



# MILWAUKEE POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE

### 860 – CIVILIAN MEMBER GRIEVANCE PROCEDURE

**GENERAL ORDER:** 2014-21  
**ISSUED:** May 2, 2014

**EFFECTIVE:** May 2, 2014

**REVIEWED/APPROVED BY:**  
Captain Regina Howard  
**DATE:** February 25, 2014

**ACTION:** Amends General Order 2011-29 (September 30, 2011)

**WILEAG STANDARD(S):** 2.2.1, 2.2.2

#### **860.00 PURPOSE**

This policy has been established to resolve differences involving the interpretation, application, or enforcement of the Code of Conduct, standard operating procedure, policies, and procedures that result in disciplinary actions for non-sworn, non-probationary, non-exempt full-time and half-time members of the department.

#### **860.10 POLICY (WILEAG 2.2.1)**

This procedure is applicable only to non-sworn, non-probationary, non-exempt full-time and half-time civilian members that are not subject to a collective bargaining agreement for disciplinary actions and who receive a district level reprimand, official reprimand, or suspension without pay for less than six (6) days. Members that are discharged, demoted, or suspended without pay for more than five (5) working days are subject to Fire and Police Commission appeal procedures.  
(WILEAG 2.2.1.1)

#### **860.20 PROCEDURE (WILEAG 2.2.1)**

- A. Civilian members and supervisors shall make every reasonable effort to resolve any concerns, questions, or misunderstandings that have arisen from the imposition of discipline before filing grievances.
- B. If a civilian member wishes to initiate a disciplinary grievance, the grievance shall be initiated by filing a *Department Memorandum* (form PM-9E). The grievance will always begin one step above the chain of command at which the discipline was administered, except that in cases of discipline administered by the Chief, the grievances shall be initiated at step 3 of the appeal process (e.g., a PD-30 issued by a sergeant or lieutenant, would begin the appeals process at step 1, while most other discipline appeals would begin at step 3).  
(WILEAG 2.2.1.1 and 2.2.1.2)
- C. The civilian member may be accompanied by a representative at any step of the grievance procedure.
  1. If a department member covered under this section is the member's representative, he/she must attend on their own time.

(WILEAG 2.2.1.4)

**860.30 APPEAL PROCESS (WILEAG 2.2.1)**

A. Step 1 – District or Division Commander

1. The member may submit a written disciplinary grievance by filing a *Department Memorandum* (form PM-9E) to the commanding officer of their district or division within ten (10) days of receiving the discipline notice.  
(WILEAG 2.2.1.3)
2. The commanding officer of the district or division may confer with the member and department personnel as necessary, and shall provide the member with a written disposition within fifteen (15) days of receipt of the grievance.  
(WILEAG 2.2.1.3)

B. Step 2 – Chief's Panel

1. If the grievance is not resolved in step 1, the member may submit the written grievance to Office of the Chief and request a panel of not more than three supervisory members designated by the Chief, within ten (10) days of receipt of the decision of the commanding officer.  
(WILEAG 2.2.1.3)
2. The Chief's panel may confer with the member and department personnel as necessary, and shall provide the member with a written disposition within fifteen (15) days of receipt of the written appeal.  
(WILEAG 2.2.1.3)

C. Step 3 – Chief

1. If the grievance is not resolved in step 2 or when administered by the Chief per 860.20 of this SOP, the member may submit the written grievance to the Chief within ten (10) days of receipt of the decision by the Chief's panel.  
(WILEAG 2.2.1.3)
2. The Chief, or designee, may confer with the member and department personnel as necessary, and shall provide the member with a written disposition within fifteen (15) days of receipt of the written appeal.  
(WILEAG 2.2.1.3)

D. Step 4 – City Labor Negotiator

1. If the grievance is not resolved in step 3, the member may submit the written grievance through the Chief of Police to the city labor negotiator within ten (10) days of receipt of the decision by the Chief of Police.  
(WILEAG 2.2.1.3)

2. The city labor negotiator may confer with the member and department personnel as necessary. The city labor negotiator shall determine whether the discipline was reasonable under the circumstances and shall provide the member with a final written disposition within fifteen (15) days of receipt of the written appeal either affirming, reducing, or overturning the discipline, upon conditions the independent reviewer deems appropriate for the circumstances.  
(WILEAG 2.2.1.3)

#### **860.40 REQUIREMENTS (WILEAG 2.2.1, 2.2.2)**

- A. All grievances which are initiated shall utilize a *Department Memorandum* (form PM-9E) and shall contain the following information:
  1. The civilian member shall describe the action they wish to grieve including the pertinent facts related to the discipline.
  2. The civilian member shall state why he/she wishes to grieve the disciplinary action.
  3. The civilian member shall describe whether or not he/she has discussed their concerns about the discipline with a supervisor. The member shall provide the name and rank of the member, the date of the discussion, as well as a brief summary of the outcome of the discussion.
  4. The civilian member shall state what he/she recommends should be done to resolve the grievance.  
(WILEAG 2.2.1.2)
- B. Any grievance not appealed to the next step within the allotted time shall be considered abandoned, unless extended by management necessity or mutual agreement.
- C. When a final disposition on a grievance has been achieved, the supervising authority at the step the final disposition was obtained must send the original memorandum initiating the grievance and a copy of all subsequently filed paperwork, including the final disposition, to the Human Resources Division within fifteen (15) days of the final disposition as the Human Resources administrator shall be the coordinator of the civilian member grievance procedure.
- D. The Human Resources Division shall submit an annual report to the Fire and Police Commission of all grievances filed and their disposition.



EDWARD A. FLYNN  
CHIEF OF POLICE