



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 25.1

TITLE: EMPLOYEE GRIEVANCES

EFFECTIVE: 05/07/2017

REVISED: Replaces Policy 1006

PURPOSE

The purpose of this Chapter is to establish a procedure for employees of the New Orleans Police Department to report and resolve grievances in a fair and expeditious manner. This grievance procedure is intended to assist in achieving and maintaining a favorable work environment, reducing employee dissatisfaction, improving morale and identifying problems in the organization.

DEFINITIONS

Grievance—As per CAO Policy Memorandum No. 4 (R) (see [http://www.nola.gov/chief-administrative-office/policies/policies/no-4-\(r\)-employee-grievance-procedure/](http://www.nola.gov/chief-administrative-office/policies/policies/no-4-(r)-employee-grievance-procedure/)), a grievance is any dispute about working conditions, alleged violations of City Policy, including an alleged abuse of discretion by a supervisor in the treatment of employees, and disputes as to the interpretation, application, or enforcement of specific employee provisions or rights. Matters under the jurisdiction of the City Civil Service Commission shall not be subject to the grievance procedure described in this Chapter. If any questions arise as to whether a particular dispute is or is not a grievance, the question may be taken up through the grievance procedure.

Grievance Information Form—A written form that documents the employee's grievance and the actions taken in response (see [http://www.nola.gov/chief-administrative-office/policies/policies/no-4-\(r\)-employee-grievance-procedure-/no-4-\(r\)-attachment/](http://www.nola.gov/chief-administrative-office/policies/policies/no-4-(r)-employee-grievance-procedure-/no-4-(r)-attachment/)).

Grievant—An aggrieved employee who submits a written Grievance Information Form for resolution of his or her grievance.

Work day—A 24-hour period during which the employee's agency is on duty. Employees who are absent from work are not exempt from the work day time deadlines in this Chapter.

POLICY STATEMENT

Employees and their supervisors share a common goal of attempting to resolve most matters through effective management and operations, without resorting to the grievance process. Employees and supervisors are expected to make a sincere effort to reconcile their differences at the lowest organizational level possible. Actions taken to resolve a conflict at this level shall not be considered to be a binding interpretation or application of policy on either party.

GENERAL

1. This regulation mirrors City of New Orleans Chief Administrative Office (CAO) Policy Memorandum No. 4, which outlines the grievance procedure of the City of New Orleans.
2. It shall be the policy of the Department not to discourage the filing of grievances. No member shall be penalized for his/her submission of a grievance.
3. Whenever possible, the grievance process shall be conducted during normal working hours without loss of pay.
4. The timely reporting of grievances will assist in conducting reviews and arriving at the correct disposition for each situation. In accordance with CAO Policy Memorandum No. 4, a complaining employee must present his or her grievance in writing, using the **Grievance Information Form**, to a supervisor within five (5) work days of the most recent act giving rise to the grievance. Every grievance shall be confidential. Information concerning confidential grievances shall not be discussed or disseminated to other employees except as required by this regulation.
5. An aggrieved employee shall have the right to choose an individual to represent him/her or be present during any course of the grievance procedure. The employee's representative may be a lawyer unless the lawyer is serving as the aggrieved employee's attorney in the matter that gave rise to the grievance. The aggrieved employee's representative cannot be a part of the grievance.

GRIEVANCE FILING PROCEDURE

6. Once a grievant submits a Grievance Information Form to his or her supervisor, the supervisor must have an oral discussion with the grievant within five (5) work days of the submission of the Grievance Information Form. The supervisor must provide a written decision within five (5) work days of the oral discussion. The written decision must be provided on the Grievance Information Form, a copy of which must be provided to the grievant by e-mail or hard copy. The grievant shall sign the original confirming his/her receipt.
7. The grievant may provide a copy of his/her supervisor's written decision to his/her representative. It is the grievant's responsibility to provide the copy.
8. If the supervisor has not provided a timely written response, or if the grievant is not satisfied with the supervisor's written response, the grievant may provide a copy of the Grievance Information Form (with the supervisor's written response, if available) to his/her district/division commander or, if the commander is the grievant's supervisor, to his/her Deputy Chief. The grievant must include the reason(s) that he/she is seeking further review of the grievance on the Grievance Information Form and provide the copy within five (5) work days of receiving the supervisor's written response or, if no response was provided, within five (5) work days of the deadline for providing a response.
9. The district/division commander to whom a Grievance Information Form is submitted may conduct whatever investigation he/she deems necessary. The commander shall consider meeting in person with the grievant and/or with the grievant's supervisor. The district/division commander shall write his/her decision on the Grievance Information Form, indicating the reasons or basis for his/her decision and provide a copy, by e-mail or hard copy, to the grievant within five (5) working days of the commander's receipt of the Grievance Information Form.

10. If the district/division commander has not provided a timely written response, or if the grievant is not satisfied with the district/division commander's written response, the grievant may provide a copy of the Grievance Information Form (with the commander's written response) to the Superintendent of Police. The grievant must include the reason(s) that he/she is seeking further review of the grievance on the Grievance Information Form and provide the copy within five (5) work days of receiving the commander's written response or, if no response was provided, within five (5) work days of the deadline for providing a response.
11. The Superintendent of Police may conduct whatever investigation he/she deems necessary. The Superintendent of Police shall consider meeting in person with the grievant, the grievant's supervisor, and/or his/her District/Division Commander. The Superintendent of Police shall write his/her decision on the Grievance Information Form and provide a copy, by e-mail or hard copy, to the grievant within ten (10) working days of the Superintendent's receipt of the Grievance Information Form.
12. If no satisfactory agreement has been reached after review by the Superintendent of Police, the grievant may refer the grievance to the CAO's designated official. The grievant must include the reason(s) that he/she is seeking further review of the grievance on the Grievance Information Form and provide the copy within five (5) work days of receiving the Superintendent of Police's written response (or, if no response has been received, within five days of the expiration of the above-referenced 10-day period).
13. The CAO's designated official may conduct whatever investigation he/she deems necessary, including interviewing the grievant and any other supervisors or parties. The CAO's designated official shall write his/her decision on the Grievance Information Form and provide a copy, by e-mail or hard copy, to the grievant within thirty (30) working days of the CAO's designated official's receipt of the Grievance Information Form.
14. If the grievant wishes to seek a final and binding resolution of the grievance after following all the preceding steps, he/she may request review of the entire record by the Chief Administrative Officer. The grievant must include the reason(s) that he/she is seeking further review on the Grievance Information Form and provide the copy to the Chief Administrative Officer within five (5) work days of receiving the written response of the CAO's designated official (or, if no response has been received, within five days of the expiration of the above-referenced 30-day period).
15. The Chief Administrative Officer shall issue a decision in writing, which shall be final and binding on all parties. Questions concerning the procedure may be addressed to the Chief Administrative Office at (504) 658-8900.

SUPERVISOR'S RESPONSIBILITY

16. Any supervisor approached by a member wishing to file a grievance shall discuss the grievance with the member and determine if the cause of the grievance is within the authority of the supervisor to rectify.
17. The supervisor shall verify whether the employee has elected to submit a grievance. The supervisor shall be responsible for explaining to the employee the process that will be followed in filing a grievance.

18. If any supervisor involved in the grievance process becomes aware of any identified misconduct or criminal allegations, he/she shall immediately inform the Public Integrity Bureau.
19. If the cause of a grievance is not within the authority of the supervisor to rectify, the supervisor shall make that fact known to the grievant and advise him/her of the appropriate supervisor in the chain of command to whom the grievance must be presented.
20. The supervisor shall conduct fact finding in response to the employee grievance and justify the determination of the response in the "Decision" portion of the Employee Grievance Form.
21. The supervisor shall meet with the grievant and determine whether he/she is satisfied with the response to the formal grievance or would like to appeal the decision. If the member wants to seek further review of the decision, he/she shall be advised to complete and submit the relevant section of the Grievance Information Form.
22. If the grievant is satisfied or decides not to seek further review, the supervisor shall prepare an interoffice memorandum (NOPD Form No. 105) outlining that decision, explaining in detail the grievance and the actions taken in response. The supervisor shall forward copies of the memo and Grievance Information Form to the Superintendent or his designated representative, the Employee Relations Unit and the Chief Administrative Office within three (3) working days of the supervisor's meeting with the grievant.
23. If the grievant elects to seek further review of the supervisor's decision, the supervisor shall obtain the completed Grievance Information Form and forward it through the chain of command in accordance with the procedure outlined above. Copies shall be sent to the Superintendent or his designee, the CAO and the Employee Relations Unit. If necessary, the supervisor shall attach a memo providing additional information on the grievance situation and facts leading to the supervisor's initial response.
24. In the event the grievant does not desire to pursue the process formally but a valid issue/violation has been raised, the supervisor shall document the issue/violation on a Grievance Information Form and independently address the potential employee violation.

PIB REFERRAL OF COMPLAINT ALLEGATION THAT IS A GRIEVANCE

25. When an NOPD employee makes an allegation to PIB that falls within the definition of a grievance, as found in this Chapter and CAO Policy Memorandum No. 4 (R), PIB may, in its discretion, refer the allegation to the Employee Relations Unit for processing and handling as a grievance, but must:
 - (a) Transfer the allegation that has been reclassified as a grievance within the time constraints of this Chapter;
 - (b) Assign a unique tracking number;
 - (c) Inform the Human Resources Director that PIB will be transferring the grievance;
 - (d) Promptly inform grievant of the referral;
 - (e) Obtain results of the grievance investigation from the Employee Relations Unit and evaluate whether PIB investigation is necessary; and
 - (f) Record the final disposition of the allegation under the unique tracking number.

EMPLOYEE RELATIONS UNIT

26. The Employee Relations Unit shall be responsible for the coordination of grievances and the maintenance of files on grievances submitted by complaining members. All grievance records shall be considered confidential. Copies of grievance records shall not be released without the written permission of the Unit's Bureau Deputy Chief.
27. The commander of the Employee Relations Unit shall forward a copy of the completed and concluded grievance to the Public Integrity Bureau. PIB shall review the completed grievance and ensure the issue was appropriate for the grievance process.
28. The commander of the Employee Relations Unit shall forward an analysis of grievances to the Deputy Chief of MSB for review on a semi-annual basis, or more frequently depending on the volume of grievances. The commander's analysis should identify any trends, areas for potential training or instruction, and recommendations for modifications to working conditions or relationships if warranted, to improve employee relations and prevent future grievances. The Deputy Chief of MSB shall report to the Superintendent those areas of concern which are reoccurring or are outside of his/her command and need to be addressed. The Employee Relations Unit shall also distribute the analysis to all affected Bureau Deputy Chiefs.