**BILL NO.:** **4510** **ORDINANCE NO.:** _____

**Introduced by: Council Present**

**AN ORDINANCE AMENDING ORDINANCE #4339 THE BERKELEY POLICE DEPARTMENT GENERAL ORDER #27 "GRIEVANCE PROCEDURES" POLICY**

**WHEREAS,** The City of Berkeley hereby finds and declares this ordinance is necessary, appropriate, and in the best interest of the City of Berkeley, Missouri, in accordance to the CALEA standards.

**Now, Therefore, Be it Ordained by the City Council of the City of Berkeley, Missouri,** as follows:

**Section 1** The City of Berkeley, Missouri, Council hereby adopts the attached Grievance Procedures amended Policy in compliance with CALEA standards.

**Section 2** This Ordinance shall be in full force and effect from and after its passage.

1st Reading this _____ day of _____ 2016

2nd Reading this _____ day of _____ 2016

3rd Reading, PASSED and APPROVED, this _____ **day of** _____ **2016**

_____
Theodore Hoskins, Mayor

ATTEST:

_____
Deanna L. Jones, City Clerk

_____
Approved As To Form:
Donnell Smith, City Attorney

Final Roll Call:

| | |
|---|---|
| Mayor Hoskins | Aye ___ Nay __ Absent __ Abstain __ |
| Councilwoman Hoskins | Aye ___ Nay __ Absent __ Abstain __ |
| Councilwoman Kirkland | Aye ___ Nay __ Absent __ Abstain __ |
| Councilwoman Mathison | Aye ___ Nay __ Absent __ Abstain __ |
| Councilman-at-Large McDaniel | Aye ___ Nay __ Absent __ Abstain __ |
| Councilwoman Mitchell | Aye ___ Nay __ Absent __ Abstain __ |
| Councilwoman Williams | Aye ___ Nay __ Absent __ Abstain __ |

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| | **BERKELEY POLICE DEPARTMENT**<br>**GENERAL ORDER** | **GENERAL ORDERS:** 27 |

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| **GRIEVANCE PROCEDURES** | | |
| ISSUE DATE: 10/6/2016 | EFFECTIVE DATE: 11/7/16 | DISTRIBUTION: ALL PERSONNEL |
| AMENDED: | | RESCINDS: ALL PREVIOUS VERSIONS |
| ACCREDITATION STANDARDS: CALEA 25.1.1 | | NUMBER OF PAGES: 3 |

**PURPOSE**: The purpose of this directive is to establish guidelines for employee grievances.

**POLICY**: It is the policy of the Berkeley Police Department to provide a just and equitable method for the prompt resolution of grievances without discrimination, coercion, restraint, or retaliation against any employee who may submit or be involved in a grievance.

**DEFINITIONS**:
For the purposes of this general order the following definitions shall apply whether used in the singular or plural.

*Collective bargaining unit member* - An employee of a job class for which the collective bargaining association (union) acts as the exclusive bargaining representative regardless of whether the employee is a member of the association. This includes Officers, Sergeants, and Lieutenants.

*Non-Collective bargaining unit member* - an employee of the rank of Captain or above and all civilian employees.

*Grievance* - A dispute or difference between personnel and the Berkeley Police Department or the City of Berkeley involving a perceived job related incident or occurrence.

**PROCEDURES**:

**FILING A GRIEVANCE**

A. All non-collective bargaining unit employees have the right to use the City of Berkeley grievance procedures as outlined in the Employee Handbook of Personnel Rules and Regulations, Policies and Benefits Section 6.07 through Section 6.11.

B. All collective bargaining unit members who elect to file a grievance must use the procedures set out in those agreements.

**GRIEVABLE MATTERS**

A. Any regular employee who has been the subject of adverse action has the right to submit a grievance. Employees may not grieve for pay of job classifications, content of the job class, particular conditions of employment set by management, (these are considered management rights such as scheduling, etc.) or employee benefits. [CALEA 25.1.1]

B. The grievance procedure uses an informal process (verbal) or a formal process (written) to give employees a method where they can receive consideration or attention to any complaints they may have. The employee is encouraged to use the informal process to discuss matters of concern with supervision to alleviate the problem(s) before utilizing the formal process if reasonably possible.

## TIME LIMITATIONS

Employees must take up their grievances with their immediate supervisor within the time constraints outlined and defined by the Employee Handbook of Personnel Rules and Regulations, Policies and Benefits or the collective bargaining agreement(s).

## ADMINISTRATION OF THE GRIEVANCE PROCESS

The Chief of Police is responsible for the administration of the grievance process within the Department. These responsibilities include the following:

1. Provide the necessary administrative support and liaison with the City Manager as may be necessary to facilitate the process.
2. Act as the coordinator of the grievance process and insure each step of the process has been properly documented.
3. Maintain a record and copies of all grievances in a secure manner. Originals are forwarded to the designated personnel responsible for human resources relations for storage.

## GRIEVANCE SUBMISSION

All Grievances shall be submitted in writing to the appropriate person as outlined in the applicable Employee Handbook of Personnel Rules and Regulations, Policies and Benefits or the collective bargaining agreement.

## RESPONSE TO GRIEVANCES

Responses to a grievance must contain certain elements to include:

1. Acknowledging receipt by noting time, date, and person receiving the grievance;
2. Analyzing the facts or allegations;
3. Affirming or denying, in writing, the allegations contained in the grievance;
4. Identifying the remedy or adjustments, if any, to be made.

## GRIEVANCE STEPS

The steps for all grievances are outlined in the applicable City of Berkeley Employee Handbook of Personnel Rules and Regulations, Policies and Benefits Section 6.07 – 6.11 or the collective bargaining agreement.

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| **DRAFTED BY:** Eye-Liza Conner | DATE: 10/3/16 |
| **BY ORDER OF:**<br><br>**ART JACKSON**<br>**INTERIM CHIEF OF POLICE** | DATE: 10/3/16 |
| **APPROVED BY:** Public Safety Committee | DATE: 10/6/16 |
| **APPROVED BY:** Berkeley City Council | DATE: 11/7/16 |