



# MILWAUKEE POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE

### 510 – WORKPLACE SAFETY GRIEVANCE

GENERAL ORDER: 2011- 24

ISSUED: August 25, 2011

EFFECTIVE: August 25, 2011

ACTION: CREATION OF SOP

#### **510.00**    **PURPOSE**

- A. This policy has been established per Wisconsin State Statute, Section 66.0509 that addresses the implementation of a workplace safety grievance procedure.
- B. The Milwaukee Police Department is committed to providing a safe work environment for all Department members. The Department strives to provide a work environment that is free of hazards and that meets federal and state safety and health standards and regulations. This commitment relies on the expectation that it is the responsibility of all personnel to create and maintain a safe work environment.
- C. A safe work environment is dependent upon cooperation and communication between supervisors and Department members. Clear communication allows for the identification of workplace hazards, implementation of effective and preventative solutions, and training programs to address safety needs.
- D. This procedure is designed to allow members to identify, document and report safety related concerns, and for supervisors to address them in a timely and expeditious manner.

#### **510.10**    **POLICY**

##### A. APPLICABILITY

- 1. This policy will govern three (3) main areas of applicability as it relates to workplace grievance procedures:

- a. The physical environment and conditions encountered by Department members in performance of their assigned duties; including facility work space, sanitation, air quality, temperature, signage, and lighting.
- b. The methods used in the performance of assigned duties; including use and maintenance of equipment, tools, and materials.
- c. Administrative and/or operational policies and practices; including posted signage of hazards, prevention and control policies and practices, safety training, including hazardous communication and procedures involving blood borne pathogens, emergency planning and preparedness policies, handling mail and incoming packages/deliveries, and transportation.

## **510.20**     **PROCEDURE**

### **A. IDENTIFYING AND REPORTING**

1. Safety issues or concerns that require immediate action shall not be delayed by the steps outlined in this procedure. It is the Department member's responsibility to immediately notify a supervising officer of a safety hazard in writing on a Report of Hazardous Workplace/Conditions, form *PSD-63E*, and a Department Memorandum, form *PM-9E*. The supervisor that was notified about the safety hazard will respond without delay.
2. The supervisor should consult with his/her commanding officer on the appropriate course of action to be taken to remove the safety hazard. The notification must be made in writing on a Department Memorandum, form *PM-9E*. The commanding officer will take the appropriate action in removing the safety hazard or direct a subordinate member to consult with necessary personnel to formulate a strategy for resolving the issue and implementing the appropriate risk controls.
3. The supervisor should use discretion in notifying a commanding officer when safety hazards are brought to his/her attention. Safety hazards that are very minor in nature that do not require removal of a permanent fixture or expense to the Department can usually be handled by any supervising officer. However, a written disposition shall be submitted from the supervisor to his/her commanding officer on a Department Memorandum, form *PM-9E*, identifying the safety hazard complaint and how the hazard was removed. If the supervisor is unsure if he or she has the authority to remove the safety hazard, he or she must adhere to the procedure outlined in section 510.20 (2) of this policy.

4. **Nothing within this policy shall prevent any supervisor from acting in exigent circumstances where immediate threat of injury or illness exists if the safety hazard is not removed immediately.**
5. The resolution of the issue should take into account relevant risk factors, including, but not limited to:
  - a. Whether the concern or hazard can be isolated.
  - b. The number and location of members affected.
  - c. Whether appropriate temporary measures are possible or desirable.
  - d. Whether environmental monitoring is desirable.
  - e. The time that may elapse before the hazard or risk is permanently corrected.

#### B. INJURY OR ILLNESS

1. Safety hazards resulting in injury or illness to a member(s) shall result in the reporting supervisor filing an EB-49 Worker's Compensation Report, and the PM-12 Injury Classification Report. The supervisor shall also ensure that the injured/ill member file a Report of Hazardous Workplace/Conditions, *form PSD-63E*, and a Department Memorandum, *form PM-9E*. These reports are to be directed to the Medical Section within 24 hours of complaint.
2. Supervisors will be responsible for documenting the safety hazard that resulted in an injury or illness in a Department Memorandum, *form PM-9E* and submit a copy to the Medical Section within 5 days of the incident. The Memorandum must include:
  - a. Date the injury or illness occurred.
  - b. Name of complainant and matter involved.
  - c. Type of injury or illness.
  - d. The name of the department/division the hazard was reported to in order to correct the problem, and the name of the person spoken to.
  - e. Whether or not the hazard was corrected (if known at the time the report is being filed). If the hazard will not be corrected, indicate the reason.

#### **510.30      APPEAL PROCESS**

Department members who reported a hazard to a supervisor must wait a reasonable amount of time for the situation to be resolved. If the reporting member has reason to believe that the situation is not being resolved in a timely manner, the member has the right to inquire on the status of the hazardous complaint. If the member is unsatisfied with the response from his/her supervisor regarding the complaint, then the following steps can be taken:

1. The member may submit a safety issue grievance in writing on a Department Memorandum, *form PM-9E*, to their commanding officer.
2. Within five days of receipt of the written grievance, the commanding officer or designee shall provide the member with a written disposition to the grievance.
3. If the safety issue is not resolved or addressed appropriately, the member may, within five days, forward a written appeal on a Department Memorandum, *form PM-9E* through their commanding officer to the Bureau Assistant Chief of the reporting member.
4. Within ten days, the Bureau Assistant Chief or designee shall provide the member with a written disposition to the grievance.
5. If the safety issue has not been resolved or addressed appropriately, the member may submit, through the Bureau Assistant Chief, a written appeal within five days to the Chief of Police.
6. Within ten days, the Chief of Police or designee shall provide the member with a written disposition.
7. If the safety issue has not been resolved or addressed appropriately, through the Chief of Police, the member may submit a written appeal within five days to the executive director of the Fire and Police Commission.
8. Within ten days, the executive director of the Fire and Police Commission shall provide the member with a written disposition.

**NOTE: During each phase of the appeal process, the commanding officer, the Bureau Assistant Chief, the Chief of Police, and the Executive Director of the Fire and Police Commission may confer in person with the member and relevant Department personnel as necessary in an attempt to remove the safety hazard.**

#### **510.40 REQUIREMENTS**

- A. All grievance initiations, appeals, and dispositions will be conducted by utilizing a Report of Hazardous Workplace/Conditions, *form PSD-63E* (first reporting person of safety hazard), and a Department Memorandum, *form PM-9E*. Any safety issue that is not appealed to the next step within the allotted time shall be considered resolved, unless extended by management necessity or mutual agreement.

- B. A copy of all written grievances, appeals, and dispositions must be sent to the Medical Section within five days of complaint.
- C. The Medical Section shall submit an annual report to the Fire and Police Commission of the all grievances initiated, along with the disposition.



EDWARD A. FLYNN  
CHIEF OF POLICE

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