



# GRIEVANCE PROCEDURES

## Directive 5 - 110

Date of Issue: July 2015 Amends/Cancel: 5-110 July 2013

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### I. PURPOSE

The purpose of this Directive is to establish written policy governing grievances.

### II. POLICY

All grievances shall be resolved in accordance with the provisions of the State Personnel and Pensions Article, Annotated Code of Maryland, and COMAR Regulations of the Department of Budget and Management.

### III. DEFINITIONS

A. Grievance means a dispute between an employee and the employee's employer about the interpretation of and application to the employee of:

1. A Personnel Policy or Regulation adopted by the Secretary; or
2. Any other policy or regulation over which management has control.

B. Grievance does not include a dispute about:

1. A pay grade or range for a class.
2. The amount or effective date of a statewide pay increase.
3. The establishment of a class.
4. The assignment of a class to a service category.
5. The establishment of classification standards.
6. An oral reprimand or counseling.

C. Appointing Authority means The Chief of Police or his designee.

D. Head of the Principal Unit means the Secretary of Department General Services or their designee.

## IV. PROCEDURES

- A. All parties involved in the grievance are obligated to attempt to resolve the grievance at the lowest possible step.
- B. A grievant may choose any person to assist or represent the grievant at any time during the grievance and shall notify the employer of that choice.
- C. Prior to initiating a grievance procedure and employee shall present the matter orally to the employee's supervisor for informal discussion.

### E. Step One - Initiation of the Grievance

- 1. A grievant may initiate a grievance proceeding by filing a written grievance with the Chief of Police or designee. The grievant shall provide a copy of the grievance to grievant's supervisor when the grievance is filed.
- 2. The grievance must be initiated by an employee within 20 days after:
  - a. the occurrence of the alleged act that is the basis of the grievance; or
  - b. the employee first knew of or reasonably should have known of the alleged act that is the basis of the grievance.
- 3. Within 10 days after receiving a grievance, the Chief of Police or designee shall hold a conference with the grievant and they shall attempt to resolve the grievance.
- 4. Within 10 days after the conference, the Chief of Police or designee shall issue a written decision to the grievant and may grant any appropriate remedy under §12-204 (a) of the State Personnel and Pensions Article

### F. Step Two - Appeal to the Secretary, Department of General Services (DGS)

- 1. Within 10 days after receiving a decision under § 12-203 of the State Personnel and Pensions Article a grievant or the grievant's representative may appeal the decision in writing to the Secretary of DGS or designee.
  - a. An appeal shall include a copy of the decision being appealed.
- 2. Within 10 days after receiving an appeal, the Secretary of DGS or designee shall:
  - a. review the grievance record; and
  - b. confer with the grievant and they shall attempt to resolve the grievance.
- 3. Within 10 days after the conference, the Secretary of DGS or designee shall issue a written decision to the grievant and may grant any appropriate remedy under §12-402 (a) of the State Personnel and Pensions Article.

G. Step Three - Appeal to the Secretary of Department of Budget and Management (DBM)

1. Within 10 Days after receiving decision under § 12-204 of the State Personnel and Pensions Article a grievant or a grievant's representative may appeal the decision in writing to the Secretary of DBM.
  - a. An appeal shall include a copy of the decision being appealed and any prior decisions.
2. Within 30 days after an appeal is received, the Secretary of DBM or designee shall:
  - a. Review the grievance record;
  - b. if the grievance is based on a position reclassification, order an audit of the position if it has not been audited within the last year; and
  - c. take the action described in paragraph (2) of this (directive) and give the parties written notice of that action.
3. If the Secretary of DBM or designee does not concur with the decision of the unit, the Secretary of DBM or designee shall attempt to resolve the grievance with a settlement that is binding on all parties.
4. The Secretary of DBM or designee shall determine whether the principle unit that employs the grievant will accept a settlement.
5. If the grievance is not settled, the Secretary of DBM or designee shall refer the grievance to the Office of Administrative Hearings.

H. Step Four - Appeal to the Office of Administrative Hearings

1. The Office of Administrative Hearings shall dispose of the grievance or conduct a hearing on each grievance received from the Secretary of DBM in accordance with Title 10, Subtitle 2 of the State Government Article.
  - a. The Office is bound by any regulation, declaratory ruling, prior adjudication, or other settled, preexisting policy, to the same extent as the Department is or would have been bound if it were hearing the case.
  - b. The employee has the burden of proof by a preponderance of the evidence.
2. Within 45 days after the close of the hearing record, the Office of Administrative Hearings shall issue a written decision to the parties and may grant any appropriate remedy under §12-402 of the State Personnel and Pensions Article.
  - a. The decision of the Office of administrative Hearings is the final administrative decision,

3. Any costs the Office of Administrative Hearings incurs for the appeal of a grievance to the Office of Administrative Hearings shall be paid by the principle unit that employs the grievant.