the oral response was given.

Note: Since the first phase of the procedure is primarily verbal, supervisors shall keep detailed records regarding the grievance process to include dates, times, locations and details of meetings. If necessary, these records will be used later to provide adequate timelines should the grievance be unresolved at this level.

B. If the complaint has not been resolved to the employee's satisfaction, a written grievance may be submitted using the "[Appeal of Grievance](#)" memorandum. The grievance shall be signed by the employee and presented directly to the employee's District or Section Commander, Deputy Division Commander, or the next level of Commander above the immediate supervisor (as indicated by the proper chain-of-command), within 15 calendar days of the initial response of the immediate supervisor. The supervisor at this level shall contact the Assistant Chief of Staff-Human Resources and Administration and shall then meet with the employee to discuss the grievance. Once the grievance has been reduced to writing, the text of the grievance shall remain unaltered as it progresses through the system. The supervisor at this level shall respond, in writing, within 15 calendar days following receipt of the grievance.

C. If the grievance is not resolved as described in Section V. B, the employee may appeal the grievance to the applicable Area or Deputy Division Commander within 15 calendar days of receiving a response. The supervisor at this level shall meet with the employee to discuss the grievance, and shall then respond, in writing, within 15 calendar days following receipt of the grievance.

D. If the grievance is still not resolved as described in Section V. C, the employee may appeal the grievance to the appropriate Assistant Chief of Staff (AC/S) or Major Subordinate Commander within 15 calendar days of receiving a response. The AC/S or Major Subordinate Commander shall meet with the employee to discuss the grievance, and shall then respond, in writing, within 15 calendar days following receipt of the grievance.

E. If the grievance is still not resolved as described in Section V. D, the employee may appeal the grievance to the Superintendent within 15 calendar days of receiving a response. The Superintendent shall meet with the employee to discuss the grievance. The Superintendent shall render a final decision, in writing, within 15 calendar days from receipt of the grievance appeal.

VI. WITHDRAWAL OF COMPLAINT

A. If the grievance is settled at any point prior to reaching the Superintendent, the employee (grievant) shall withdraw the grievance.

B. Notification of the withdrawal shall be submitted, in writing, to the supervisor at the step currently reviewing the grievance and then be forwarded to the Human Resources Division for proper documentation and filing.

C. If the Department has reason to believe a grievance has been settled, written confirmation of such may be requested from the employee grievant. If no response is received from the employee within 15 calendar days, the grievance shall be considered withdrawn.

VII. RESPONSIBILITIES

A. The Human Resources Division shall supervise the grievance process, receive and maintain grievance reports, forms and records. Receipt of completed grievance forms shall be noted on an entry log and be maintained in a secure file in the Human Resources Division. Access to the files shall be limited by compliance with the Indiana Public Records law. At the end of each year, the grievance file shall be submitted to and analyzed by the Primary Staff for potential trends that can be addressed to minimize future problems.

B. There shall be no reprisals taken against any employee initiating a grievance or against any witness or participant in the grievance procedure because of such participation.

C. Employees shall represent their own grievance but may have non-participating legal counsel present during each step of the grievance procedure.

D. This procedure is to be used in conjunction with all relevant Department regulations, rules, policies and procedures.