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Wilkesboro Police Department

Electronic Written Directives Document

I. PURPOSE

The purpose of this directive is to give employees of the Wilkesboro Police Department guidelines and procedures for filing grievances.

II. POLICY

It is the policy of the Town of Wilkesboro to provide a just procedure for the presentation, consideration, and disposition of employee grievances. The purpose of Article IX, Grievance Procedure of the Town of Wilkesboro Personnel Policy, is to implement this policy and to assure all employees that their grievances will be answered and decided quickly, equitably and without threat or retaliation.

III. DEFINITIONS

Grievance: A grievance is any dispute or misunderstanding concerning the interpretation or application of this personnel administration article, or of any other policy, practice, or procedure affecting working conditions for the Town of Wilkesboro, which are outside of an employee's control.

IV. SCOPE

A. The following matters will fall within the scope of the grievance procedure and may be addressed within its guidelines:

1. Interpretation or application of policy or procedure
2. Working conditions
3. Relationships between supervisors and employees
4. Performance evaluations and merit recommendations
5. Dismissal, demotion, or other disciplinary action
6. Charges of discrimination or unfair treatment

B. Certain management areas of decisions are not grievable. These areas of management discretion are therefore non-grievable subjects are as follows:

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1. Any condition of employment accepted at the time of employment and/or subsequent changes thereto;
2. The employee benefit package;
3. Determining the proper classification and pay;
4. Determining types of training;
5. Scheduling and distribution of personnel;
6. Determining methods, means, and personnel to carry out operations;
7. Relieving employees from work because of lack of work, funds or other valid reasons;
8. Hiring;
9. Promotion;
10. Transfer;
11. Non-disciplinary demotion; and
12. Assignment decisions and maintaining the efficiency of governmental operations.

C. Required Information

When filing a grievance, the employee will submit the following information in writing:

1. A written statement of grievance and the facts upon which it is based;
2. A written allegation of the specific wrongful act or harm done; and
3. A written statement of the remedy or adjustment sought.

Note: The town administration shall fairly assist an employee in preparing his written grievance when the employee is unable to prepare the complaint on his own.

V. PROCEDURES

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A. When an employee or a group of employees has a grievance, the following successive steps will be taken unless otherwise provided. The number of calendar days at each step should be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. The time limits at any step, however, may be extended by mutual consent or due to unusual circumstances beyond the control of either party. The last step initiated by the employee will be considered the step at which the grievance is resolved.

B. The prompt settlement of misunderstandings or problems on an informal basis at the work level is desirable and in the interests of sound employment-management relations.

C. Step One

An employee must file a grievance, either orally or in writing, with the immediate supervisor within thirty (30) days of the date of the incident that gave rise to the grievance. The department head shall meet with the employee five (5) days of the receipt of the grievance and attempt to resolve it informally. If informal resolution efforts fail, the employee may proceed to Step Two. If an employee alleges sexual harassment by a supervisor, the employee may file the complaint directly with the Town Administrator, who will investigate and take appropriate action, if any. If the grievance concerns a dismissal, it shall be filed directly with the Town Administrators in Step Three.

D. Step Two

If an employee is dissatisfied with the response at Step One, the employee may file the grievance in writing with the Department head within five (5) days after meeting and discussing the matter with the immediate supervisor. The written grievance should state concisely the basis for the complaint. The department head shall meet with the employee five (5) days of receipt of the written grievance and shall make an independent determination on the merits of the grievance. The department head shall then issue a written decision no later than ten (10) days after the meeting with the employee.

E. Step Three

If an employee is dissatisfied with the response at Step Two, the employee may forward the written grievance to the Town Administrator within five (5) days of receipt of the decision from Step Two. The employee may request a decision from the appointed official directly or may request a hearing before the Personnel Advisory Committee. If the employee requests a decision

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directly, the Town Administrator will render a written decision within fifteen (15) days of receipt of the grievance. If the employee or the appointing authority requests the services of the Personnel Advisory Committee, the procedures are set forth in Article IX Section 4 of the Town of Wilkesboro Personnel Policy.

VI. EMPLOYEE REPRESENTATION

The employee has the right, at each level of the grievance procedure, to be accompanied, assisted and/or represented by a person of his choice.

VII. COORDINATION AND ANALYSIS

- A. The Chief of Police will be responsible for the maintenance of discipline within the Department and for coordinating the grievance process.
- B. Documentation pertaining to formal grievances, including those resolved at lower levels, will be forwarded to the Chief of Police for review. The Chief of Police or designee will maintain those records in a secure file separate from the personnel files.
- C. The Chief of Police or designee and Town Personnel will conduct an annual review and analysis of grievances filed. This review is intended to discover existing problems and implement steps to eliminate or minimize their causes.

VIII. NO CONFLICT

No determination of any grievance will in any way conflict with any city policies, resolutions, or ordinance or with any state and/or federal statutes applicable thereto.

IX. REFERENCES

Town Of Wilkesboro Personnel Policy Article IX
 CALEA 25.1.1, 25.1.2 and 25.1.3