General Order

Houston Police Department

ISSUE DATE:	NO.
October 31, 2024	300-12

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 300-12, dated June 19, 2018

SUBJECT: GRIEVANCE PROCEDURE

POLICY

Through the grievance process, the department seeks to resolve employment related issues in a timely, fair, and just manner. The department shall adhere to Chapter 143 of the Texas Local Government Code and the classified Meet and Confer Agreement (MCA) for classified grievances. For civilian grievances, the department shall adhere to Chapter 14 of the COH Code of Ordinances and the civilian MCA. It is a violation of Civil Service rules and regulations and department policy for any supervisor to retaliate against any employee for using the grievance process.

This General Order applies to all employees.

DEFINITIONS

48-Hour Notification Form. For this General Order, a notice provided to classified employees prior to any Step I or Step II grievance meeting.

Grievance Coordinator. The department employee assigned the task of processing employee issues filed through the department's grievance process.

Grievance. An action formally disputing a work-related issue listed in the applicable Meet and Confer Agreement and requesting relief regarding the issue.

Grievant. An employee who files a grievance.

Notice of Grievance Meeting Form. A seven-day notice provided to civilian employees prior to any Step I or Step II grievance meeting.

1 GENERAL PROVISIONS

The Alternative Dispute Resolution (ADR) Unit is responsible for processing employee workplace issues. ADR shall review all submitted grievances for eligibility and processing. The employee's applicable MCA outlines the issues that are eligible for the grievance process. For both classified and civilian employees, the grievance process consists of up to three steps, as applicable:

a. A Step I grievance meeting that is generally chaired by the division commander.

b. A Step II grievance meeting that is generally chaired by an assistant chief or equivalent in the employee's chain of command and ultimately decided by the Chief of Police.

c. A Step III grievance hearing that is chaired by a grievance examiner selected by the Civil Service Commission (classified) or by the Grievance Review Committee (civilian). Classified employees may elect arbitration instead of the Step III grievance meeting.

If ADR determines the submitted grievance is eligible for the grievance process, the grievance coordinator shall complete an *Issue Record Form* (IRF) and have a tracking number assigned. ADR shall maintain copies of all grievance related files in a secure location separate from the employee's personnel files.

Supervisors shall allow all employees reasonable time during regular working hours to file a grievance and for employees to attend scheduled grievance meetings or hearings. The department shall not charge this time against the employee. If an employee fails to meet any filing deadline, the employee forfeits the right to continue the grievance process. The grievance coordinator shall fully explain the grievance process to the grievant and answer any questions.

All employees attending a grievance meeting shall fully, candidly, and openly discuss the grievance in a sincere attempt to resolve the issue. Employees may represent themselves or obtain a representative at any time during the grievance procedure. The representative need not be an attorney. However, the City of Houston is not obligated to provide or pay the costs of providing such representation. For civilian employees, the representative shall not be a City of Houston employee.

If an employee alleges discrimination (verbally or in documentation) at any point in the grievance process, ADR shall exclude all discrimination-based issues, documents, and/or testimony from consideration of the grievance process. ADR shall refer all allegations of discrimination to the appropriate division or office for resolution.

Grievance Timeline

Employees shall strictly comply with all listed timelines and deadlines. Employees who do not timely file Step II and/or Step III grievances forever waive the right to file such grievances unless an applicable exception, as described below, applies.

When a grievance-eligible issue is being handled by another department process (e.g., if an employee alleges discrimination), the time periods mandated by statute and/or applicable MCA shall be paused (tolled). If appropriate, ADR and the grievant may return the issue to the grievance process for continued resolution without jeopardizing such timelines.

The dates required for scheduling classified or civilian meetings or hearings may not otherwise be extended except:

a. When an investigation for criminal misconduct is pending.

b. When the failure to meet a date is the result of an authorized leave of absence or excused illness of the grievant.

c. When the department is fully mobilized pursuant to General Order 600-28, **Emergency Management**.

d. When the parties mutually and voluntarily agree in writing to extend the deadlines. Any extension granted shall be reasonable and not unduly or unnecessarily delay the grievance process.

2 CLASSIFIED GRIEVANCE PROCESS

An officer who files a grievance regarding a written reprimand may elect to waive the Step I meeting and proceed directly to the Step II process. The officer shall make this election known to the grievance coordinator at the time the officer initially files the grievance.

When the Chief of Police delegates authority to a police commander or higher-ranked supervisor in the same chain of command to issue final discipline, the Chief of Police may also delegate that supervisor to conduct a Step II meeting for a written reprimand. If the grievant does not request to proceed directly to the Step II meeting, a lieutenant in the same chain of command shall conduct the Step I meeting and shall fulfill all requirements of the police commander in the Step I process.

An officer may only file a grievance regarding job performance reviews that meets the criteria contained in General Order 300-08, **Classified Employee Efficiency Rating**, and the classified MCA.

Step I Grievance Meeting – Filing and Process

To file a grievance, the officer shall complete a Step I form at the ADR Unit that describes the nature of the grievance and a proposed resolution. The grievance coordinator shall coordinate a meeting with the grievant, the grievant's division commander, the person against whom the grievance was lodged (if any), and any other person who may offer assistance in resolving the issue. The grievance coordinator shall ensure the meeting is conducted no later than 30 calendar days after the grievant initially filed the grievance.

Before any Step I meeting, the grievant's division commander shall use the *48-Hour Notification Form to* provide a minimum notice of 48 hours to the grievant. Failure to give the 48-hour notice shall sustain the grievance in favor of the grievant and no further action shall be taken. The grievant may elect to waive the 48-hour notice by signing the form. The division commander shall forward the signed copy of the form to ADR.

If the grievant files a grievance against the Chief of Police, the Chief may send a representative. If the Chief is the grievant's immediate supervisor, the grievance coordinator shall combine Steps I and II and the Chief shall meet with the grievant. The Chief of Police (or designee) shall provide the *48-Hour Notification Form*.

Step I – Response and Notice

Regardless of the outcome of the meeting and no later than five calendar days after the meeting, the division commander shall provide a written response to ADR with the following information:

a. Acknowledgment of having received the grievance, including the time and date the grievance was received.

b. Analysis of the facts or allegations involved in the grievance.

c. An explanation for affirming or denying the allegations made in the grievance.

d. Identification of the remedy or adjustments, if any, to be made.

ADR shall provide the grievant with the written response no later than 15 calendar days after the meeting, either by asking the grievant by telephone to come to ADR and sign for the written response or by sending the response by certified mail (with return receipt requested) to the grievant's home address as indicated on the grievance form.

Step II Grievance Meeting – Filing and Process

If the grievant rejects the Step I response, the grievant may file a Step II grievance with the ADR Unit no later than 15 calendar days after receiving the Step I response. If the grievant does not timely file a Step II grievance, ADR shall consider the proposed resolution accepted and close the issue.

If the grievant files a Step II grievance, the grievance coordinator shall coordinate a meeting between the grievant and the assistant chief in the grievant's chain of command, or an appropriate assistant chief outside the grievant's chain of command who has responsibility for resolving the issue. The grievance coordinator shall ensure the meeting is conducted no later than 15 calendar days after the grievant filed the Step II grievance.

Before any Step II meeting, the grievance coordinator shall use the *48-Hour Notification Form* to provide a minimum notice of 48 hours to the grievant. Failure to give the 48-hour advance notice shall sustain the grievance in favor of the grievant and no further action shall be taken. The grievant may elect to waive the 48-hour notice by signing the form.

Step II – Response and Notice

Regardless of the outcome of the meeting, the assistant chief shall submit a written recommendation to the Chief of Police no later than five calendar days after the meeting. The Office of the Chief of Police shall draft a written response to the grievant and forward the response to ADR no later than 10 calendar days after the meeting.

ADR shall provide the grievant with the written response no later than 15 calendar days after the meeting, using the same procedure as Step I.

Step III Classified Grievance Hearing – Filing, Process, and Outcome

If the grievant rejects the department's Step II response, the grievant may file a Step III grievance at the City of Houston Human Resources Department, Employee Relations Division no later than 15 calendar days after receiving the Step II response. If the grievant does not timely file a Step III grievance, ADR shall consider the proposed resolution accepted and close the issue.

At Step III, a Civil Service Commission grievance examiner shall preside over a hearing between the grievant and a department representative designated by the Chief of Police. The grievance examiner shall prepare written findings and recommendation(s) for resolution of the grievance and shall forward the Step III written response to the grievant and the department via certified mail no later than 15 calendar days after the Step III hearing. The department and the grievant shall consider the grievance examiner's written findings and recommended solution(s) as a final, binding order, and neither party may appeal the order.

Instead of a Step III classified grievance hearing, the grievant may elect to use arbitration to resolve the grievance issue. During arbitration, a neutral, third-party hearing examiner renders a decision after a hearing at which both parties have an opportunity to be heard and present evidence.

3 CIVILIAN GRIEVANCE PROCESS

If the grievant's division commander cannot resolve a filed grievance because of a lack of authority, ADR may proceed directly to the Step II process.

Step I Grievance Meeting – Filing and Process

To file a grievance, the civilian employee shall complete a Step I form at the ADR Unit that describes the nature of the grievance and a proposed resolution. The grievance coordinator shall coordinate a meeting with the grievant, the grievant's division commander, the person against whom the grievance was lodged (if any), and any other person who may offer assistance in resolving the issue. The grievance coordinator shall ensure the meeting is conducted no later than 30 calendar days after the grievant initially filed the grievance. If the meeting is not conducted within 30 calendar days, the grievance coordinator shall automatically proceed to Step II.

Unless a shorter period is mutually agreed upon, the grievance coordinator shall give the grievant at least seven calendar days' notice of any meeting, using the *Notice of Grievance Meeting* form. No later than 24 hours before the meeting, both parties shall mutually disclose to the grievance coordinator all non-privileged information and names of witnesses or persons with relevant knowledge and provide documents to be used in the step meetings. Failure by either party to disclose known witnesses or persons with relevant knowledge, documents, or information may be grounds for exclusion or inclusion of such evidence, when appropriate. Failure by the department to disclose known witnesses or persons with relevant knowledge, documents, or information may subject the person responsible to discipline.

If the grievant files a grievance against the Chief of Police, the Chief may send a representative. If the Chief is the grievant's immediate supervisor, the grievance coordinator shall combine Steps I and II and the Chief shall meet with the grievant. The Chief of Police (or designee) shall provide the *Notice of Grievance Meeting* form.

Step I – Response and Notice

Regardless of the outcome of the meeting and no later than five calendar days after the meeting, the division commander shall provide a written response to ADR containing the same information as Step I of Section 2, *Classified Grievance Process*.

If the division commander fails to submit a written response within 10 calendar days after the meeting, the grievance coordinator shall have an additional 10 calendar days to automatically schedule a Step II meeting. A division commander who fails to timely comply with the requirements of this section may be subject to discipline.

ADR shall provide the grievant with the written response no later than 10 calendar days after the meeting, either by asking the grievant by telephone to come to ADR and sign for the written response or by sending the response by certified mail (with return receipt requested) to the grievant's home address as indicated on the grievance form. The response is deemed to be received on the date the letter is mailed.

Step II Grievance Meeting – Filing and Process

The grievant shall accept the Step I proposed resolution entirely or not at all. If the grievant accepts the proposed resolution, the department shall implement the resolution. If the grievant rejects the Step I response, the grievant may file a Step II grievance with the ADR Unit no later than 10 calendar days after receiving the response. If the grievant does not timely file a Step II grievance, ADR shall terminate the grievance process and close the issue.

If the grievant files a Step II grievance, the grievance coordinator shall coordinate a meeting between the grievant and the assistant chief or civilian equivalent in the grievant's chain of command, or an appropriate assistant chief outside the grievant's chain of command who has responsibility for the issue. Unless a shorter period is mutually agreed upon, the grievance coordinator shall give the grievant at least seven calendar days' notice of any meeting, using the *Notice of Grievance Meeting* form.

No later than 24 hours before the scheduled Step II meeting, both parties shall mutually disclose to the grievance coordinator all additional nonprivileged documents reasonably related to the grievance issue and not previously disclosed or discovered through the exercise of reasonable diligence at Step I. Documents or information indirectly related to the grievant or other employees may be disclosed at the discretion of the department and the employee respectively.

The grievance coordinator shall ensure the meeting is conducted no later than 45 calendar days after the grievant filed the Step II grievance. If the meeting is not conducted within 45 calendar days, the grievant has 10 calendar days to request that a grievance examiner order the grievance to proceed to Step III without a Step II meeting. The grievant may file the request with the City of Houston Human Resources Department, Employee Relations Division.

Step II – Response and Notice

Regardless of the outcome of the meeting, the assistant chief or civilian equivalent shall submit a written recommendation to the Chief of Police no later than five calendar days after the meeting. The Office of the Chief of Police shall draft a written response to the grievant and forward the response to ADR no later than 10 calendar days after the meeting.

ADR shall provide the grievant with the written response no later than 10 calendar days after the meeting, using the same procedure as Step I. If the Chief of Police does not timely submit a written response, the grievance coordinator shall have an additional 10 calendar days to refer the grievant to the Civil Service Coordinator of the City of Houston Human Resources Department, who will automatically set the grievance for a Step III hearing.

Step III Civilian Grievance Hearing – Filing, Process, and Outcome

If the grievant formally rejects the department's Step II response, the grievant has 10 calendar days after receiving the response to file a Step III grievance at the City of Houston Human Resources Department, Employee Relations Division.

At Step III, a duly selected civilian Grievance Review Committee shall preside over a hearing between the grievant and a department representative designated by the Chief of Police. The Grievance Review Committee shall prepare written findings and recommendation(s) for resolution of the grievance and shall forward the written response to the grievant and the

department via certified mail no later than 10 calendar days after the hearing. Step III is the final step in the civilian grievance process.

4 COMPENSATION

An employee who is subpoenaed by the city attorney's office to appear as a factual witness in any hearing or meeting shall be considered on-duty for the time the employee is required to be present at the hearing. An employee whose testimony relates primarily to the character or reputation of the employee is not entitled to overtime compensation.

The department shall provide overtime compensation to the employee who initiated the grievance if any meeting or hearing is scheduled outside the employee's normally assigned working hours and the employee prevails in the grievance.

5 REFERENCE MATERIAL

Chapter 143, Texas Local Government Code
Meet and Confer Agreements (Civilian and Classified)
City of Houston Municipal Code of Ordinances, Chapter 14 – Civil Service: Grievances

J. Noe Diaz, Jr.
Chief of Police