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| <b>ALAMEDA COUNTY<br/>SHERIFF'S OFFICE</b><br><br><b>DETENTION AND<br/>CORRECTIONS</b><br><br><b>POLICY AND PROCEDURE</b> | <b>NUMBER:</b> 3.07  | <b>PAGES:</b> 1 of 3 |
|   | <b>RELATED ORDERS:</b><br>ACA 4-ALDF-7E-04<br>GO <a href="#">3.09</a><br>MOU; CCR 3504 |                      |
|   | <b>ISSUED DATE:</b> July 1, 1989   |                      |
|   | <b>REVIEW DATE:</b> December 23, 2015  |                      |
|   | <b>REVISION DATE:</b> December 14, 2007  |                      |
| <b>CHAPTER:</b> Personnel   | <b>SUBJECT:</b> Employee Grievance   |                      |

- I. **PURPOSE:** To establish a procedure for processing and resolving employee grievances.
- II. **POLICY:** Supervisors will make every effort to resolve grievances at the lowest supervisory level. If an employee's immediate supervisor is unable to resolve the grievance, a formal system for review is provided.
- III. **DEFINITIONS:**
- A. **GRIEVANCE:** An allegation by an employee or group of employees that the County has failed to provide a condition of employment. It is established by a resolution of the Board of Supervisors, Charter, Ordinance, State law, written Agency rules, or Memorandum of Understanding as adopted by ordinance, provided that the enjoyment of such right is not made subject to the discretion of the Sheriff or the County by the terms of such resolution, law, Ordinance, Charter, or rule; and, provided that the condition of employment is within the scope of representation pursuant to California Code of Regulations 3504.
- B. **NON-GRIEVABLE MATTER:** The grievance procedure shall have no application to matters over which the Civil Service Commission has jurisdiction pursuant to the County Charter or rules adopted there-under. SEIU members who file claims of discrimination in violation of Section 2A by employees who are in the unclassified service, and; therefore not subject to jurisdiction of the Civil Service Commission, shall not be grievable if they arise from or seek to reverse layoffs, separations, dismissals, suspensions, or reductions in rank or compensation, but by these members may pursue any other available administrative or legal remedy.
- IV. **PROCEDURE:** (Refer to MOU for additional details)
- A. **GRIEVANCE PROCESS:** The following will be followed in the resolution of grievances:
1. If an employee has a grievance, he/she must first discuss it with his/her immediate supervisor and endeavor to work out a satisfactory solution informally.
  2. If a satisfactory solution is not accomplished informally, the employee has the right to consult with and be assisted by a representative of his/her choice, and may thereafter file a grievance in writing with his/her immediate supervisor within seven (7) working days after the informal discussion. Within seven (7) working days after receipt of any written grievance, the immediate supervisor shall return a copy of the written grievance to the

employee with his/her written response. If the grievance is not resolved at this level, the employee has seven (7) working days from receipt of the answer to file an appeal with the facility Commanding Officer.

3. The Commanding Officer shall have seven (7) working days to review and answer the grievance in writing. If the grievance is not resolved at this level, the employee or his/her representative shall have seven working days from receipt of the answer to file an appeal with the Detention and Corrections (D&C) Division Commander.
4. The Commander shall have seven (7) working days to review and answer the grievance in writing. Although no hearing is required at this step, the employee and his/her representative may participate in any hearing the Commander may conduct. If the grievance is not resolved at this level, the employee shall have seven (7) working days from receipt of the answer to file an appeal with the Sheriff.
5. The Sheriff shall have seven (7) working days to review, hold hearings and answer the grievance in writing. Unless waived, a hearing is required at this step and the employee and his/her representative have the right to participate in the hearing. The time limit at this step may be extended by mutual agreement between the Sheriff and the employee or his/her representative.
6. If the grievance is not resolved at Step 5 and the employee is in a representation unit covered by a Memorandum of Understanding that includes binding arbitration, the employee or his/her representative may, within thirty (30) days after receipt of the Sheriff's decision, request that the grievance be heard by an arbitrator. If the employee's class is not in a unit or not in a unit covered by an MOU including binding arbitration, he/she may appeal the Sheriff's decision to a panel of three department heads that will hold a hearing and render an advisory decision.
7. Failure to file an appeal within the required time limit at any step shall constitute an abandonment of the grievance. Failure of the County to respond within the time limit at any step shall result in an automatic advancement of the grievance to the next step.
8. A grievance shall be void unless presented within sixty (60) calendar days from the date the County allegedly failed to provide a condition of employment. In no event shall any grievance include a claim for money relief for more than the sixty (60) day period.

**B. GRIEVANCE FORMS:**

1. Grievance forms are available in the Watch Commander's and sergeants' offices.
2. The grievant will fill out the grievance form entirely. Instructions for submission are outlined on the reverse side of the grievance form.
3. Supervisors are to immediately fax a copy of the grievance to Management Services Division. The original (white) is returned to the grievant. The goldenrod copy is retained by the supervisor. The remaining copies are sent to the Management Services Division

Commander, via the chain of command.

4. Supervisors are to immediately initiate a "Grievance Review Form." As this document is considered the "official" County position, it is critical that the supervisor review it with his/her supervisor prior to giving it to the grievant.
5. Upon approval, the white and pink copies are sent to Management Services Division Commander, via the chain of command. The canary copy is retained by the supervisor and the goldenrod copy is given to the grievant.
6. The canary copies of both the grievance form and the Grievance Review Form generated at each level are sent to the supervisor at the next step waiting response from the grievant.
7. The pink and goldenrod colored copies are sent to Management Services Division, via the grievant's Division Commander.
8. If the member remains unsatisfied and continues to appeal, the process is repeated at each supervisory level.
9. If the grievance is resolved prior to Step 5, the grievant will be notified by the completed white copy of the Grievance Review Form, returned by the supervisor resolving the grievance.
10. At the time of resolution, the remaining copies of the Grievance Review Form will be forwarded to the Undersheriff, via the chain of command.
11. If the grievance is not resolved prior to Step 5, the canary copy of the grievance and the canary copy of the grievance reviews from each level will be forwarded to the Management Services Division Commander.