

# Chief^ Robert A. Verry, CPM, M.A.

## Educational Instructor / Consultant

Post Office Box 47  
South Bound Brook, New Jersey 08880  
Tel: 732.302.9520  
Fax: 732.377.8710  
[BobVerry@aol.com](mailto:BobVerry@aol.com)

## Concentration

Police Misconduct / Internal Affairs  
Disciplinary Hearing Officer  
Grievance Processing  
Collective Bargaining  
Labor Relations

### **The Grievance: Cat or Mouse**

Ask yourself, do you want to be the Cat or the Mouse as it relates to handling grievances and/or unfair labor practice charges? If you like being the Mouse you need not read further; however, if you're like most including me and want to be the Cat, I'm going to give you a simple procedure to follow to equalize the playing field.

Having the opportunity to be on both sides of grievances (i.e., Management & Labor) throughout my career I have unofficially examined some similar techniques common to both entities. This abbreviated article will focus on one specific thing the Chief can do to hold the Union accountable to the taxpayers, make the Union justify their rationale for their action, and insure in the end a fair and reasonable decision in the best interest of all parties.

As discussed in my previous article *Better Read the Not So Fine Print*, I pointed out that it is in the municipality and Chief's best interest for the Chief to be the very first step in any grievance procedure. Concluding the Chief is the first step; the Chief needs to read the grievance. That is, do not read into the grievance, do not insert any words into the grievance, and do not assume the grievance means anything beyond what's presented. It is not atypical for a filer (e.g., Union Representative) to submit a grievance hoping the Chief personally interprets the submission and doesn't seek further rationalization and justification prior to responding. Therefore, when a grievance is filed which is not presented thoroughly, accurately, and completely researched; responding back seeking further information should not be disregarded.

\*\*\*\*\*  
Robert is **NOT** an attorney and nothing contained herein including, but not limited to, material, thoughts, interpretations, and etcetera should be considered a legal opinion or advice.

**IF YOU'RE SEEKING A LEGAL OPINION, PLEASE CONSULT WITH AN ATTORNEY**

^ - Retired from South Bound Brook Police Department

Robert A. Verry © 2009

To assist in your initial response, I offer the following:

“My objective is to render a fair and reasonable decision that’s in the best interest of all parties; however, your grievance does not provide me with enough information to reasonably answer your question. Therefore, please provide me with all supportive documentation, case law, and material facts you wish me to consider to reach a fair and reasonable decision. Furthermore, my decision will be based solely on the documents and information submitted; therefore, any appeal taken (if even necessary) cannot be supplemented with material as it would not be fair, reasonable or in the best interest of all parties since I didn’t have access to those documents when I rendered my decision.”

As you can see, the above not only places the responsibility on the grievant to present a position in support of their relief sought, but more so gives the Chief, up front, exactly what the grievant’s position is and how they came to that conclusion. While this does convert the Chief from the mouse to the cat; more importantly, it gives the Chief and municipality the ability to render a fair and reasonable decision that’s truly in the best interest of all parties.

Once received, the Chief now has an opportunity to review the grievance and draw a defensible conclusion. Predictably, the grievant and/or Union anticipate and hope that if the grievance is not approved, the denial will be elaborately described. However, by doing this, the Chief locks him/herself in to the words behind the denial; therefore, to maintain the cat’s position the Chief’s simple one word response to any denied grievance should straightforwardly be “denied.” Conversely, “approved” would be the only word for those grievances not denied. Respectfully, the one word “denied” should be commonplace for every step of any grievance that is not approved.

Lastly, when in receipt of a grievance, take advantage of our brethren who probably experienced a similar grievance at one time or another. This can be done through the State Chiefs Forum, by telephone or while in attendance at our monthly briefings. Regardless of how you feel most comfortable seeking assistance, please understand nobody knows what it’s like to be the Chief, except another Chief.