

ILLINOIS STATE POLICE PER-031, GRIEVANCE PROCEDURES

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| RESCINDS: PER-031, 2013-056, revised 08-05-2013. | REVISED: 03-27-2017 2017-020 |
| RELATED DOCUMENTS: PER-013, PER-029, PER-030, PER-043, ROC-002 | RELATED CALEA STANDARDS: 25.1.1, 25.1.2, 25.1.3, 35.1.12 |

I. POLICY

- I.A. The Illinois State Police (ISP) will increase individual job satisfaction and promote a more cooperative environment by providing a means of redress for employees who believe their rights and/or defined by policy or privileges have been violated.
- I.B. This directive covers employees of the Department who are members of a collective bargaining unit as well as those who are not bargaining unit members.
 - I.B.1. For grievance procedures established for sworn personnel, refer to the applicable provisions of the respective collective bargaining agreement. (See also Addendum 1 of this directive.)
 - I.B.2. For grievance procedures concerning sworn employees not part of a collective bargaining unit, refer to Addendum 2 of this directive.
 - I.B.3. For grievance procedures established by collective bargaining agreements for code employees, refer to the respective collective bargaining agreement. (See also Addendum 3 of this directive.)
 - I.B.4. For code employees not a part of a collective bargaining unit, refer to grievance procedures within the Illinois Department of Central Management Services Personnel Rules.
 - I.B.5. For matters covered by another written directive providing for procedures to resolve specific disagreements, refer to the specific directive.

II. DEFINITION

- II.A. Agreement - the collective bargaining agreement between the ISP and/or State of Illinois and a recognized labor union. Recognized agreements exist between the ISP/State of Illinois and:
 - II.A.1. American Federation of State, County, and Municipal Employees (AFSCME) - RC-014, 28, 42, 62, and 63
 - II.A.2. Illinois Federation of Public Employees Local 4408 (IFPE) - RC-029
 - II.A.3. Illinois State Employees Association Local 2002 (ISEA) - VR-704
 - II.A.4. International Brotherhood of Electrical Workers (IBEW)
 - II.A.5. International Union of Operating Engineers (IUOE) - VR-007
 - II.A.6. Fraternal Order of Police (FOP) Trooper's Lodge #41 - (Troopers, Special Agents, and Sergeants) - RC-164
 - II.A.7. Teamsters Local #700 - (Master Sergeants) - SRC-120
 - II.A.8. Fraternal Order of Police (FOP) Command Council - (Lieutenants and Captains) - SRC-018
- II.B. Bargaining unit members - those employees covered by a collective bargaining agreement.
- II.C. Directly - means not through the chain-of-command.

II.D. Grievance

- II.D.1. For sworn employees not part of a bargaining unit, grievances are the claimed unjust treatment, violation, misinterpretation, or inequitable application of any rules, regulations, or policies applicable to employees over whom management has control. Disagreements arising out of matters involving discipline, promotional examinations, and performance ratings will not be considered grievances.
- II.D.2. For sworn employees who are covered under a collective bargaining agreement, see the definitions in the applicable bargaining unit agreement.
- II.D.3. For code employees not part of a bargaining unit, see the definition in the Illinois Department of Central Management Services Personnel Rules (see the website at <http://www2.illinois.gov/cms>).
- II.D.4. For code employees who are covered as part of a collective bargaining agreement, see definitions in the applicable bargaining unit agreement.

II.E. Grievant - an employee or union representative who has filed a grievance.

III. PROCEDURES

III.A. General information

- III.A.1. To ensure consistency, all supervisors will contact the Office of Labor Relations and Special Projects (OLR) prior to responding to any grievance.
- III.A.2. The Department will not take retaliatory action against a grievant.

III.B. Absence of Supervisor

In the event a supervisor's absence extends beyond ten calendar days, the grievant can forward the grievance to the next higher supervisor in the chain-of-command for resolution. The supervisor receiving the grievance shall provide a copy of the grievance and any relative information to the absent supervisor for informational purposes.

III.C. Documentation and report

The OLR will be the primary repository for all grievance documentation.

- III.C.1. When a grievance has been filed, and at each subsequent step until resolution, copies of all documentation concerning the grievance will be immediately forwarded to OLR and through the chain-of-command to the Colonel of the Division/Command in which the grievance was originally filed.
- III.C.2. OLR will maintain a separate and secure file for grievance documentation.
 - III.C.2.a. On a regular basis, but not less than annually, OLR will review all grievance documentation received since the previous review and prepare a report with any needed recommendations regarding its findings for the Director.
 - III.C.2.b. Grievance records will be kept indefinitely.

IV. RULES AND REGULATIONS

Grievance procedures as set forth in this directive do not supersede the ISP Directives ROC-002, "Rules of Conduct," PER-030, "Complaint and Disciplinary Investigations," and PER-103, "Code Employee Disciplinary Rules," regarding compliance with authority.

| Indicates new or revised items.

-End of Directive-

**ILLINOIS STATE POLICE
PER-031, GRIEVANCE PROCEDURES
ADDENDUM 1, GRIEVANCE PROCEDURES FOR SWORN PERSONNEL COVERED
BY A COLLECTIVE BARGAINING AGREEMENT**

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| RESCINDS: PER-031, 2013-056, revised 08-05-2013. | REVISED: 03-27-2017 2017-020 |
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- I. Employees must file grievances within the number of days prescribed in their respective bargaining agreement of the event(s) giving rise to the grievance or when the grievant should have known of the event(s) giving rise to the grievance.
 - I.A. The time prescribed will be strictly enforced unless mutually extended in writing by the bargaining unit representative and the Department. The bargaining unit representative must forward a request for extending the time limits directly to Office of Labor Relations and Special Projects (OLR), who represents the Department in the administration of the collective bargaining agreement. Both the bargaining unit representative and the OLR must agree to the extension of the time limit.
 - I.B. Any failure by the bargaining unit representative or an employee to process a grievance within the time limits set forth at the various steps will be deemed a waiver of the grievance, unless good cause is established.
 - I.C. Any failure by the Department to respond within the time limits set forth at the various steps will be deemed a denial of the grievance and the bargaining unit representative may take the grievance to the next step of the procedure.
 - I.D. Times will be determined by excluding the first calendar day (date the grievance was filed, the date the grievant was notified, the date of the grievance meeting, etc.) and including the last calendar day.

- II. Grievance Process
 - II.A. Step I (immediate supervisor who is not in the same bargaining unit)
 - II.A.1. The grievant must present a written grievance to his/her immediate supervisor who is not in the same bargaining unit within the prescribed time limits (see paragraph I.).
 - II.A.2. The immediate unit supervisor who is not in the same bargaining unit will:
 - II.A.2.a. Investigate the facts and allegations and check to see if the grievance was filed within the prescribed time limits.
 - II.A.2.b. As soon as practical, inform and discuss the grievance with his/her Unit Commander and OLR.
 - II.A.2.c. After consulting with the Unit Commander and OLR, respond to the grievance within the prescribed time from the date the grievance was first presented. OLR will issue a grievance number and assist in the wording of the response.
 - II.A.2.d. Have the grievant initial, date the original grievance acknowledging receipt of the Step I response, and provide the grievant with a copy.
 - II.A.2.e. Give the original and two copies of the grievance with all supporting documentation to the Unit Commander.
 - II.A.3. After the Step I process has been completed, the Unit Commander will send the original grievance and all supporting documentation directly to OLR, and a copy of the grievance form and all supporting documentation through the chain-of-command to the grievant's Colonel.

Addendum 1, Grievance Procedures for Sworn Personnel Covered by a Labor Agreement

II.B. Step II (representative)

II.B.1. If the bargaining unit representative advances the grievance to Step II, he/she must submit the original grievance form and Step I response to the Step II representative within the prescribed time limits of the date the grievant was notified of the Step I response.

II.B.2. Step II representatives are as follows:

II.B.2.a. For the Divisions of Operations and Internal Investigation - the Region or Area Commander

II.B.2.b. For the Division of Administration - the Lieutenant Colonel

II.B.2.c. For the Division of Forensic Services - the Crime Scene Services Commander

II.B.2.d. For the Office of the Director – OLR

II.B.3. The Step II representative will:

II.B.3.a. Check to see if the grievance was advanced by the bargaining unit representative within the prescribed time limits. If not, the Step II representative will deny the grievance.

II.B.3.b. As soon as practical, send a copy of the grievance form through the chain-of-command to the grievant's Colonel and a copy directly to OLR.

II.B.3.c. Schedule a meeting with the bargaining unit representative within ten calendar days of receipt of the grievance to discuss the grievance.

II.B.3.d. Prior to responding to the grievance, consult with OLR.

II.B.3.e. Document the response on the grievance form within ten calendar days of the Step II grievance meeting. OLR will assist in the wording of the response.

II.B.3.f. Send a copy of the grievance form and any new supporting documentation through the chain-of-command and a copy of the grievance form and any new supporting documentation directly to OLR.

II.C. Step III (Director or his/her designee)

II.C.1. If the bargaining unit is not satisfied with the Step II response, the bargaining unit representative may advance the grievance to Step III by submitting the grievance to OLR, but must do so within the prescribed time of receipt of the Step II response.

II.C.2. OLR will:

II.C.2.a. Schedule a meeting with the bargaining unit representative within ten calendar days of receipt of the grievance.

II.C.2.b. Contact the appropriate Colonel for his/her input.

II.C.2.c. Respond to the grievance in writing within the prescribed time from the date of the Step III meeting.

II.C.3. If OLR fails to respond to the grievance within the prescribed time limits or the bargaining unit representative is not satisfied with the Step III response, it may advance the grievance to arbitration, but must do so within the prescribed time.

III. The following are not subject to the grievance procedure:

III.A. Discharge or discipline of a probationary employee.

III.B. Any action that is subject to the Merit Board's jurisdiction, pursuant to 20 ILCS 2610/13 and 20 ILCS 2610/14, et seq., until the officer involved has petitioned the Merit Board for review of the action and, in those cases where it is permitted to do so, the Merit Board declines review of the petition.

Addendum 1, Grievance Procedures for Sworn Personnel Covered by a Labor Agreement

- III.C. Summary punishment, except when an officer wishes to challenge the application of summary punishment on the fourth and/or succeeding application of summary punishment administered within the previous 12-month period. The officer must, however, first request that the Merit Board review the fourth and/or succeeding summary punishment within the 12-month period, and the Merit Board must decline to review the summary punishment.

| Indicates new or revised items.

- End of Addendum -

**ILLINOIS STATE POLICE
PER-031, GRIEVANCE PROCEDURES
ADDENDUM 2, GRIEVANCE PROCEDURES FOR SWORN PERSONNEL NOT
COVERED BY A COLLECTIVE BARGAINING AGREEMENT**

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I. General information

- I.A. Employees have the right, upon request, to have a person of their choosing present to represent and/or counsel them at all grievance proceedings. This person can act as the grievant requests as long as it does not disrupt the proceedings.
- I.B. A grievance will be considered withdrawn upon a grievant's failure to file a written appeal within ten calendar days after receiving a written decision at Step 1 or Step 2.

II. Step 1

- II.A. The grievance must be presented, in writing, to the employee's immediate supervisor.
 - II.A.1. The supervisor must document date, time, place, and other pertinent facts to verify that proper procedures were followed.
 - II.A.2. A copy of the grievance and any documentation will be forwarded directly to the Office of Labor Relations and Special Projects (OLR).
 - II.A.2.a. A grievance will be considered valid only if it is presented within ten calendar days of the date the grievant knew, or should have known, of the existence of the circumstances or event that gave rise to the grievance.
 - II.A.2.b. The immediate supervisor will respond with a dated, written response to the grievant within ten calendar days of receiving the grievance.
 - II.A.2.b.1) The grievant must sign and date the response.
 - II.A.2.b.2) A copy of the completed grievance response form should be faxed immediately to the OLR.
 - II.A.2.b.3) The original completed grievance response should be forwarded to the OLR.

III. Step 2

- III.A. If the grievance is not resolved in Step 1 (section II.), the employee may pursue a written appeal.
 - III.A.1. The written appeal must be presented to the next higher supervisor in his/her chain-of-command within ten calendar days of receiving a written Step 1 response.
 - III.A.2. If the grievant does not receive a written response within the required ten days, it will be deemed a denial of the grievance at Step 1 (section II.) and the grievant may present a written appeal to the next higher supervisor within the chain-of-command within ten calendar days.
- III.B. Time limits required for conferences and written decisions may be waived by mutual agreement between the grievant and the level in the chain-of-command receiving the written appeal. All waivers must be documented and immediately sent to OLR and kept as part of the process file.

Addendum 2, Grievance Procedures for Sworn Personnel Not Covered by a Labor Agreement

- III.C. The written appeal must be documented on a form prescribed by OLR and include:
 - III.C.1. The facts upon which it is based
 - III.C.2. An allegation of the specific wrongful act and the harm done
 - III.C.3. A statement of the remedy or adjustment sought
- III.D. When the written appeal is received by the supervisor, the supervisor must note "Received by" then write their rank or position title, name, ID (if applicable), date, and time. Three copies will then be made of the written appeal and one copy, each, provided to:
 - III.D.1. The employee making the appeal
 - III.D.2. The employee's immediate supervisor
 - III.D.3. OLR
- III.E. Within ten calendar days after receipt of the written appeal, the supervisor hearing the appeal must schedule a conference with, or render a written decision to, the aggrieved employee.
 - III.E.1. If a conference is scheduled, a written decision is still required within ten calendar days after the conference.
 - III.E.2. The written decision must include an analysis of the facts or allegations, affirmation or denial of the grievance, and a remedy or adjustments, if any, to be made.
- IV. Step 3
 - IV.A. If the written decision at Step 2 (section III.) is not satisfactory to the grievant or the time limitations are not met, the grievant may file a written appeal with the next higher level in the chain-of-command within ten calendar days. This process can be repeated through the chain-of-command.
 - IV.B. The requirements established for Step 2 (section III.) apply to each level in the chain-of-command.
 - IV.C. The Director, or his/her designee (OLR), is the final ISP authority for this grievance process.

| Indicates new or revised items.

- End of Addendum -

**ILLINOIS STATE POLICE
PER-031, GRIEVANCE PROCEDURES
ADDENDUM 3, GRIEVANCE PROCEDURES FOR PERSONNEL COVERED BY A
CODE EMPLOYEE COLLECTIVE BARGAINING AGREEMENT**

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| RESCINDS: PER-031, 2013-056, revised 08-05-2013. | REVISED: 03-27-2017 2017-020 |
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I. Step 1

- I.A. A grievance must be presented to the immediate supervisor or first level supervisor who is outside the bargaining unit (Step 1) for an oral discussion and the immediate supervisor shall render an oral response within the time limits prescribed by the applicable collective bargaining agreement.
- I.B. The immediate, non-bargaining unit supervisor will:
 - I.B.1. Investigate the facts and allegations and check to see if the grievance was filed within the prescribed time limits.
 - I.B.2. As soon as practical, inform and discuss the grievance with his/her Unit Commander and the Office of Labor Relations and Special Projects (OLR).
 - I.B.3. After consulting with the Unit Commander and OLR, respond to the grievance within the prescribed time from the date the grievance was first presented.
 - I.B.4. Provide a copy of the grievance and all supporting documentation to the Unit Commander.
- I.C. After the Step I process has been completed, the Unit Commander will send a copy of the grievance and all supporting documentation to the OLR, and a copy of the grievance form and all supporting documentation through the chain-of-command to the grievant's Colonel.

II. Step 2

- II.A. If the employee or bargaining unit representative does not accept the immediate supervisor's response, the collective bargaining representative may advance the grievance to the intermediate administrator (Step 2) who will discuss the grievance with the collective bargaining representative and render a written response within the time limits prescribed by the applicable collective bargaining agreement.
- II.B. Intermediate Administrators (Step 2 representative)
 - II.B.1. For the Division of Operations (DOO) – District or Zone Commander
 - II.B.2. For all other DOO Employees – Lieutenant Colonel or Bureau Chief
 - II.B.3. For the Division of Administration – Bureau Chief
 - II.B.4. For the Division of Forensic Services – Bureau Chief or Commander
 - II.B.5. For the Division of Internal Investigation – Colonel
- II.C. The Intermediate Administrator (Step 2 representative) will:
 - II.C.1. Check to see if the bargaining unit advanced the grievance within the prescribed time limits. If not, the representative will deny the grievance.
 - II.C.2. As soon as practical, send a copy of the grievance form through the chain-of-command to the grievant's Colonel and a copy directly to OLR.

Addendum 3, Grievance Procedures for Personnel Covered by a Code Employee Labor Agreement

- II.C.3. Upon receipt of the grievance, schedule a meeting within the prescribed number of days as required by the applicable collective bargaining agreement, to discuss the grievance with the bargaining unit representative filing the grievance.
- II.C.4. Prior to responding to the grievance, consult with the OLR.
- II.C.5. Render a written response to the bargaining unit representative within the number of days as prescribed by the applicable collective bargaining agreement. The OLR is available to assist with the wording of the response.
- II.C.6. Send a copy of the grievance form and any new supporting documentation through the chain-of-command and a copy of the grievance form and any new supporting documentation directly to OLR.

III. Step 3

If the grievance is still unresolved, the collective bargaining representative may present the grievance to the OLR as the Director's designee (Step 3), who will discuss the grievance with the applicable union representative and render a written response within the time limits prescribed by the applicable collective bargaining agreement.

IV. Step 4

If the grievance is not resolved at Step 3, the union may appeal the grievance to the Department of Central Management Services (Step 4) who will discuss the grievance with the applicable union representative after which the parties will determine the grievance resolved, withdrawn or scheduled for arbitration.

- End of Addendum -