

General Order

Houston Police Department



ISSUE DATE:

March 26, 2015

NO.

300-26

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 300-26, dated April 6, 2006

SUBJECT: EMPLOYEE REPRESENTATIVE COUNCIL

POLICY

The Houston Police Department's Employee Representative Council (ERC) shall encourage the identification and resolution of work-related issues from all employees. The ERC shall also assist in the development of policies and procedures acceptable to employees while adhering to the department's mission, values, ethics, and guiding principles.

This General Order applies to all employees.

DEFINITIONS

Alternative Dispute Resolution (ADR). A department unit assigned the task of processing issues eligible for resolution by one of four separate sections: Mediation, Employee Relations, Grievance, and Employee Representative Council (ERC).

Central Intake Office (CIO). The department unit assigned the task of screening and tracking all job-related employee issues and referring issues to the appropriate department process, command, division, unit, or section for resolution.

ERC Coordinator. The assistant chief or the executive assistant chief over ADR appointed by the Chief of Police to oversee the ERC process.

ERC Facilitator. An employee assigned to the ERC Section by the ERC coordinator and charged with administering the ERC process.

ERC Issue. A concern, issue, or question initiated by any employee that affects the

work environment. An ERC issue shall not be any issue that pertains to discrimination based upon a *protected category* as outlined in General Order 300-11, **Discrimination, Harassment, and Other Prohibited Conduct**.

ERC Representative. An employee elected or appointed to represent others in a division or in a shift or unit of a division.

ERC Staff. Personnel assigned to the ERC Section of ADR responsible for facilitating the ERC process.

Issue Resolution Record (IRR). A department form used by ERC representatives for documenting and presenting an employee's ERC issue to division commanders. This form is available on the ADR Web site via the department's Intranet Portal.

Open Forum. A time period in the ERC General Membership Meeting during which ERC representatives can present ERC issues to the Chief of Police and the Executive Staff.

Visiflow Issue Tracking System (VITS). A database sharing all information on issues filed throughout the department.

1 ERC ISSUES

An ERC issue is categorized as a division or department issue. A division issue is limited to affecting a division or subgroup in a division. Department issues have the potential to affect personnel throughout the department.

Any employee may contact a member of the ERC staff for assistance in clarifying ERC

issues or request any information regarding the ERC process.

Non-ERC Issues

The following are not ERC issues and shall not be accepted by ERC representatives:

- a. Pay issues
- b. Job performance reviews
- c. Disciplinary issues
- d. Issues affecting one individual
- e. Employee disputes
- f. Workplace harassment, sexual harassment, and other forms of discrimination based upon a *protected category* as outlined in General Order 300-11, **Discrimination, Harassment, and Other Prohibited Conduct**.
- g. Reclassification or promotional issues

2 ERC REPRESENTATIVES

Election

Each division in the department shall have a minimum of two ERC representatives from each shift elected or appointed as follows:

- a. There is no limit to the total number of ERC representatives per division.
- b. Commanders have discretion as to the total number of ERC representatives needed to represent their division.
- c. ERC representatives shall be elected by employees from their respective divisions.
- d. Following the division announcement of ERC representative elections, employ-

ees interested in serving as ERC representatives shall have a deadline of ten *calendar* days to submit their names to their division commanders prior to the election being held.

- e. The method of selection is left up to each shift in a division.
- f. If no employee expresses interest in serving as an ERC representative, the division commander shall appoint an employee for each position.

Training

When elected, re-elected, or appointed, ERC representatives must attend the ERC Representative Mandatory Training class. ERC staff shall issue a notice if significant changes in the ERC process require retraining of all ERC representatives.

Length of Service

ERC representatives shall serve for a two-year term or until the next ERC representative election. ERC representatives may serve multiple or continuous terms if re-elected. ERC representatives' service will expire upon transfer to another division.

ERC Representative Removal

ERC representatives can be removed only by a vote of the employees they represent or by authority of the ERC coordinator. ERC representatives removed from their position by the ERC coordinator may appeal in writing via the chain of command to the Chief of Police.

Supervisor Interference

Supervisors are required to facilitate an ERC representative's access to the division commander regarding any ERC issue. Any supervisor who interferes with the ERC process by intimidation or retaliation shall be subject to disciplinary action.

3 ERC ISSUE PROCEDURE

If an employee has an issue or concern unresolved at the first level of authority, the employee may initiate an ERC issue. This section outlines the procedures to be followed when an employee initiates an ERC issue.

Issue Process

- a. Employees may consult any ERC representative in their division about an issue.
- b. Employees shall describe in non-letterhead correspondence their issue and proposed resolution and present the issue to their ERC representative.
- c. The ERC representative shall review the employee's issue to ensure that the issue is ERC eligible. If the issue is eligible for the ERC process, then the ERC representative shall forward the issue to the next ranking supervisor who has oversight of the resolution of the issue. If the division commander has oversight of the resolution, then the ERC representative shall complete an *Issue Resolution Record* (IRR) form describing the employee's issue and proposed resolution in the "Step One" section of the IRR form and forward the form to the division commander.
- d. Division commanders have five business days from the date of receipt to return the original IRR form to the ERC representative with a reply. If this time frame is not met, the ERC representative shall contact the division commander regarding the delay. Division commanders shall review IRRs and make every effort to resolve issues that are within their realm of authority.
- e. When division commanders render a resolution, they shall document the resolution in the "Step Two" section of the IRR form, sign the IRR, and forward it to the ERC representative.

The ERC representative then has three business days to consult with the initiating employee to determine whether or not the division commander's resolution is agreeable. ERC representatives shall check the appropriate selection on the IRR form indicating that the resolution is agreeable, not agreeable, or is unable to be resolved at division level.

If the employee indicates that the division commander's resolution is agreeable then the resolution shall be implemented and the issue closed. The ERC representative shall send via fax or interoffice mail a copy of the IRR form and the employee's non-letterhead correspondence to ADR for record keeping purposes. No VITS number shall be generated and the issue shall be categorized as information only.

If the employee indicates that the resolution is not agreeable or unresolved, then the ERC representative shall forward the employee issue to the ERC Section of ADR for further processing.

- f. If a division commander is unable to provide a resolution, he shall provide a brief explanation and sign in the "Step Two" section of the IRR form and direct the ERC representative to carry the issue forward for Executive Staff consideration. The ERC representative shall note "Forwarded at commander's request" in the *Employee Comments* field and forward the original IRR form and attachments to ADR for further processing as outlined in the following subsections.

Issuance of VITS Number Criteria

One of the following criteria shall be met before a Visiflow Issue Tracking System (VITS) number is generated by ERC staff:

- a. A division commander is unable to provide a resolution to an issue.

- b. An employee indicates on an IRR form that the employee does not agree with the resolution provided by the division commander.
- c. An employee indicates on an IRR form that the issue has not been resolved at the division level and that the employee wishes the issue be addressed further.
- d. An issue is presented to the Executive Staff during the open forum at the ERC General Membership Meeting.

Additionally, members of the ERC staff have the discretion to generate VITS numbers for issues on a case-by-case basis that may not meet any of the above criteria.

ADR's ERC Section Responsibilities

Once the ERC Section receives an IRR that meets one of the above criteria, the issue shall be reviewed for accuracy, completeness, and relevancy to the ERC process. The issue shall be given a VITS number, and the ADR lieutenant shall forward the employee's non-letterhead correspondence, the IRR form, and a letter requesting that the employee issue be addressed, to the Executive Staff member who has oversight of the resolution of the employee's issue. If the issue does not meet ERC process qualifications, the issue may be redirected as outlined in section 4, *Issue Routing*, of this General Order.

Executive Staff Oversight Responsibilities

After an Executive Staff member who has oversight of a resolution receives a letter from the ADR lieutenant requesting a resolution to an employee's ERC issue, every effort shall be made to resolve the issue if it is within the Executive Staff member's realm of authority. The Executive Staff member shall send the IRR form and attachments with official correspondence to the ADR lieutenant describing the proposed resolution. If there is no clear resolution to

the issue, the Executive Staff member shall clearly explain the reason that the employee's requested resolution is not feasible and forward the response in official correspondence to the ADR lieutenant.

ERC Coordinator Responsibilities

The ERC coordinator shall review all Executive Staff recommendations and may take any of the following steps before approving a resolution:

- a. Send the IRR back to the ERC representative or initiating employee for additional information, clarification, or modification.
- b. Consult with the assistant chief of the command where the issue originated.
- c. Consult with other assistant chiefs or commanders on the issue.
- d. Forward the original IRR and any recommendations to the Chief of Police and request a policy decision be made.

Final Disposition

Once the ERC coordinator approves a resolution proposed by an Executive Staff member, the ERC staff shall provide both the ERC representative and the initiating employee a copy of the completed Final Disposition. If the employee is satisfied with the resolution, the IRR form and related attachments shall be filed by the ERC staff and the issue shall be documented as *resolved*.

Appeal Process

If an employee is dissatisfied with a resolution rendered by the ERC coordinator, the employee may appeal the issue to the Chief of Police only if the ERC coordinator's rendered decision was not made as the Acting Chief of Police and if the employee submits additional information to support the issue. Requests for appeal shall be made in writing

to the Chief of Police and delivered to ADR within 30 *calendar* days following the Final Disposition.

The ERC coordinator shall review requests for appeal to determine if they possess sufficient merit to warrant forwarding to the Chief of Police. If the ERC coordinator does not grant an appeal, the resolution in the Final Disposition shall stand. Any ERC issue decision made by the Chief of Police is final with no further appeal.

Alternative Filings

Employees may introduce issues into the ERC process in two other ways: Name Withheld or Anonymous, as outlined below.

- a. **Name Withheld.** Employees who bring an issue to their ERC representative may ask their name be withheld. The issue shall be processed as outlined in section 3, subsection "Issue Process," but with the following exceptions:
 1. When an employee submits an issue on non-letterhead correspondence to the ERC representative, the employee shall indicate that he wishes his name and employee number be withheld.
 2. On the IRR form the ERC representative shall omit the initiating employee's personal information but list the division and shift of the employee and include "name withheld."
- b. **Anonymous.** When an employee submits an anonymous issue to an ERC representative, the ERC representative shall process the issue as outlined in section 3, subsection "Issue Process," but with the following exceptions:
 1. When completing the IRR form, the ERC representative shall leave all fields for the employee's personal information blank.

2. If the division commander provides a resolution, the ERC representative shall post a copy of the IRR on a division bulletin board for 72 hours. The ERC representative shall note both the date and time of the posting and the time of removal on the back of the IRR form.

If no one contacts the ERC representative to claim the issue and the division commander does not order the ERC representative to send the issue to the next level, the ERC representative shall note "No one claimed issue" in the *Employee Comments* field. The resolution shall be implemented and the issue closed.

If an employee comes forward to claim the issue and the employee does not agree with the resolution, the ERC representative and the employee shall decide whether to handle the issue as a name disclosed or name withheld issue. In such instances, the employee's personal information or the employee's division and shift, as applicable, shall be listed on the original IRR form before being forwarded to ADR for processing.

4 ERC ISSUE ROUTING

If the ERC facilitator and ADR supervisor determine an issue referred to the ERC Section is not eligible for the ERC process, the issue may be routed to another section in ADR or the Central Intake Office (CIO), or returned to the concerned division.

Any issue referred initially to another ADR section may be routed to the ERC Section if the affected section's facilitator or counselor, ERC facilitator, and ADR supervisor all determine the issue is appropriate for the ERC process.

5 DIVISION COMMANDER RESPONSIBILITIES

All commanders shall establish a designated time and place each month for a divisional ERC meeting. Commanders may determine the structure of these meetings and the manner in which each ERC representative is able to present issues for discussion.

Commanders shall also provide open door access to their divisional ERC representatives as long as they are acting in their capacity as ERC representatives.

While ERC representatives may follow their chain of command, they shall not be abated when requesting a direct audience with their division commander in their capacity as an ERC representative acting on behalf of another employee or other employees.

Commanders should also be mindful of their responsibilities listed in section 3, subsection "Issue Process," items "d" and "e" as well as other sections of this General Order.

6 ERC GENERAL MEMBERSHIP MEETING

The Chief of Police shall establish a designated time and place for an ERC General

Membership Meeting on a biannual basis. Commanders shall attend and ensure a minimum of one ERC representative from each shift in their division attends the meeting.

Each ERC General Membership Meeting shall have an open forum segment offering ERC representatives an opportunity to present ERC issues to the Chief of Police and the Executive Staff provided the issue has first been presented to the ERC representative's division commander. Any decision rendered by the Chief of Police or an Executive Staff member regarding an open forum issue is final and cannot be appealed.

The ERC staff shall ensure issues generated during the open forum segment are documented and tracked accordingly.

7 RELATED GENERAL ORDERS

- 300-11, **Discrimination, Harassment, and Other Prohibited Conduct**
- 300-12, **Grievance Procedure**
- 300-32, **Processing Complaints and Employee Issues**
- 300-33, **Mediation**


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