



COTTAGE CITY POLICE DEPARTMENT

GENERAL ORDER

SUBJECT: **GRIEVANCE PROCEDURES**

NEW REVISED RESCINDS

APPROVED: *GM*
GEORGIA MILTENBERGER
ACTING CHIEF OF POLICE

Effective Date 8/22/2018

I. POLICY

Grievance Procedures for members of the Cottage City Police Department are defined in the Cottage City Code of Ordinances. Police officers in the State of Maryland are also entitled to certain rights which are identified in the Law Enforcement Officers' Bill of Rights (LEOBR)(Annotated Code of Maryland, Public Safety Article §3-103. Any conflict between the Cottage City Code and the LEOBR will be resolved in favor of the LEOBR.

The Chief of Police is responsible for the coordination of grievance procedures. Members of the police department will comply with those procedures which are outlined below.

II. COMPLAINTS CONCERNING STATUS OR CONDITIONS.

All complaints other than layoffs, suspensions, demotions or dismissals which any employee may have because of any action affecting his status or conditions of employment shall be handled in accordance with the following:

- A. The employee shall discuss the complaint with his immediate supervisor to effect a settlement.

- B. A complaint not so settled shall be presented in writing by the employee to the Chief of Police. The employee may appear before the Chief in his own behalf.
- C. The Chief of Police shall write his disposition of the complaint and send a copy to the employee within five (5) working days after receipt of the written complaint, or the appearance of the employee, whichever is later.

III. APPEALS BY EMPLOYEES.

Any employee who has been suspended, demoted, laid-off or dismissed who wishes to appeal the decision of the Commission or who claims to have been discriminated against in the course of his employment on account of race, creed, color, sex, religion, age, disability, or national origin may file an appeal in writing to the Commission and may request a hearing thereon. Such appeal shall state in detail the pertinent facts relative to the action which he is appealing and shall be signed by the employee and filed with the Commission within five (5) days after receipt by the employee of the notice of such suspension, demotion, layoff, dismissal or the discriminatory action.

IV. APPEAL PROCEDURES.

- A. If requested at the time the appeal is filed, the employee shall be entitled to a hearing before the Commission.
- B. The hearing shall be scheduled within thirty (30) days of receipt of the notice of appeal, but may be postponed or continued, in the discretion of the Commission.
- C. Notice of the time and place of the hearing shall be given promptly by the Chairman of the Commission to the employee at least five (5) days prior to the date of the hearing. Notice to the employee shall be sufficient if it is sent by mail, postage prepaid, addressed to the employee at his last-known post office address.

V. HEARING PROCEDURES.

- A. The hearing shall be conducted in an orderly manner with a view toward the presentation of all material facts so that a fair and impartial decision may be made. The Personnel Commission shall have full authority at all times to maintain orderly procedure and to limit the hearing to relevant facts. In order to protect the privacy of the employee and fellow employees, the Commission may exclude the public from the hearing.

- B. The employee and the City Manager may be represented by counsel.
- C. All of the evidence that the employee wishes to have made part of the record must be presented at the hearing.
- D. The Commission may admit any probative evidence that reasonable and prudent individuals commonly accept in the conduct of their affairs and give such weight to the evidence as the Commission deems appropriate.
- E. The Commission may exclude evidence that is incompetent, irrelevant, immaterial or unduly repetitious.
- F. The employee and the Commission are each entitled to:
 - 1. Call witnesses;
 - 2. Offer evidence, including rebuttal evidence;
 - 3. Cross-examine any witness that the other calls; and,
 - 4. Present summation and argument.
- G. The Commission may receive documentary evidence in the form of copies or excerpts or by incorporation by reference.
- H. The Commission may take official notice of a fact that is judicially noticeable or within the specialized knowledge of the Commission.
- I. The Commission may use its experience and specialized knowledge in the evaluation of evidence.
- J. Insofar as it is administratively practical, the employee may request the presence of Town employees as witnesses in his behalf.
- K. All testimony shall be under oath or affirmation given by a person duly authorized to administer oaths within Maryland.
- L. A tape recording or other verbatim record of the hearing shall be made. The record shall be transcribed if the employee or Commission so requests. If the employee requests the transcription of the proceedings, the employee shall pay the costs thereof prior to such transcription.

VI. DECISION OF THE PERSONNEL COMMISSION.

- A. Promptly after the conclusion of the hearing, the Commission shall render a written opinion in which findings of fact are made and which shall contain the decision of the Commission with respect to the action from which the appeal was taken. The Commission shall have the power to affirm, reverse or modify the action. The opinion shall be filed at the Town Office and shall be delivered to the employee.

Delivery to the employee shall be effective as of the date of mailing if mailed postage prepaid, to the employee's last-known address or as of the date of delivery if hand-delivered. A copy shall be forwarded to the Board of Managers.

- B. The decision of the Commission may be appealed to the Circuit Court for Prince George's County, Maryland in accordance with the Maryland Rules of Procedures governing judicial review of administrative agency decisions. Any request for judicial review of the Personnel Commission's decision must be filed within thirty (30) days of the date the Personnel Commission's decision is mailed or hand-delivered to the employee.
- C. The Town Clerk is responsible for maintenance and control of grievance records. The Town Clerk's Office will conduct an annual analysis of all grievances.