

<b>YORK-POQUOSON SHERIFF'S OFFICE</b>	<b>RULES AND REGULATIONS</b>
<b>SUBJECT: Grievances</b>	<b>NUMBER: RR 1-10</b>
<b>EFFECTIVE DATE:</b> November 15, 2018	<b>REVIEW DATE:</b> November 15, 2018
<b>AMENDS/SUPERSEDES:</b> RR 1-10, April 14, 2008	<b>APPROVED:</b>  Sheriff
<b>VLEPSC:</b> PER.08.01, PER.08.02, PER.08.03, PER.08.04	

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9 **POLICY**

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11 The Sheriff seeks to employ and retain the most qualified persons available for positions with the

12 Sheriff's Office. When a Sheriff's Office employee/appointee believes that any condition affecting

13 him or her is unjust, inequitable, arbitrarily applied or a hindrance to work performance, it is the

14 Sheriff's desire that the condition or dispute be resolved at the lowest level of the chain of

15 command as possible. In the event the condition or dispute cannot be resolved, the

16 employee/appointee should use the following procedure for solution of the condition or dispute

17 without fear of reprisal. The same procedure may be followed by a group of employees/appointees.

18 Because justice delayed is justice denied, grievances must be resolved in a timely manner.

19

20 Each step of the procedure should be conducted with the open, thoughtful communication

21 and mutual respect that are characteristic of successful day-to-day contact between

22 employees/appointees and their supervisors. Responsibility for finding satisfactory

23 solutions to employment-related problems is shared by all participants at each stage of the

24 grievance procedure.

25

26 Nothing herein is intended nor should be construed to contradict or diminish the power and

27 authority of the Sheriff conferred by Section [15.1-1603](#), Code of Virginia with respect to his

28 employees/appointees. All personnel (sworn and non-sworn) are, and shall remain,

29 employees/appointees of the Sheriff and shall not be considered or construed as employees of

30 either the Sheriff or the County of York. Neither the creation nor the operation of this policy

31 shall confer on any employee/appointee any grievance rights, other than those granted by the

32 Sheriff. No members shall have the right to be represented by counsel when appearing before

33 any administrators of this policy in connection with the application of this policy.

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35 **PURPOSE**

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37 The purpose of this directive is to establish an effective process for the fair, expeditious, and orderly  
38 resolution of grievances before they become major issues of conflict, discontent and/or dispute.  
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#### 40 **Definitions**

- 41
- 42 • Business days
  - 43 ○ Monday through Friday in 8 hour increments for employees/appointees working 8 hour
  - 44 shifts.
  - 45 ○ Monday through Friday in 10 hour increments for employees/appointees working 10
  - 46 hour shifts.
  - 47 ○ Sunday through Saturday in 11 hour increments for employees/appointees working 11
  - 48 hour shifts.
  - 49 ○ Sunday through Saturday in 12 hour increments for employees/appointees working 12
  - 50 hour shifts.

#### 51

#### 52 **PROCEDURE**

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- 54 • The Sheriff shall be responsible for coordination of the grievance procedure within the
- 55 agency.
- 56 • Any individual filing a grievance shall be responsible for meeting all requirements set
- 57 forth in this grievance policy and any additional requirements found in this rule and
- 58 regulation.
- 59 • The following requirements are added to clarify the grievance procedure and meet
- 60 accreditation standards established by the Virginia Law Enforcement Professional
- 61 Standards Commission (VLEPSC).
- 62 • Grievance records shall be controlled and maintained by the Administrative Services
- 63 Division using retention and disposition schedules, as approved by the Library of
- 64 Virginia, Records Management Division.
- 65 • Procedural Steps
  - 66 ○ Step 1
    - 67 ▪ An employee/appointee who has an employment related complaint or problem
    - 68 should discuss it directly with his/her immediate supervisor, which is usually the
    - 69 employee's/appointee's Sergeant.
    - 70 ▪ The grievance does not need to be in written form at this step.
    - 71 ▪ The employee's/appointee's Sergeant shall confer with the
    - 72 employee's/appointee's Lieutenant to address the complaint or problem.
    - 73 ▪ The grievance shall be reported as soon as possible once the employee/appointee
    - 74 first becomes aware of the condition or work activity giving rise to the grievance.
    - 75 ▪ The immediate supervisor, either Sergeant or Lieutenant, shall provide a response
    - 76 to the aggrieved employee/appointee within five (5) business days of receiving the
    - 77 complaint.
    - 78 ▪ If a satisfactory resolution to the complaint is not reached through discussion with
    - 79 his/her Sergeant and/or Lieutenant, the employee/appointee may, within five (5)
    - 80 business days notify his/her Lieutenant of his/her desire to have the issue
    - 81 forwarded to the Division Commander (Step 2).

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- The aggrieved employee/appointee shall make the notification in writing by completing [Employee Grievance Form A](#) listing the following:
    - ❖ Description of the alleged wrongful act,
    - ❖ Description of how the employee/appointee was harmed, and
    - ❖ The desired remedy being sought by the employee/appointee.
  - The aggrieved employee/appointee shall check the appropriate block and sign [Grievance Form A](#) and submit it to his/her immediate supervisor.
  - The immediate supervisor shall document their response on [Employee Grievance Form A](#) and forward the form to the Division Commander within five (5) Business days.
- Step 2
- Upon receipt of [Grievance Form A](#), a meeting to review the grievance shall be held with the aggrieved employee/appointee, the immediate supervisor and the Division Commander within five (5) business days, unless this time limit is extended by mutual agreement with the aggrieved employee/appointee.
  - If a satisfactory resolution is reached at this step, the completed [Grievance Form A](#) shall be forwarded to the Administrative Services Division Commander for placement in the employees/appointees personnel file.
  - If a satisfactory resolution to the complaint is not reached the aggrieved employee/appointee may, within five (5) business days, request the grievance be forwarded to the Chief Deputy (Step 3) by checking and signing the appropriate block on [Grievance Form B](#).
  - Within five (5) business days of notification from the employee/appointee, the Division Commander shall forward [Grievance Form A](#) and [Grievance Form B](#) containing his/her response to the Chief Deputy.
- Step 3
- Upon receipt of [Grievance Form A](#) and [Grievance form B](#), the Chief Deputy shall meet with the aggrieved employee/appointee within seven (7) business days unless this time limit is extended by mutual agreement by the Chief Deputy and aggrieved employee/appointee.
  - If a satisfactory resolution is reached at this step, the completed [Grievance Form A](#) and [Grievance Form B](#) shall be forwarded to the Administrative Services Division Commander for placement in the employees/appointees personnel file.
  - If a satisfactory resolution to the complaint is still not reached the aggrieved employee/appointee may, within five (5) business days, request the grievance be forwarded to the Sheriff for a hearing (Step 4) by checking and signing the appropriate block on [Grievance Form C](#).
- Step 4
- Upon receipt of [Grievance Form A](#), [Grievance Form B](#) and [Grievance Form C](#) the Sheriff shall schedule a hearing with the aggrieved employee/appointee.

- 126                   ▪ Documents, exhibits and lists of witnesses shall be exchanged between the parties  
127                   in advance of the Sheriff’s hearing.  
128                   ▪ The Chief Deputy, Division Commander or other immediate supervisor may  
129                   attend this hearing is requested by the aggrieved employee/appointee or the  
130                   Sheriff.  
131                   ▪ The Sheriff will set a time for the hearing which shall be held within fourteen (14)  
132                   business days or as soon as practicable following receipt of [Grievance Form A](#),  
133                   [Grievance Form B](#) and [Grievance Form C](#).  
134                   ▪ The Sheriff is the final authority.  
135                   ○ Following the Sheriff’s hearing [Grievance Form A](#), [Grievance Form B](#) and [Grievance](#)  
136                   [Form C](#) shall be forwarded to the Administrative Services Division Commander for  
137                   placement in the employee’s/appointee’s personnel file.  
138                   ○ [Grievance Form A](#), [Grievance Form B](#) and [Grievance Form C](#) can be found in the  
139                   Forms folder in Power DMS  
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141                   ● Establishing time limitations for filing or presenting the grievance  
142                   ○ Time limitations for filing or presenting the grievance are outlined in the procedural  
143                   steps above.  
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145                   ● Establishing criteria for employee/appointee representation  
146                   ○ With the exception of Step IV, the only persons who may normally be present at Step  
147                   I, II or III meetings are:  
148                   ▪ The grievant,  
149                   ▪ The supervisor hearing the matter, and  
150                   ▪ Appropriate witnesses for each side.  
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152                   ○ The grievant shall bear the cost, if any, of calling their witnesses.  
153                   ○ Witnesses shall be present only while actually providing testimony.  
154                   ○ No members shall have the right to be represented by counsel when appearing before  
155                   any administrators of this policy in connection with the application of this policy.  
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### **IDENTIFYING MATTERS THAT ARE GRIEVABLE**

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159                   ● Identifying matters that are subject to grievance i.e. scope.  
160                   ● A grievance involves, but is not necessarily limited to, one or more of the following:  
161                   ○ Concerns regarding the meaning, interpretation or application of personnel policies,  
162                   procedures, rules and regulations;  
163                   ○ Acts of retaliation for using the grievance procedure or for participation in the  
164                   grievance of another employee/appointee;  
165                   ○ Complaints of discrimination on the basis of race, color, creed, religion, political  
166                   affiliation, age, disability, national origin or sex;  
167                   ○ Acts of retaliation because the employee/appointee has complied with any law of the  
168                   United States or of the Commonwealth, has reported any violation of such law to a  
169                   governmental authority, or has sought any change in law before the Congress of the  
170                   United States or the General Assembly.

- 171 ○ Acts of retaliation because an employee/appointee has reported an incident of fraud,  
172 abuse, or gross mismanagement. In accordance with the Code of Virginia, [Section](#)  
173 [15.2-1507\(A\) \(1\)](#), an increase in the penalty that is the subject of the grievance at any  
174 level of the grievance shall give rise to a rebuttable presumption that the increase was  
175 an act of retaliation.  
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- 177 • Action not considered grievances under this policy
- 178 ○ Formal disciplinary actions are not considered grievances under this policy and are  
179 subject to the Appeal Process found in [RR 1-7, Employee Discipline](#). including those  
180 that involve:
- 181     ▪ Written counseling or reprimands,
  - 182     ▪ Demotions,
  - 183     ▪ Suspensions,
  - 184     ▪ Termination,
  - 185     ▪ Day to day operational decisions such as:
    - 186         ❖ Case assignments,
    - 187         ❖ Shift assignments, unless such assignment creates a personal or working  
188             hardship.