



# GENERAL ORDER



SUBJECT:	SERIES	NUMBER	EFFECTIVE DATE
Grievance Procedures	201	3	August 10, 1988
	DISTRIBUTION		
	B		
ORIGINATING UNIT			PDD

The purpose of this order is to present guidelines and outline procedures to be followed in the handling of personal complaints or grievances of sworn and civilian members of the Metropolitan Police Department, relative to employment conditions. When, upon review, a complaint is found to be justified, the department shall effect appropriate, prompt, affirmative, and corrective action to ensure each member his/her right to seek adjustment of any matter under the control of the department which impairs or adversely affects his/her interest, concern, or welfare (Authority: D.C. Code Section 1-617.2 [1981 ed.] and the District Personnel Manual [DPM], Chapter 16). Procedures for filing grievances in accordance with collective bargaining agreements are not covered in this order. This order consists of the following parts:

**PART I** Responsibilities and Procedures for  
Members of the Department

- A. Applicability.
- B. Definitions.
- C. General.
- D. Non-Grievable Matters.
- E. Time Limits for Filing Grievances.
- F. Informal Procedure.
- G. Formal Procedure.
- H. Appeals.
- I. Cancellations.

**PART II** Responsibilities and Procedures for  
Special Assignment Personnel

- A. Employee Representation.
- B. Employee Relations Specialist.

**PART III** Responsibilities and Procedures for  
Supervisory and Command Personnel

- A. Deciding Officials.
- B. Personnel Liaison Officer.
- C. Commanding Officers.
- D. Chief of Police.

PART I

A. Applicability.

1. These procedures shall apply to all sworn and civilian members of the Metropolitan Police Department in Career and certain Excepted Service positions, including those members who are represented by a collective bargaining unit, and shall include:

- a. Former employees; or
- b. Applicants for employment.

2. Personnel in the following Excepted Service positions shall be exempt from these procedures:

- a. Mayoral Appointees, appointed under authority of D.C. Code Section 1-610.3 (1981 ed.).
- b. Attorneys (e.g., the General Counsel and attorneys assigned to Office of the General Counsel) appointed under authority of D.C. Code Section 1-610.9 (1981 ed.).

B. Definitions.

1. Career Service Position--The Career Service position shall represent an appointment to a continuing position in the Career Service, such as sworn members, DS Schedule and hourly wage earners, employed with the department or the District of Columbia Government.

2. Excepted Service Position--Appointment to Excepted Service positions shall represent an appointment to a position completely excluded from the Career, Executive, and Educational Services; and shall primarily represent appointments to attorney positions (hired on or after 08-07-80) and to positions filled by severely handicapped persons, experts and consultants, graduate students, special summer program and public employment program participants.

3. Days--The reference to "days" in this order shall mean calendar days, unless otherwise specified.

4. Deciding Official--The deciding official in grievance procedures for the Metropolitan Police Department shall be as follows:

- a. The deciding official in informal grievances shall be at the level of the member's civilian branch head, or sworn official at the rank of lieutenant or captain, with the concurrence of the commanding officer. If one of the aforementioned officials is the grievant, or the subject of the grievance, including the commanding officer, the official at the next highest level shall handle the complaint.

- b. The official receiving an informal grievance shall immediately bring the matter to the attention of the element commanding officer.
  - (1) Upon review of the grievance, the commanding officer shall designate either the receiving official or another official to handle the grievance.
  - (2) If the commanding officer is the grievant or the subject of the grievance, the bureau head shall act as the deciding official at the informal level.
- c. When a commanding officer's grievance is denied by the bureau head he/she may file a formal grievance with the Chief of Police who may either handle the grievance or designate a deciding official.
- d. A bureau head shall be the deciding official at the formal grievance level. If the grievance is against the bureau head, or the bureau head is the grievant, the Chief of Police shall handle the grievance.
- e. The deciding official must always be at a higher administrative level than the official who denied the grievance at the informal level.

5. Grievance--A grievance is a request by one (1) or more members, for personal relief in a matter of concern or dissatisfaction which is subject to the control of the department or the District of Columbia Government, and which is related to an employment condition.

6. Relief--A specific remedy requested by and directly benefitting the grievant(s), but may not include a request for disciplinary action against another member.

C. General.

1. It shall be the policy of this department to administer a grievance system in accordance with Chapter 16 of the DPM. Each member, former member, witness, and representative shall be ensured freedom from restraint, coercion, interference, discrimination, or reprisal by any official of the department. It is further the policy of the department that each grievance is given full, impartial, and prompt consideration.

2. Members may be required, in accordance with their collective bargaining agreement, to submit a grievance through the negotiated grievance procedure. In this case the provisions of the collective bargaining agreement shall supersede the provisions of these grievance procedures to the extent that there is a conflict.

3. For members who are authorized to choose between the process set forth in a collective bargaining agreement and the process outlined in this order, and who choose the process of the collective bargaining agreement, the provisions of the collective bargaining agreement shall supersede the provisions of this order to the extent that there is a conflict.

4. Grievances by members of the department shall be initially filed and processed under the informal procedures outlined in Part IF of this order.

5. In presenting grievances, members may present their own case; or they may be accompanied, represented, or advised by an attorney or other representative of their choice.

6. Each on-duty member submitting a grievance, and his/her representative, shall be entitled to a reasonable amount of official time, not to exceed four (4) hours of administrative leave, for the actual presentation of their grievance. All absences from duty in excess of four (4) hours shall be charged to the member and his/her representative (if that representative is a District government employee).

D. Non-Grievable Matters.

Members may grieve any matter except the following:

1. Any action implemented to comply with a decision by the Office of Employee Appeals (OEA), the Merit Systems Protection Board, an arbitrator, the Office of Human Rights, the Commission on Human Rights, a court of competent jurisdiction, or any other agency authorized by law to mandate a particular action.

2. Any action terminating a member's temporary promotion, taken within a period of two (2) years from the date of the temporary promotion, which returns the member to the position from which temporarily promoted or to a different position that is not at a lower grade or level than the position from which temporarily promoted.

3. Expiration of an appointment with a specified time limit.

4. Termination of a detail.

5. Forfeiture of position due to failure to meet the residency requirement.

6. Termination of a member serving a probationary period.

7. The return or assignment of a member who does not successfully complete a supervisory or managerial probationary period.

8. Termination prior to the expiration date of a temporary appointment.
9. Voluntary action initiated by, or at the request of, the member.
10. Reduction of a member's rate of pay from an erroneous rate which is contrary to law or regulation to a rate which is required or permitted by law or regulation.
11. Termination of a retained rate by action in accordance with reclassification procedures or reduction-in-force procedures.
12. Termination of a term promotion at the end of a project or specified period, and the return of the member to the position from which promoted or to a different position of equivalent grade and pay.
13. A requirement of law, or of rules or regulations established under the D.C. Administrative Procedures Act.
14. Any other matter for which no agency has the power or authority to provide the remedy sought or an equivalent remedy.
15. An allegation of unlawful discrimination, or any other matter within the jurisdiction of the D.C. Office of Human Rights.
16. An allegation of an unfair labor practice, or any other matter required to be decided by the Public Employee Relations Board.
17. A final agency decision which, pursuant to D.C. Code Section 1-606.3 (1981 ed.), may be appealed to the OEA.
18. A grievance required to be submitted through the grievance procedures contained in a collective bargaining agreement covering the member.
19. Nonselection for appointment or promotion from a group of candidates who were properly ranked and certified.
20. Nonadoption of a suggestion, or disapproval of a quality step increase, performance award, or other kind of honorary or discretionary award.
21. Rating factors, written comments, or other items which are parts of a performance appraisal, which items may instead be relevant to an appeal of the adjective rating level assigned.
22. The application or coverage of the Fair Labor Standards Act.

E. Time Limits for Filing Grievances.

1. A grievance concerning a continuing practice or condition may be filed by members at anytime.

2. Grievances concerning a particular act or occurrence must be presented within fifteen (15) days of the act or occurrence, or within (15) days of the date that the member became aware of the act or occurrence, whichever is later.

3. The time limit may be extended at the discretion of the deciding official.

F. Informal Procedure.

1. The informal grievance must be filed and processed before a formal grievance can be made.

2. The informal grievance shall contain a full and detailed explanation of the grievance and the remedy sought, and may be presented orally or in writing, to a lieutenant, captain, or civilian branch head within the grievant's chain of command. If any of the aforementioned officials are the subject of the grievance, or the grievant, the complaint shall be taken to the official in the chain of command at the next highest level.

3. A decision on an informal grievance should be rendered as quickly as possible, but not later than twenty (20) days from the date the grievance was filed.

4. Failure to grant any part of the relief sought shall constitute denial of that part of the informal grievance. Members shall be advised, in writing, of the basis for the denial. The notification shall be dated and signed by the deciding official (See Attachment "A").

G. Formal Procedure.

1. A member is entitled to present a grievance under the formal procedure when the following criteria have been met:

a. A member has filed an informal grievance and has not received a decision within the specified time period; or the member has been denied the relief sought under the informal procedure.

b. The member may file the formal grievance within ten (10) days after the time for a decision on the informal grievance expires, or within ten (10) days of receipt of notification that relief sought under the informal procedure has been denied.

2. Formal grievances shall be submitted in writing, containing sufficient detail to identify and clarify the basis for the grievance, and shall specify the remedy sought. The formal grievance shall be submitted through the commanding officer to the bureau head or the Chief of Police, if applicable.

3. If the relief requested is denied in whole or in part, members shall be advised, in writing, of the basis for the denial. The notification shall be dated and signed by the deciding official (See Attachment "B"), and shall advise members of their:

- a. Right to appeal the decision to OEA;
- b. Time limits for appealing the grievance to OEA, and the address for filing appeals; and
- c. Right to representation and counsel in the appeal process.

4. Decisions shall be issued within sixty (60) days of the date the formal grievance was filed. In instances where challenges concerning employee representation have been made, such challenges shall not delay decisions on formal grievances. Deciding officials shall render decisions within the sixty (60) day time period.

5. Failure to issue a decision within sixty (60) days shall constitute denial, and an appeal by the member thereafter shall be filed with OEA.

#### H. Appeals.

1. When a final decision has been rendered on a formal grievance by the deciding official, the grievant is entitled to appeal the decision to OEA, in accordance with OEA regulations.

2. Denial of all or part of a formal grievance shall enable the member to appeal the decision.

3. A decision that an issue is not subject to the grievance procedure is a final agency decision, for the purpose of an appeal to OEA.

4. When a member appeals a final agency decision on a grievance to OEA, and the grievance is found to be warranted, the remedial action directed shall be taken within thirty (30) days of OEA's decision, except when:

- a. The decision is reopened or reviewed in accordance with the OEA regulations.
- b. The department files an appeal in the D.C. Superior Court, pursuant to D.C. Code Section 1-606.3(d) [1981 ed.].

I. Cancellations.

1. A grievance may be cancelled by the department:
  - a. At the grievant's request, in writing, to the deciding official.
  - b. Upon termination of the member, unless the personal relief sought may be granted after termination of employment.
  - c. Upon the death of the member, unless the grievance involves a question of compensation.
  - d. For failure to prosecute, if the grievant does not furnish the required information or duly proceed with the advancement of his/her grievance.
2. The cancellation of a grievance shall constitute a final agency decision and shall be appealable to OEA, except when cancelled at the grievant's request.

PART II

A. Employee Representation.

1. In presenting a grievance, members shall have the right to be accompanied, represented, or advised by an attorney or other representative (including another MPD employee) of their choice.
2. When a member designates another employee as his/her representative in presenting a grievance, that representative shall have the same rights as the grievant in regard to the following:
  - a. Freedom from restraint, coercion, interference, discrimination, or reprisal; and
  - b. The same amount of official time as the grievant, if he/she is in an active duty status.
3. The department shall have the right to disallow the following:
  - a. The grievant's choice of another agency employee as his/her representative if that choice conflicts with priority needs of the government; and
  - b. Any selection the grievant makes with regard to a representative on the grounds of a clear conflict of interest or conflict of official position.



4. The member shall have the right to challenge the decision to disallow his/her choice of representative to the Chief of Police, or his/her designee, and to obtain a decision before proceeding with the grievance.

5. The decision by the Chief of Police (or his/her designee) to disallow the member's choice of representative shall be:

- a. Made no later than ten (10) days after receipt of the grievant's challenge.
- b. Set forth in writing.
- c. Made a part of the record.

6. The decision of the Chief of Police shall not be subject to any further administrative appeal, except as part of an appeal of a final decision of a grievance to OEA.

B. Employee Relations Specialist.

The District of Columbia Office of Personnel (DCOP), Employee Relations Specialist, assigned to handle departmental matters will:

1. Function strictly in an advisory capacity, and may be called upon by civilian members of the department to outline procedures and provide information regarding their rights when filing a grievance.

2. In the case of a grievance filed by a civilian member of the department, advise managers and supervisors whether a grievance filed by that member is:

- a. In the proper form, when submitted in writing;
- b. Filed within the required time limits; or
- c. A grievable matter.

3. Maintain liaison with the Office of Policy and Technical Assistance, DCOP, for the purpose of interpretation of laws and procedures.

4. Maintain a case file on each grievance, which shall include information on denials, appeals, responses, and all other pertinent documents.

5. Forward copies of all formal grievances to the department's Labor Relations Division, through the Personnel Liaison Officer, in order to ensure that no conflict exists with present labor agreements.

6. Act as technical advisor to the designated agency representative regarding matters on appeal to OEA.

7. Assist in the preparation and review of each final agency decision to ensure that it meets the requirements of these procedures.

### PART III

#### A. Deciding Officials.

1. A deciding official, designated by the commanding officer of the grievant's organizational element, shall handle the informal grievance and make every effort to resolve such complaints at the informal level.

2. Should the commanding officer designate an official other than the official who received the complaint, the designated official shall notify the grievant of the commanding officer's decision.

3. The deciding official shall document receipt (i.e., date, time, nature of complaint) and establish a case file of an informal grievance presented orally or in writing. Whether or not the grievance is resolved at the informal level, all information concerning the presentation of the grievance shall be submitted in a memorandum to the commanding officer.

4. The deciding official to whom the member presents his/her informal grievance shall advise the member of his/her decision within twenty (20) days of receipt of the grievance complaint:

- a. Before a final decision is reached, the deciding official shall consult with his/her commanding officer. This consultation shall be documented in the memorandum to the commanding officer.
- b. If the remedy sought is granted at the deciding official's level, the member shall be advised orally of the decision, and the matter fully documented in the memorandum to the commanding officer.
- c. If the remedy sought cannot be granted in whole or in part, the deciding official's reply to the grievant must be in writing (See Attachment "A"). A copy of this reply shall be included with the memorandum to the commanding officer.

5. The bureau head shall act as the deciding official in formal grievance procedures, as stipulated in Part IB4.

6. The deciding official shall make every attempt to resolve the formal grievance in a manner acceptable to the grievant.

7. In order for the deciding official to reach a fair and equitable decision on the grievance, the grievant may be requested to furnish additional documents or information.

8. The deciding official shall ensure that the grievant is notified in writing (See Attachment "B") of the decision reached on a formal grievance not more than sixty (60) days from the date the formal grievance was filed. The member shall be served with an original and one copy of the final agency decision.

9. Once the final agency decision is rendered on the formal grievance and the grievant is notified, all documents (including one copy of the final agency decision) shall be forwarded to the Personnel Liaison Officer, through the Chief of Police, for appropriate filing.

B. Personnel Liaison Officer.

1. The Personnel Liaison Officer shall have the responsibility of handling grievances of former employees and applicants for employment.

2. Grievances initiated by former employees and applicants for employment shall be processed under the formal grievance procedures outlined in Part IG of this order.

3. The Personnel Liaison Officer shall ensure that a case file on each grievance is maintained, as outlined in Part IIB4 of this order.

4. The Personnel Liaison Officer shall ensure that copies of formal grievances are forwarded to the Labor Relations Division for review, to assure that no conflict exists with present labor agreements.

C. Commanding Officers.

1. Commanding officers shall designate an official under his/her command at the rank of lieutenant or above, or civilian branch head, to handle complaints or grievances presented at the informal level.

2. Commanding officers shall review the findings of grievances at the informal level.

a. If no resolution can be reached at that level, the commanding officer shall ensure that the grievant is advised in writing of the decision reached on his/her respective grievance.

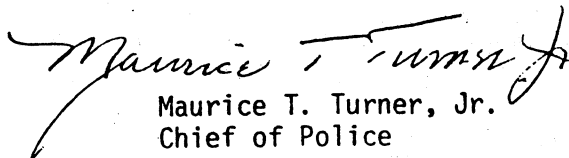
b. When the grievant is advised of the official decision, the case file shall be held until such time as the 10-day period for filing a formal grievance expires.

- (1) If the grievant pursues the matter by presenting a formal grievance, the complete case file shall be forwarded to the bureau head.
- (2) If the grievant does not pursue the matter by presenting a formal grievance, the file shall be sent to the Personnel Liaison Officer.

D. Chief of Police.

The Chief of Police shall:

1. Review the findings of formal grievance proceedings and determine whether each grievance has been given full, impartial, and prompt consideration.
2. Ensure that the grievance system is administered in accordance with Chapter 16 of the District Personnel Manual.
3. Act as or designate the deciding official in formal grievance procedures involving a bureau head or members assigned to the Office of the Chief of Police.

  
Maurice T. Turner, Jr.  
Chief of Police

Attachments

MTT:MEA:jtr

METROPOLITAN POLICE DEPARTMENT

\_\_\_\_\_  
(Organizational Element)

\_\_\_\_\_  
(Date)

MEMORANDUM

TO: \_\_\_\_\_  
Name of Employee

SUBJECT: Decision on Informal Grievance

This memorandum is to inform you of my decision concerning the informal grievance you presented to me on \_\_\_\_\_.  
Month Day Year

After careful review of the facts presented in this matter, I have determined that (state specific reasons for decision here) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
For this/these reason(s), your grievance has been denied.

Under Chapter 16, District Personnel Manual, and according to the procedures established in General Order No. 201.3 (Grievance Procedures), it is your right to file a formal grievance in writing to \_\_\_\_\_  
Bureau Head/Chief of Police  
within 10 days of this notification. Further, you have the right to representation and/or counsel in the formal grievance process.

\_\_\_\_\_  
Signature of Deciding Official

General Order No. 201.3  
Attachment "A"

METROPOLITAN POLICE DEPARTMENT

(Organizational Element)

(Date)

MEMORANDUM

TO: \_\_\_\_\_

Name of Employee

SUBJECT: Decision on Formal Grievance

This memorandum is to inform you of my decision concerning the formal grievance you presented to me on \_\_\_\_\_.

Month Day Year

After careful review of the facts presented in this matter, I have determined that (state specific reasons for decision below)

NOTE: This memorandum shall represent the final agency decision. It shall contain specific reasons for the granting or denial of the relief requested, and shall outline which complaints, if any, were found to have merit, which were not, and why.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
For this/these reason(s), your grievance has been denied.

Under Chapter 16, District Personnel Manual, it is your right to appeal this decision to the Office of Employee Appeals (OEA), located in Room 303, 415 12th Street, N.W. The appeal must be submitted in writing, within fifteen (15) days of receipt of the final agency decision. Further, it is your right to representation and/or counsel in the appeal process.

Copies of the OEA Regulations and OEA Appeal forms may be obtained from the DCOP, servicing Personnel Office #3, Employee Relations Division, located in Room 5059, Municipal Center, 300 Indiana Avenue, N.W.

\_\_\_\_\_  
Signature of Deciding Official

General Order No. 201.3  
Attachment "B"