

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject EMPLOYEE GRIEVANCE PROCEDURES	Policy Number GC-16 Effective Date 11-14-23
Related Information Maricopa County Employee Merit System Rules Maricopa County Law Enforcement Officers' Merit System Rules CP-3, <i>Workplace Professionalism</i> CP-11, <i>Anti-Retaliation</i> GC-4, <i>Detention/Civilian Employee Performance Appraisals</i> GC-4(S), <i>Sworn Employee Performance Appraisals and Management</i> GC-17, <i>Employee Disciplinary Procedures</i> GH-2, <i>Internal Investigations</i> GH-5, <i>Early Identification System</i>	Supersedes GC-16 (12-08-21)	

PURPOSE

The purpose of this Office Policy is to provide employees with a positive and effective way to address concerns related to Office Policy and procedure, unsafe or unhealthy work environments, and the application, interpretation, or enforcement of Maricopa County Policy, Office Policy, and Maricopa County Merit System Rules. The Employee Grievance Procedure governed by this Office Policy is also the method for an employee to resolve disputes pertaining to administrative investigations and grievance eligible matters entered in the Early Identification System (EIS).

POLICY

It is the policy of the Office to provide all employees with a uniform, systematic, and equitable grievance procedure. The Office prohibits retaliation against any person who exercises their right to an informal or formal review using the procedures specified in this Office Policy.

DEFINITIONS

Business Day: Monday through Friday, excluding Maricopa County holidays.

Coaching: Coaching is a non-disciplinary interaction between a supervisor and an employee that supports an individual in achieving specific personal or professional goals by providing training, advice, and guidance in response to a specific situation.

For the purpose of determining the number of offenses committed within identified categories of Office Policy GC-17, *Employee Disciplinary Procedures*, Attachment A, the first use of Coaching shall not constitute an offense. However, the use of Coaching shall require that subsequent conduct by the employee that falls in the same category be addressed as a First Offense for both internal and external allegations, pre and post investigation. Coaching shall be documented in Blue Team and shall be considered for the purpose of discipline for one year prior to the current offense.

Conflict of Interest: A conflict that involves, but is not limited to, nepotism, bias of any kind, an external business relationship, a close personal relationship, or superiority in rank in an individual's chain of command.

Early Identification System (EIS): A system of electronic databases that captures and stores threshold events to help support and improve employee performance through early intervention and/or to identify problematic operating procedures, improving employee performance, identifying detrimental behavior, recognizing outstanding

accomplishments, and to improve the Office's supervisory response. The computerized relational database shall collect, maintain, integrate, and retrieve information gathered in order to highlight tendencies in performance, complaints, and other activities. The database allows the Office to document appropriate identifying information for involved employees, (and members of the public when applicable), and the actions taken to address the tendencies identified. Blue Team, IAPro, and EIPro are applications of the EIS.

Employee: A person currently employed by the Office in a classified, unclassified, contract, or temporary status.

Employee Assistant: An Office employee who is selected by an employee to assist with preparing and presenting a grievance. The assistant shall not be an attorney. If the grievance is related to an on-going investigation, the employee assistant shall not be a principal, investigative lead, or witness in the investigation.

Employee Grievance Form: Used by the employee to document in writing their concern and the requested resolution or relief sought.

Employee Grievance Response Form: Used by the responder to document in writing the review of the employee's concern, the information considered, and the action to be taken.

Grievance: Concerns from an employee relating to Office Policy and procedure, unsafe or unhealthy work environments, or the application or interpretation of Office Policy or Maricopa County Merit System Rules, which have not been satisfactorily resolved in an informal manner between the employee and the immediate supervisor. The Employee Grievance Procedure is also the method for an employee to resolve disputes pertaining to administrative investigations, and grievance eligible matters entered in the EIS.

- A. A grievance shall not be filed regarding a Written Reprimand. An employee's concerns regarding a Written Reprimand shall be addressed, as specified in Office Policy GC-17, *Employee Disciplinary Procedures*.
- B. A grievance shall not be filed in response to Coaching received as a result of an administrative investigation. Employees will still have the option to use the grievance procedure for a Coaching issued by a supervisor that did not involve an administrative investigation, and for other matters documented in EIS.

Immediate Supervisor: The individual responsible for completing the employee's performance appraisal and overseeing their daily work.

Minor Discipline: Discipline less severe than a suspension, such as a written reprimand.

Misconduct: Any violation of Office Policy or procedure, federal, state, or local criminal or civil law, constitutional violations, whether criminal or civil, administrative rules, including, but not limited to, the Maricopa County Merit System Rules, or Office regulations.

Criminal Misconduct: Misconduct by an employee that a reasonable and trained supervisor or internal affairs investigator would conclude could result in criminal charges due to the apparent circumstances of the misconduct.

Minor Misconduct: Misconduct that, if sustained, would result in discipline or corrective action less severe than a suspension.

Minor misconduct, while a violation of Office Policy, can often be addressed with supervisor initiated intervention intended to improve a situation, or prevent a potential negative work performance situation from progressing into a misconduct investigation. To address these employee behaviors, supervisors may initiate

an intervention method, as specified in Office Policy GH-5, *Early Identification System*, to include; squad briefing; meeting with supervisor; employee services; supervisor ride-along/work along; training; supervisor evaluation period; action plan; meeting with the commander; re-assignment; and coaching. The use of intervention shall only be used to address employee minor misconduct or behavior that does not, per the Office Disciplinary Matrix, exceed a Category 1, First or Second Offense or a Category 2, First Offense, and which has not been received by the Office as an External Complaint, or has not already been assigned to the Professional Standards Bureau (PSB).

Serious Misconduct: Misconduct that, if sustained, would result in discipline of a suspension, demotion, or dismissal.

Respondent: The individual responsible for preparing a written response on behalf of the Office to an employee’s grievance. The responder shall be superior in rank and in the employee’s chain of command.

Retaliation: Subjecting an employee to adverse treatment or adverse action because the employee engaged in a protected activity. All forms of reprisal, discouragement, intimidation, coercion, or adverse action against any person, member of the public, or employee because that person reports misconduct, attempts to make or makes a misconduct complaint in good faith, cooperates with an investigation of misconduct, conducts an investigation or enforces the findings of a misconduct investigation, constitute retaliation and is strictly prohibited. This also includes reports of misconduct made directly to any outside entity authorized to take corrective action.

Serious Discipline: Discipline which results in an employee receiving a suspension, demotion, or dismissal from employment. All sustained violations of a Category 7 Offense, as specified in Office Policy GC-17, *Employee Disciplinary Procedures*, shall result in dismissal from employment.

PROCEDURES

1. **Grievable Matters:** Concerns of employees which have not been satisfactorily resolved in an informal manner between the employee and the immediate supervisor relating to:
 - A. Office Policy and procedures;
 - B. Unsafe or unhealthy work environments;
 - C. The application or interpretation of Office Policy or Maricopa County Merit System Rules;
 - D. Disputes pertaining to administrative investigations, and
 - E. Grievance eligible matters entered in the EIS, to include Coaching issued by a supervisor that did not involve an administrative investigation.

2. **Non-Grievable Matters:** Issues or actions for which another appeal procedure already exists, or are not an appealable matter, do not fall under the Employee Grievance Procedures. The grievance procedures may not be used for matters involving the following:
 - A. Serious discipline of a classified employee as these matters may be appealed to the applicable Merit System Commission;
 - B. Serious discipline of an unclassified employee, as the matters are not appealable.

- C. Minor discipline as the Office provides an alternative process to address concerns, as specified in Office Policy GC-17, *Employee Disciplinary Procedures*;
- D. Coaching following an administrative investigation;
- E. Employee Performance Appraisals, as the Office provides a separate Administrative Review process, as specified in Office Policies GC-4, *Detention/Civilian Employee Performance Appraisals* and GC-4(S), *Sworn Employee Performance Appraisals and Management*;
- F. Job classification or compensation, unless the issue involves the application, interpretation, or enforcement of Office Policy or Maricopa County Policy; or
- G. Seeking changes to Maricopa County Policy or the Maricopa County Merit System Rules themselves, rather than their application, interpretation, or enforcement.

3. **Unlawful Discrimination, Harassment, or Retaliation Grievances:**

- A. Grievances involving unlawful discrimination, harassment, or retaliation should be processed as specified in Office Policy CP-3, *Workplace Professionalism*.
- B. Retaliation:
 - 1. Personnel shall not retaliate against an employee who reports misconduct or a violation in fulfillment of their individual responsibility or duty.
 - 2. Employees are prohibited from any form of reprisal, discouragement, intimidation, coercion, or adverse action against another employee or member of the public who: reports an act of misconduct; attempts to make or makes a misconduct complaint in good faith; cooperates with an investigation of misconduct; conducts an investigation; or enforces the findings of a misconduct investigation. These actions are strictly prohibited. This is to include all reports that are made to any outside entity authorized to take corrective action.
 - 3. Any form of retaliation is strictly prohibited and shall be considered a serious offense that shall result in disciplinary action, up to and including dismissal from employment.

4. **Submission of an Employee Grievance:** Employees should discuss grievable matters with their immediate supervisor within **20 calendar days** of the event, or the employee's first knowledge of the event, in an effort to resolve the concern informally. The employee shall allow the supervisor **10 business days** to attempt to resolve the concern. If the concern cannot be resolved informally within that 10 day period, the employee may raise the issue in writing by submitting an *Employee Grievance Form* to the division commander within **10 business days** of the supervisor's response or **10 business days** from the response deadline if the supervisor failed to respond. The *Employee Grievance Form* may be found with this Office Policy as an attachment.

- A. In the event that a grievance matter involves the employee's immediate supervisor and the employee is reluctant to discuss concerns with that supervisor informally, the employee may discuss the concern with the next level in the chain of command.
- B. The employee shall include the following information on the *Employee Grievance Form*:
 - 1. A summary of the event or action that is the basis for the concern;

2. A clear statement of the employee's concern;
 3. How the grievance is related to a matter within the control of the Office; and
 4. The resolution sought.
 - C. The employee shall be responsible for making copies of all submitted documentation for the employee's records.
 - D. If the employee wishes to review Office documents such as investigative reports, administrative reports, investigative lead statements, or audio and video recordings during the preparation of their grievance, a written request shall be submitted to the division commander.
 - E. When extenuating circumstances exist, the employee may request a limited time extension of the deadline involved in the grievance process. The request shall be made in writing to the respondent and must be made prior to the deadline date.
5. **Using On-Duty Time to Prepare and Present a Grievance:** Employees shall be granted, upon request, a reasonable amount of on-duty time to prepare and present a grievance. The preparation and presentation time of the grievance shall not exceed two hours for each step and cannot require the use of overtime compensation. Supervisors are encouraged to adjust employee work schedules, if necessary, to avoid overtime compensation. If on-duty time is needed for the preparation of a grievance, employees shall submit a written request to the supervisor. If the grievance involves the immediate supervisor, the request to use on-duty time may be submitted to the next level in the chain of command.
 - A. **Grievance Preparation:**
 1. If the employee chooses to work on the grievance on their own time, the employee shall not be compensated.
 2. If an employee, or their employee assistant, requires access to a work site to use a computer and printer during off-duty hours in order to prepare a grievance, permission shall be obtained by the respondent from the site's division commander. Access shall be granted if it does not interfere with Office operations, or interfere with the safety and security of a facility or its employees.
 - B. **Grievance Presentation:**
 1. In scheduling the time, place, and duration of any grievance meeting, both the employee and the respondent shall give due consideration to the duties each has in the essential operations of the Office.
 2. Employees shall not lose their right to file a grievance because of an Office-imposed limitation in scheduling meetings.
 3. Employees or their assistant shall not audio or video record the grievance.
6. **The Role of the Employee Assistant:** To ensure the employee is not denied a reasonable opportunity to express themselves, the employee may have an employee assistant. The assistant may provide guidance or clarification of information articulated by the grieving employee. The employee assistant shall confine their

comments to the grievance at hand during any meeting regarding the grievance and shall work to enhance open communication between the employee filing the grievance and the respondent.

- A. The employee assistant shall obtain permission from their immediate supervisor to be absent from their duties and shall do so at no cost to the Office by using their own off-duty time. Accrued vacation time may be used during scheduled duty hours, provided that the absence shall not have a cost impact on the operations of the area where the assistant is assigned.
- B. The employee assistant may accompany the employee to any meetings, but may not attend in lieu of the employee, during the grievance procedure. The employee assistant shall be permitted to participate in the meeting in order to enhance open communication between the employee and the respondent.

7. **Division Commander Responsibilities:** Grievances should be regarded as opportunities to enhance communications and improve conditions in the workplace. A division commander receiving a grievance filed in accordance with this Office Policy shall acknowledge its receipt by noting their name, serial number, and the date on the *Employee Grievance Form*. The division commander shall review the facts or allegations and take all action within the scope of their authority to resolve the grievance. Division commanders shall assist in the grievance process by:

- A. Notifying the bureau chief within 24 hours that a grievance has been submitted by an employee.
- B. Making all requested information needed to prepare a grievance available for review, including, but not limited to, investigative reports, administrative reports, investigative statements, or audio and video recordings. If this information is not within the division commander's authority to release, the division commander shall forward the employee's written request for the information to the bureau chief that has authority to grant or deny the request. If access to information is denied or delayed, the reason for the denial or delay shall be documented on the *Grievance Response Form*. If the request is granted, the employee may privately review the information with or without an employee assistant, at the workplace, but only when under the supervision of the area that has control of the information needed for review. Information reviewed shall be held confidential to the extent permitted by law. Any business days used to locate the information shall be noted by the division commander, who shall permit an extension of time limits by a like period of time, if needed.
- C. Advising the employee to contact the Administrative Services Division with any questions concerning the grievance process that the division commander is unable to answer.
- D. Informing the employee whether the complaint is within the scope of this Office Policy or a matter for which another process already exists.
- E. Meeting with the employee regarding the grievance upon the employee's request. The employee may choose to have an employee assistant present at this meeting.
- F. Seeking a resolution with the employee and providing a written response to the employee's grievance on the *Employee Grievance Response Form* within **10 business days** of the receipt of the employee's grievance. The *Employee Grievance Response Form* may be found with this Office Policy as an attachment. If additional time is needed to review and resolve the concern, the division commander shall provide the employee notification in writing of the delay and provide a reasonable time frame in which a grievance response shall be provided.
- G. Distributing a copy of the *Employee Grievance Form*, the *Employee Grievance Response Form*, and all paperwork included in, reviewed, and generated as part of, the grievance process, to the

Administrative Services Division to be reviewed and entered into the Grievance Database. A second copy shall be forwarded through the employee's chain of command to the bureau chief. The bureau chief shall retain their copy until the grievance process has been completed.

8. **Review of an Employee Grievance Response:** If the employee is not satisfied with the response received from the initial submission of their grievance or no response was received within the deadline, the employee may request further review of the grievance by submitting copies of the *Employee Grievance Form* and the *Employee Grievance Response Form* to the bureau chief.
 - A. The employee shall state, in writing on the *Employee Grievance Response Form*, how the division commander's response fails to resolve the concern.
 - B. The *Employee Grievance Form* and the *Employee Grievance Response Form*, with all related documents attached, must be submitted to the bureau chief within **10 business days** of receipt of the division commander's response or **10 business days** from the response deadline if the division commander failed to respond. **Any additional concerns not documented in the original grievance must be submitted and processed as a new grievance on an *Employee Grievance Form*, as specified in this Office Policy.**
 - C. The bureau chief may meet with the employee to evaluate the employee's grievance. The employee may choose to have an employee assistant present at this meeting.
 - D. The bureau chief shall seek a resolution and provide a written response using an *Employee Grievance Response Form* within **10 business days** of the receipt of the employee's grievance. If additional time is needed to review and resolve the concern, the bureau chief shall give the employee notification in writing of the delay and specify a reasonable time frame in which a grievance response shall be provided.
 - E. The bureau chief shall forward copies of all paperwork included in, reviewed, and generated as part of, the grievance process, and their response, to the Administrative Services Division to be reviewed and entered into the Grievance Database. A second copy shall be maintained by the bureau chief until the grievance process has been completed.
9. **Final Review:** If the employee is not satisfied with the response received from the bureau chief or no response is received from the bureau chief within the deadline, the employee may submit copies of all paperwork generated or obtained from the employee grievance procedure to the Chief Deputy or designee depending on the chain of command.
 - A. The employee shall state, in writing, on the *Employee Grievance Response Form*, how the bureau chief's response fails to address the concern.
 - B. The *Employee Grievance Form* and all *Employee Grievance Response Forms*, with all related documents attached, must be submitted to the Chief Deputy or designee within **10 business days** of receipt of the bureau chief's response or **10 business days** from the response deadline if the bureau chief failed to respond. **Any additional concerns not documented in the original grievance must be submitted and processed as a new grievance on an *Employee Grievance Form*, as specified in this Office Policy.**
 - C. The Chief Deputy or designee may meet with the employee to evaluate the employee's grievance. The employee may choose to have an employee assistant present at this meeting.

- D. The Chief Deputy or designee shall provide a written response using the *Employee Grievance Response Form*. The employee shall be notified within **10 business days** when the response from the Chief Deputy or designee will be completed. **This is the final step in the grievance process.**
 - E. The Chief Deputy or designee shall forward copies of all paperwork included in, reviewed and generated as part of, the grievance process, and their response, to the Administrative Services Division to be entered into the Grievance Database.
10. **Failure to Submit a Grievance within Time Limits:** If an employee fails to submit an *Employee Grievance Form* within the specified time limits of this Office Policy, the grievance shall not be subject to further consideration, unless a limited time extension was granted prior to the deadline. If extenuating circumstances exist, the respondent shall contact the Administrative Services Division to determine what course of action should be taken with the grievance.
11. **Grievance Matters Involving an Administrative Investigation:** An employee, who has a grievance which is directly related to an administrative investigation, and/or who is under orders that restrict discussion of the investigation, shall personally advise the Professional Standards Bureau (PSB) Commander of their intent to file a grievance.
- A. Grievances shall be submitted on an *Employee Grievance Form*, within **20 calendar** days of the event or first knowledge of the event, to the Administrative Services Division for entry into the Grievance Database. Once entered, the Administrative Services Division shall forward the *Employee Grievance Form* to the PSB Commander for inclusion in the administrative file and for appropriate action. The PSB Commander shall seek a resolution with the employee and respond to the employee's grievance in writing on the *Employee Grievance Response Form* within **10 business days**. The PSB Commander shall ensure a copy of the *Employee Grievance Response Form* and the completed *Employee Grievance Response Form* is included in the administrative investigation file. A copy of the *Employee Grievance Response Form* and the completed *Employee Grievance Response Form* shall be distributed to the Administrative Services Division to be reviewed and entered into the Grievance Database.
 - 1. If the employee elects to have an employee assistant, it shall be the responsibility of the employee filing the grievance to notify the PSB Commander. The employee assistant shall not be a principal, investigative lead, or witness in the investigation or a related investigation.
 - 2. Filing a grievance does not grant the employee or employee assistant permission to discuss the investigation with other members of the Office. The grievance may be discussed only with the parties permitted, as specified in Office Policy GH-2, *Internal Investigations*, or as authorized by state or federal law.
 - 3. It shall be the responsibility of the employee to request an exception from the admonitions of nondisclosure for each person the employee would like to contact, if any, as part of the grievance process. If the request is denied, the employee is strictly prohibited from discussing the matter. If the employee is prohibited from contacting individuals, the employee assistant is likewise prohibited from contacting those individuals on behalf of the employee.
 - 4. If the PSB Commander orders the employee not to communicate with any person(s), the employee may request a suspension of the deadlines to process the grievance until all requested communications with a person(s) may occur or are deemed impermissible at which time any suspension of deadlines will cease. At the employee's request, the PSB Commander shall determine the person(s) with whom the employee may communicate without

compromising the investigation, and shall advise the employee of that determination. Once the PSB Commander determines that previously denied communication(s) will no longer compromise the investigation, the PSB Commander shall notify the employee that they are free to discuss the case, wholly or partially, including identifying any continuing restrictions on discussing the case, with any person(s) with whom communications were previously denied.

5. In some cases, an employee may be denied access to information that pertains to an administrative investigation.
- B. If the employee is not satisfied with the response received from the PSB Commander, or no response is received in the allotted time frame, the employee may submit copies of all paperwork from the employee grievance procedure to the Chief Deputy or designee.
1. The employee shall state, in writing, on the *Employee Grievance Response Form*, how the PSB Commander's response fails to address the concern.
 2. The *Employee Grievance Form* and the *Employee Grievance Response Form* must be submitted to the Chief Deputy or designee within **10 business days** of receipt of the PSB Commander's response or **10 business days** from the response deadline if the PSB Commander failed to respond. **Any additional concerns that arise must be submitted and processed as a new grievance on an *Employee Grievance Form*, as specified in this Office Policy.**
 3. The Chief Deputy or designee may meet with the employee to evaluate the employee's grievance. The employee may choose to have an employee assistant present at this meeting who is not a principal, investigative lead, or witness in the investigation, or a related investigation.
 4. The Chief Deputy or designee shall provide a written response using the *Employee Grievance Response Form*. The employee shall be notified within **10 business days** when the response from the Chief Deputy will be completed. This is the final step in the grievance process.
 5. The Chief Deputy or designee shall forward all documents included in, reviewed, and generated as part of, the grievance process, and their response, to the Administrative Services Division to be reviewed and entered into the Grievance Database.
- C. At the conclusion of the grievance process, the Administrative Services Division shall notify the PSB Commander of the actions taken and upload all information generated during the grievance procedure into the administrative investigation file through IA Pro.
12. **Grievance Matters Involving Early Identification System (EIS) Information:** The procedures outlined in this Office Policy shall be used to address concerns pertaining to grievance eligible matters entered into the EIS, as specified in Office Policy GH-5, *Early Identification System*. This includes a Coaching which is not related to an administrative investigation.
 13. **Grievance Regarding Class Remedial Matters and Independent Disciplinary Authority:** Grievance matters regarding discipline related to class remedial matters and the independent disciplinary authority shall be addressed through the procedures outlined in the Administrative Services Division Operations Manual.

14. **Confidentiality:** Information regarding an employee grievance shall be kept confidential to the extent permitted by ARS Title 39, except when disclosure is necessary to resolve the grievance or as outlined in this Office Policy. The Administrative Services Division and supervisors handling employee grievances shall maintain, control, and secure grievance records to ensure confidentiality. Grievance records shall not be left unattended while out of secured files. No copies of employee grievances or grievance responses shall be filed in any division or personnel files.

15. **Retaliation is Prohibited:**
 - A. Personnel shall not retaliate against an employee who reports misconduct or a violation in fulfillment of this individual responsibility, policy responsibility, or duty.

 - B. All forms of reprisal, discouragement, intimidation, coercion, or adverse action against any person, member of the public, or employee because that person reports misconduct, attempts to make or makes a misconduct complaint in good faith, or cooperates with an investigation of misconduct, constitute retaliation and are strictly prohibited. This also includes reports of misconduct made directly to any outside entity authorized to take correction action. Retaliating against any person who reports, investigates alleged misconduct, or enforces the findings of a misconduct investigation shall be considered a serious offense and shall result in disciplinary action, up to and including, dismissal from employment, as specified in Office Policy CP-11, *Anti-Retaliation*.