
chapter ten

Employee Dissatisfaction, Grievances, and Complaints

Every supervisor should be sensitive to the needs of employees who have real or imagined grievances or dissatisfactions arising from their relationships within the organization. These often result from supervisory or management practices perceived by workers as a threat to their personal rights or their right to fair treatment, or an infringement on their right to privacy.

Dissatisfactions may not be expressed, but the mere fact that they are present may have the same effect in eroding ambition and initiative and causing a deterioration in morale and performance *as if they were verbalized*. Grievances, even though imaginary, should be recognized by the supervisor as being "real" in the mind of the employee who feels he has been wronged. If the supervisor is indifferent to them, resentment and hostility will occur and will quickly spread if other personnel are convinced that a fellow employee has been treated unjustly or that a wrong has not been corrected.

■ CAUSES OF EMPLOYEE DISSATISFACTION

Studies have revealed that worker reactions to management controls and the work environment in many occupations have changed little in the last half century. Such studies have consistently shown that employee complaints,

grievances, and dissatisfactions arise from factors that can be broadly categorized into four areas—the working environment; harsh, abusive, tyrannical, or inept supervision; misunderstandings about policies and procedures of the organization; and, management failures of various types.¹

By developing a sensitivity to the feelings of others and being alert to their reactions to these factors, the supervisor can gain many clues concerning how police officers and other employees frequently perceive organizational controls and supervisory practices that affect their personal and professional lives. He may then draw certain unmistakable conclusions about his own brand of supervision and how it may have contributed to employee discontent. Once he recognizes his shortcomings, he can set about to correct them. If he is honest about this self-evaluation, he will recognize where his performance as a supervisor might need modification.

It is not known what percentage of these reactions to organizational controls are valid or to what degree they exist at any particular time in any particular group; however, the fact that they are present is indicative of a problem that requires some attention. Those that are invalid should not be ignored if the giving of an explanation will change an employee's attitude or correct a misconception. At least he will feel that his complaint has been considered.

There are no standard methods for handling these matters. Each must be approached with common sense and fairness.

■ WORKING ENVIRONMENT

Physical factors in the working environment give rise to a large portion of employee dissatisfaction. Bad lighting, improper temperature, uncleanliness or inadequate restroom facilities, unsatisfactory operational equipment, and other workplace deficiencies are factors that usually require capital outlay to correct. In such cases, the supervisor is often powerless to make the necessary corrections directly, but should call such deficiencies to the attention of higher management. If maintenance or service employees are subject to his direction and control, he will frequently find that more attention to their supervision will bring about a noteworthy improvement. He must recognize that adequate physical facilities and equipment contribute to the maintenance of a high level of production and vitally affect employee morale.

¹Woodruff Imberman, "Letting the Employee Speak His Mind," *Personnel*, 53, No. 6 (November-December, 1976), 13-14. See also International Association of Chiefs of Police, *Managing for Effective Police Discipline* (Washington, D.C.: International Association of Chiefs of Police, 1976), pp. 200-212; James Auten, "The Supervisor's Role in Handling Complaints and Grievances," *Law and Order*, 32, No. 6 (June, 1984), pp. 47-50.

■ INEPT SUPERVISORY PRACTICES

Poor supervisory practices account for a large share of dissatisfaction and negative feelings of employees. Failure to give recognition to employees when they believe they have earned it; the use of intemperate language by the supervisor; harsh, arbitrary methods in dealing with subordinates; the display of favoritism; the existence of dual standards of conduct; unfairness of supervisors in the application of rules to subordinates; excessive supervision; the existence of cliques—and all of the bad connotations usually associated with them—whether or not the supervisor is a part, are commonly cited as causes of employee dissatisfaction with their leaders.

These dissatisfactions are a prime cause of complaints and grievances of various types and contribute markedly to a lowering of morale. Such employee reactions cannot be regarded merely as trivia nor can the supervisor afford to downgrade or minimize their importance. Rather, he must learn and apply the tenets of effective leadership in dealing with the problems associated with such reactions. These principles are discussed in detail in Chapter 3.

■ MISUNDERSTANDINGS OF POLICIES, RULES, AND PROCEDURES

Observations indicate that managers in law enforcement agencies tend to communicate organizational policies and procedures rather well. However, since effective communications are essential to effective leadership, the supervisor must constantly work at improving his skill as a communicator so that he can minimize all problems resulting from poor communications. Suggestions for accomplishing this objective are discussed in Chapter 6.

■ MANAGEMENT FAILURES

Failures of management give rise to many negative reactions of workers. Tolerant by supervisors of wasted time, effort, and physical resources; unjustified abuses of equipment; supervisory negligence in protecting the interests of the organization; violations of employee "due process" rights; infringement on what workers believe are their rights to privacy; and arbitrary enforcement of rules and regulations, are quickly recognized by employees and tend to erode organizational pride, morale, and efficiency. They are quick to sense the attitudes of management personnel—especially operation-level supervisors. When supervisory personnel are indifferent to the best interests of the organization, employees are prone to adopt the attitude, "If the administration wants it that way, that's the way they'll get it."

Indifference of supervisors to the squandering of organizational resources and other wasteful practices contribute to inefficient operations. Most law enforcement personnel remain in public service because they like the work. They conscientiously strive to perform their duties effectively and efficiently and resent supervisory practices that make their jobs more difficult.

Rules of Conduct

Studies among peace officers have revealed some distinct dissatisfactions about organizational rules and regulations and how they are applied by supervisors.² Individuals who had the strongest opinions about the regulation of their personal conduct by their organization were rather explicit in their reactions. They indicated that their greatest concern was that such rules and regulations placed undue restrictions on their personal rights. They were opposed to controls governing their off-duty employment, their hairstyles, mustaches, and beards, their criticism of the organization, and their places of residence.

Personnel who had strongest feelings about department rules and regulations relating to the operation of vehicles, courtesy to the public, the use of physical force, the use of firearms, and other general department restrictions on conduct and performance perceived these as interferences with their ability to do good police work.

Officers who had the strongest opinions about organizational controls of their moral conduct, personal debts, the use of alcohol off-duty, and the like, believed these matters to be an invasion of their right to privacy and were none of the department's business.

Enforcing Rules of Conduct

Employees often oppose the *manner* in which organizational rules are enforced more than the rules themselves. *Inconsistency* of supervisors in enforcing all organization rules is perceived far more frequently than any other cause as a reason for opposition.

Failures of supervisors to follow the same rules that officers are expected to follow invariably cause strong negative reactions. Overly severe punishments for violations of rules are also likely to be resisted and criticized by employees.

Undoubtedly, many of these complaints can be prevented by the supervisor if he learns how to motivate and direct his subordinates as discussed in Chapter 3.

²International Association of Chiefs of Police, *Managing for Effective Police Discipline*, pp. 200-212.

Due Process Violations

Employees react strongly and often challenge management in court when they feel they have been arbitrarily deprived of some due process right.

It is obvious that their demands for greater freedom from management controls are growing. In the last decade, they have insisted on greater and greater procedural safeguards to protect them against "management infringements" on their personal rights. These demands have been reflected by due process statutes which have been enacted in many states providing for a police officer's "Bill of Rights." These statutes usually confer upon an employee a property interest in his position.

Contractual agreement or common practice under existing rules or understandings, like statutes, may also give employees, even those who are not tenured, a *property* or *liberty* interest in their employment; and, in cases where either of these interests is affected by the employer's action, courts will require that procedural due process be provided.³

A property interest in his position is present when the tenured employee has a legitimate claim to his job as conferred by statute, contract, or by existing rules or understandings. An employee's liberty interest is involved if the employer's action in dismissing him significantly damages his reputation or standing in the community, or stigmatizes him to such a degree that he is unable to take advantage of future employment opportunities. Dismissal of a nontenured employee itself probably will not give rise to procedural due process requirements unless it is based upon unfounded charges that injure his reputation. Under these circumstances, fair play and justice, which are at the heart of procedural due process, require that he be given an opportunity to clear his name, honor, and reputation. A liberty interest is involved only when the employee is able to show that he suffered a damaged reputation as a result of public disclosure of the reasons for the discharge and that he was stigmatized to such a degree by such disclosure that he was unable to obtain employment.⁴

It is therefore imperative that supervisors become thoroughly familiar with statutes, contract provisions, and existing rules or understandings between employer and employee so that procedural due process requirements can be meticulously adhered to in disciplinary cases that might affect the employee's property or liberty interest in his position. Courts will reverse on appeal any action by an employer that arbitrarily deprives an employee of such due process rights. Such reversals can generally be avoided if the employee is notified of the

³*Perry v. Sinderman*, 408 U.S. 493 (1972); see also *Board of Regents v. Roth*, 408 U.S. 564 (1972).

⁴See Chapter 11 for a discussion of the training value of publicizing disciplinary actions within the organization and avoiding the liberty interest brought about by public disclosure. *Johnson v. Martin*, 943 F.2d, 15 (7th Cir., 1991).

charges against him in a timely fashion so that he can prepare his defense and is given an opportunity to present such defense.⁵

The U.S. Supreme Court held in *Loudermill*⁶ that a tenured public employee is entitled, under due process, to oral or written notice of the charges against him, and an opportunity to tell his side of the story before he is terminated.

The majority opinion did not specify what form the procedure should take except to declare that it "need not be elaborate." The court declared that "the formality and procedural requisites for the hearing can vary, depending upon the importance of the interests involved and the nature of the subsequent proceedings." However, a minority opinion indicated a mood to require more detailed due process procedures, much as previously delineated by the court in *Morrissey*.⁷ The *Morrissey* procedures, described in Chapter 12, would be the safest course to follow in important disciplinary cases.

These recent extensions by the courts and legislators of constitutional guarantees to protect public officers' rights have further restricted organizations in exercising management controls once considered commonplace; yet, a surprising number of supervisors believe that they can still supervise as they once did.

They soon learn that some of their practices run counter to the law as court rulings become increasingly protective of employee rights. Since these decisions have varied widely from place to place, it is incumbent on every supervisor to acquaint himself thoroughly with those applicable to his jurisdiction.

He should exercise considerable care in attempting to punish his subordinates for conduct of a purely personal nature not involving their job performance, the public image of the organization, or its real interests. Such occurrences sometimes place him in a situation requiring a choice between two undesirable alternatives. Either he takes action contrary to legal rules protecting the employee and risks a court challenge that might overrule him, or he is forced to overlook conduct which he considers improper and take no action at all.

Generally, courts have ruled that an employee cannot be penalized for his acts unless it can be proved that his conduct was related to his performance of duty *and* impaired his efficiency, seriously interfered with the operational efficiency of the organization, interfered with the maintenance of good order within the organization, or that it was common knowledge that the particular conduct was prohibited.⁸ This imposes a rather heavy burden upon the supervisor, especially when the subordinate's behavior involves the question of whether

⁵*Arnet v. Kennedy*, 416 U.S. 134 (1974); *Paul v. Davis*, 424 U.S. 693 (1976); *Bishop v. Wood*, 426 U.S. 341 (1976).

⁶*Cleveland Board of Education v. Loudermill et al.*, 105 S. Ct. 1487 (1985).

⁷*Morrissey v. Brewer*, 408 U.S. 471 (1972). See also *Goldberg v. Kelly*, 397 U.S. 254 (1970), and *Arnet v. Kennedy*, 416 U.S. 134 (1974).

⁸*Bence v. Breier*, 501 F.2d 1185 (1974); *Perea v. Fales*, 114 Cal. Rptr. 808 (1974).

or not the department can legally dictate non-job-related standards of conduct. Some of the most doubtful issues rise from conduct such as off-duty employment, the use of alcohol off-duty, bankruptcy, failure to pay debts, immoral conduct not involving an unlawful act, and the like.

■ SUPERVISORY INFLUENCE ON EMPLOYEE BEHAVIOR

In dealing with behavior that is non-job-related, the supervisor must be aware that his options are limited in the eyes of the law; and yet he may feel impelled to do something to correct a subordinate's demeanor which he believes to be contrary to the best interests of the organization and the individuals in it. He must consider the legal justification for his action as well as the morality of what he does if he is to set a professional "tone" within his sphere of influence.

It is in cases such as these that the supervisor's persuasive abilities are truly tested. If he is respected by his subordinates, he will be able to exert a great influence in controlling or preventing what he considers objectionable conduct that might not be legally actionable. Since people generally need a model to follow, the supervisor should find occasion to communicate his convictions to his subordinates without sermonizing. He must strive to develop and maintain in them the high standards and ideals that are characteristic of a true professional and should direct his greatest efforts toward those who have difficulty abiding by the conduct norms recognized and accepted within the organization.

The so-called "freeway therapy," "transfer treatment," or "the wheel," which may involve frequent transfer from one place, one shift, or one assignment to another, is sometimes used to remove an employee from an unwholesome environment to one of lesser exposure; but frequently, such treatment is more injurious, if not more immoral, than the conduct it is designed to cure.

Transfer may correct a problem but more often does not. All it usually does is to shift it from one place or from one supervisor to another. It may well be that transfer from one environment to another is the only solution to a problem but should not be done without consideration for other useful alternatives, such as additional training, counseling, change of assignment or partner within the unit, and the like.

■ RECOGNIZING EMPLOYEE DISSATISFACTION

When employee discontent is not verbalized, it may become more grievous to the supervisor—and the organization—than expressed grievances, and its effects may be just as devastating.

The typical symptoms that should alert a supervisor to the existence of dissatisfaction among his subordinates are similar to those symptoms of frustration

described in Chapter 8. Other manifestations of dissatisfaction might be increased "blue Monday" absenteeism, a growing inattention to duty, excessive tardiness, indifference to job requirements, hostility and irritability of employees, general deterioration in performance and morale, and similar reactions.

Once the supervisor recognizes the symptoms that strong feelings of discontent are growing among his subordinates, he should try to determine what the cause might be. In doing so, he will look to the indigenous leaders among his subordinates for clues. Interviews with affected personnel, as discussed in Chapter 7, may provide additional evidence.

■ SUPERVISORY APPROACHES TO EMPLOYEE DISSATISFACTIONS

Although many employee complaints are valid, some are not. Many of the causes for employee dissatisfaction can be prevented by the supervisor if he consistently adheres to the basic tenets of leadership. When the working environment causes discontent which cannot be or was not prevented, the supervisor should do whatever is possible, reasonable, and just to remove the causes of dissatisfaction.

Some of these problems cannot be resolved directly by him because they involve established organizational policies or practices. Often, he can only inform his superiors of the effects of such factors and recommend what needs to be done.

In some cases, discontent may be caused by unfulfilled employee expectations concerning salary increases, the working environment, fringe benefits, rules and regulations and how they are enforced, and like matters. When employee demands are rejected as unreasonable, reactions often become hostile, but the adroit supervisor can do much to temper such strong feelings by wise counsel. He must avoid commiserating with employees in such cases. Rather, he should counsel them to seek any redress they believe they are entitled to by submitting objective justification for their demands to arbitration between their representatives and management.

■ GRIEVANCES

When some factor in an employee's working environment causes him to complain orally or more formally, in writing, it is usually referred to as a grievance. Those grievances involving some factor not related to a contractual agreement are resolved primarily by the first-line supervisor unless he is the subject of the grievance. Then, the matter is usually resolved by his superior. Those which allege that management has breached some contractual agreement with the

employees are usually handled according to procedures specified in the contract. In either case, the technique is similar.

Noncontractual Matters

Most grievances that do not involve a contractual matter can be resolved by the first-line supervisor without referral to higher authority. He must first determine the true cause of the grievance by making it easy for the subordinate to discuss the cause of his complaint. When he is unable to resolve the difference, he should fully document the problem and submit it to higher authority. Some recommended techniques for such interviews and for arriving at solutions to problems are described in Chapter 7.

Contractual Violations and Grievances

When employees complain because they believe the management in an organization has breached an agreement of their contract, a more formalized procedure is usually required.

Typically, four steps are involved when dissatisfactions degenerate into formal grievances. In the first step, the supervisor or the employee representative receives the complaint. Often the issue can be resolved at this level. If the supervisor's inquiry reveals a true basis for the complaint, he can often take appropriate corrective action and resolve the issue then and there. Reasonableness and fairness on the parts of the supervisor, the employee, and the employee representative are essential to prompt resolution. Should attempts fail to resolve the matter at this level, the matter becomes an official grievance. This is the second step, in which the complaint is referred to a higher intermediate level of management for resolution. Third, should disagreement continue, the grievance is transmitted to the top level of management within the organization. When attempts to reach a resolution fail at this step, the matter then proceeds to the fourth step—voluntary arbitration. The typical work contract usually provides that both parties accept, as binding, the decision of an impartial arbitrator.⁹

In such matters, the first step in the procedure is most critical to the employee, the supervisor, and the organization. Because of the economic cost associated with the processing of grievances through the various stages and their adverse effects upon employee morale, the supervisor must make every effort to resolve such matters at the earliest stage. Usually, an objective approach, coupled with sound supervisory practices, fair play, and common sense will provide the answers to these problems.

⁹Robert M. Fulmer and Steven C. Franklin, *Supervision: Principles of Professional Management*, 2nd ed. (New York: Macmillan Publishing Company, 1981), pp. 334-35.

■ SUMMARY

Supervisors must be alert to detect factors within the working environment that cause employee dissatisfactions. They must recognize that prompt corrective action is essential if morale and productivity are to be maintained at high levels.

Employee dissatisfactions arise from many factors, which can be categorized into four broad areas—the working environment, inept supervision, misunderstandings about policies and procedures in the organization, and management failures of various types.

Physical factors in the work environment may or may not be correctable by the supervisor (unless he has some direct supervisory responsibility over maintenance personnel), because they ordinarily involve capital outlays over which he has little control. Most of the many dissatisfactions resulting from inept supervisory practices can be avoided if he will apply the basic tenets of leadership in his day-to-day dealings with his subordinates. In police agencies, few complaints are made by personnel about their misunderstandings of policies, rules, and procedures; however, many adverse reactions arise from the failure of management personnel to protect the resources of the organization.

Much of employee discontent can be associated with their opposition to rules and regulations which they construe as being an infringement of their personal rights. Of greater significance, however, are their adverse reactions to the manner in which such rules and regulations are enforced by management personnel, especially those at the working level.

These employee reactions afford many pertinent clues to the wise supervisor who will continuously engage in self-appraisal of his brand of supervision so that he may eliminate his bad practices and strengthen his good ones.

The supervisor who discovers among his subordinates non-job-related behavior that is not legally actionable, but is contrary to the best interest of the organization, may feel compelled to do something. In such cases, he has several options. He can take action without legal support and risk being overruled in a court if challenged, or he can overlook the conduct and do nothing. The third option will test his persuasive ability to eliminate the unacceptable demeanor by convincing his subordinates of the value of high professional standards and ideals.

■ REVIEW

Questions

1. What are the four categories into which employee dissatisfactions can be grouped?