



SOUTH MIAMI POLICE DEPARTMENT

GENERAL ORDER NUMBER: 11.1	DATE OF ISSUE: July 31, 2011	EFFECTIVE DATE: May 1, 2014	NUMBER OF PAGES: 03
CFA STANDARD: 6 SUBJECT: <i>Grievance Procedures - GRIEVANCE PROCEDURE</i>	NEW () RESCINDS () AMENDS (x) OTHER () Revised 09/21/22	By Order Of:  Rene Landa CHIEF OF POLICE	

CFA STANDARDS: 6.01, 6.02, 6.03

SECTIONS:

- 11.1.1** **Grievance Procedure**
- 11.1.2** **Grievance Coordination & Records Responsibility**

RESCINDS: All existing orders in conflict.

PURPOSE: To establish departmental policy and provide guidelines for the grievance process; to provide responsibility for the coordination of the grievance process; to provide procedure for maintaining grievance records; and to provide for an annual analysis of the grievance process.

SCOPE: All departmental employees.

POLICY: It is the policy of the South Miami Police Department and the City of South Miami that every employee be treated fairly at all times with courtesy and respect. Conversely, each employee is expected to extend the same treatment to his/her associates, supervisors and to the public. To ensure such a fair and courteous work environment, the South Miami Police Department will follow the grievance guidelines set forth in the Grievance Procedure section of the current collective bargaining agreements.

DEFINITIONS:

Contract: Collective Bargaining Agreement between the City of South Miami and the Miami-Dade County Police Benevolent Association or the Fraternal Order of Police Lodge#242. The respective contracts are applicable to all sworn officers of the South Miami Police Department holding the rank of Police Officer, Detective, Sergeant, Lieutenant and Captain.

Employee Manual: City of South Miami Employee Policies and Procedures Manual issued to all employees at the time of employment. Applicable to all departmental employees unless superseded by the above-cited contract.

Grievance: A grievance will be defined as any difference, dispute or disagreement as to the application or interpretation of a current collective bargaining agreement.

PROCEDURE:

11.1.1 Grievance Procedure

While the procedure referred to above is used to appeal disciplinary actions taken by management against an employee (sworn or civilian), a less formal alternative is available to resolve other employee problems, concerns, or to put forth suggestions. Employees are encouraged to discuss perceived grievances with their immediate supervisors through the chain-of-command in order to resolve differences outside the formal grievance process.

The employees of the South Miami Police Department are provided with grievance procedures in the contracts of the various bargaining units. For the sworn police officers, these are located in the current F.O.P. Collective Bargaining Agreement, which provides formal grievance procedures for the resolution of grievances between only those employees covered under the current P.B.A. Collective Bargaining Agreement. Such procedures will cover grievances involving the application or interpretation of the current contract.

- A. Grievable Matters: A grievance will be defined as any difference, dispute or disagreement as to the application or interpretation of a current collective bargaining agreement. All other disputes will be resolved pursuant to the City of South Miami Employee Policies and Procedures Manual. {CFA 6.01(a)}
 - 1. If a civilian member and/or a non-contract represented member (i.e. Assistant Chief, and Chief of Police) chooses to file an appeal they will follow the guidelines set forth in the City of South Miami Employee Policies and Procedures Manual.
 - 2. Sworn, contract represented members will follow the guidelines set forth in the current bargaining agreement.
 - 3. At a minimum, all procedures for responding to grievances as agreed to by collective bargaining agreements, from whatever source, will include:
 - a) An acknowledgement of the receipt of the grievance by noting the time, date, and person receiving the grievance {CFA 6.01(b)}
 - b) Affirming or denying the allegations in the grievance in writing {CFA 6.01 (c)}
 - c) Identifying the remedy or adjustment, if any, to be made to resolve the grievance. [CFA 6.03(d)]

- B. Criteria for Employee Representation: The non-sworn employee and/or employee not covered under the bargaining agreement may be accompanied by a representative of their choice at any step of the procedure or for any hearing or statements taken as a result of the grievance being filed.
- C. Procedure: The grievance procedure is outlined specifically in the current bargaining agreement.
- D. Appeal: Final appeal of any grievance decision will rest with the city manager. [CFA 6.03]

11.1.2 Grievance Coordination & Records Responsibility

- A. The Chief of Police will ensure that all matters pertaining to the grievance process are coordinated according to the requirements of this General Order, the sections for grievance and arbitration procedures set forth in the current CBA contract, and City Employee Manual [CFA 6.02]. Each person handling the grievance in the chain-of-command will act responsibly in attempting to resolve the grievance or delineate the reasons why they cannot.
- B. The Chief of Police is responsible for the maintenance and control of grievance records of all police department employees. Grievance records in the process of being resolved will be maintained in the Administrative Section. During the process, these records will be accessible only to the Chief of Police, Accreditation Manager, and other persons with a legitimate need for access to such records. When the grievance process is completed, the original records will become part of the aggrieved employee's personnel file. The Administrative Assistant to the Chief of Police will ensure that these records are included in the aggrieved employee's personnel file. A copy of the grievance records shall be maintained in a separate file, located in the Internal Affairs Unit.