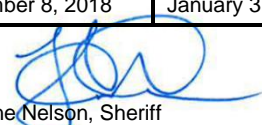




DESCHUTES COUNTY SHERIFF'S OFFICE

Policy Title: Grievance Procedures	Effective Date: September 8, 2015	Policy Number: 3.02	
Accreditation Reference: 1.7.1, 1.7.2, 1.7.3	Review Date: September 8, 2018	Supercedes: January 31, 2012	Pages: 3
Attachments:	 L. Shane Nelson, Sheriff		

PURPOSE

The purpose of this policy is to provide a procedure whereby employees may resolve disputes or complaints concerning the terms or conditions of their employment not covered under an applicable collective bargaining agreement and not concerning their probationary status.

II. POLICY

This agency recognizes that every employee has the right to be treated fairly in matters arising from employment in this agency; that each employee should have the opportunity to be heard fully anytime he believes he is not being treated fairly. A carefully designed grievance process will reduce personnel dissatisfaction, increase morale, identify problems in the organization and increase the positive perception employees have of their employment with this agency.

Therefore, whenever an employee believes that he has been treated unfairly with regard to the terms and conditions of his employment, he may initiate proceedings as specified in this policy in order to resolve those matters. No action of a formal or informal nature shall be taken by the agency against an employee, his witnesses, or employee representative merely for his having filed a grievance, nor is such filing to be otherwise looked upon with disfavor by the agency.

While it is the policy of this agency to follow progressive disciplinary theory, the Sheriff's Office, at the sole discretion of the Sheriff's Office, reserves the right at all times to impose a level of discipline that is appropriate under the circumstances, even if not progressive, taking into account the type and seriousness of the issue being addressed and all relevant factors as determined by the Sheriff's Office.

III. DEFINITIONS

Eligible Employees are full-time and regular part-time employees not covered by a collective bargaining agreement. Regular part-time employees are those who work 20 hours per week or more on a continuous basis for at least six months.

Probationary employees are not eligible employees when grieving their probationary status because probationary employees are at-will employees, serve at the pleasure of the Sheriff and are subject to non-grievable suspension, demotion or termination at the sole discretion of the Sheriff. However, probationary employees are considered eligible employees for purposes of grieving work related situations or conditions.

IV. PROCEDURES

A. Conditions and Limitations

1. The grievance procedures set forth in this policy are applicable only to eligible employees, as defined in this policy.
2. This grievance procedure shall not be used in addition to other grievance procedures as may be in effect through the governing jurisdiction or the eligible employee's collective bargaining agreement.

Association employees grieving an alleged violation of a collective bargaining agreement shall use the procedures set out in the collective bargaining agreement.

Under no circumstances shall more than one procedure be used to redress the same grievance, although use of this or other procedures does not preclude employee from seeking legal remedies as appropriate.

3. The agency retains the right under applicable laws and regulations to direct employees in the performance of their duties and to take the necessary means to achieve the proper ends under emergency situations. The agency will hire, promote, transfer and assign employees at its discretion; and may suspend, demote, discharge or take disciplinary action against employees for just cause.
4. This grievance procedure is not applicable to matters for which an appeal process is otherwise provided and may not be used in addition to or in replacement of those processes.
5. The scope of the employee grievance must:
 - a. Clearly define the situation in question through a written allegation of the specific wrongful act or situation, the harm done and the facts upon which it is based;
 - b. Arise out of an act or failure to act that directly relates to the working conditions of the eligible employee or to the employee's employment relationship;
 - c. Define a matter within the control of the agency; and
 - d. State such relief sought that is within the power of the agency to grant.

B. Grievance Procedure

The grievance procedure established by this agency consists of three steps for appeal, each of which must be utilized in turn before appeal is made to the next step unless otherwise specified in this policy.

Step One: Immediate Supervisor

An employee who believes that elements of his working environment are unsatisfactory and can be made more effective should take the following measures:

1. Discuss the specific problem with his immediate supervisor. A problem that results from a specific event or action must be presented within seven days. The supervisor's decision regarding the matter shall be rendered in writing to the employee within seven calendar days following the conference. The employee has the right to the presence of a representative of his choosing during this conference.
2. If the problem cannot be resolved through the conference and/or the employee wishes to document the grievance for further action, he may submit a formal written grievance to his Division Commander. Employees who do not have a Division Commander may submit their grievance directly to the Sheriff.

Step Two: Division Commander or Sheriff

Grievances submitted to a Division Commander shall be in writing on the designated form. The grievance must:

1. Be submitted within seven days following receipt of the immediate supervisor's response;
2. Include a copy of the immediate supervisor's decision and justification;
3. Specify the employee's grievance and the specific remedy requested;

4. Provide a response to the immediate supervisor's decision; and
5. The Division Commander must respond within seven days of receipt.

Step Three: Sheriff

If the matter is not satisfactorily resolved in step two, the problem may be presented in writing to the Sheriff, together with a copy of all preceding responses, within seven days following the response of the employee's immediate supervisor. The Sheriff shall meet with the affected employee and a representative of his choosing if so desired. A written response will be provided to the employee within seven days after receipt of the appeal from the employee. The decision of the Sheriff is final and binding.

1. Written responses to grievances

Written responses to grievances shall include the following:

- a. Notation of the time, date and person who received the grievance.
- b. Analysis of the facts or allegation in the grievance.
- c. Affirmation or denial of the grievance.
- d. Identification of the remedies or adjustments, if any, to be made.

2. Time limits

If a grievance is not processed by the aggrieved employee within the specified time limits provided in this policy, the grievance shall be considered void. If the agency fails to process a grievance within the time limits specified, the employee may initiate action by proceeding to the next step. However, employees are encouraged to make a reasonable attempt to determine the reason for the delay.

3. Time extensions

All times specified in this procedure are subject to scheduled vacations, sick leave or other authorized leave necessary for the proper conduct of Sheriff's Office business. Additionally, involved parties may request one extension not to exceed seven days by providing written notice to the other parties prior to the expiration of the time limit established for that step.

4. Withdrawal of grievance

At any time during the grievance process, the employee may withdraw the grievance by making written notification of the withdrawal available to all parties involved in the grievance process.

5. Coordination of grievance procedures

The Sheriff shall designate Sheriff's Office Human Resources to coordinate this agency's grievance procedures as established within these guidelines. Sheriff's Office Human Resources shall also be responsible for:

- a. Maintaining and controlling all records relating to grievances in a manner that will ensure their confidentiality; and
- b. Preparing written reports analyzing grievances filed as directed by the Sheriff.

C. Annual Review

Sheriff's Office Human Resources shall coordinate an annual review of all grievances received. The Sheriff or his designee is responsible for the analysis of grievances to identify trends, problems or deficiencies and so proactively address the causes of the grievances in the future.