

GEORGIA DEPARTMENT OF JUVENILE JUSTICE	Transmittal # 12-09	Policy # 3.24
Applicability: {x} All DJJ Staff {x} Administration {x} Community Services {x} Secure Facilities (RYDCs and YDCs)	Related Standards & References: State Personnel Board Rules 478-1-.04, 478-1-.20 O.C.G.A. §45-22-11, §45-19-20, et. seq. Title VII of the 1964 Civil Rights Act 42 USC @ 2000e., et. seq., as amended by the Civil Rights Act of 1991 DJJ 2.7, 3.51, 3.80	
Chapter 3: PERSONNEL	Effective Date: 4/1/12	
Subject: UNCLASSIFIED EMPLOYEE GRIEVANCES	Scheduled Review Date: 4/1/14	
Attachments: A – Employee Group Grievance Form B – Unclassified Employee Grievance Process C – Employee Grievance Form D – Notice of Eligibility to File a Grievance	APPROVED:  <hr/> L. Gale Buckner, Commissioner	

I. POLICY:

The Department of Juvenile Justice is committed to the fair and equitable treatment of employees in all aspects of human resource management. The Department shall provide eligible employees a timely and orderly process for addressing employee grievances and reaching a fair and equitable decision. Employees should make reasonable attempts to resolve employment issues, concerns, and/or disputes with their immediate supervisor prior to the filing of a written grievance. The effort to resolve employment issues may include the use of mediation.

II. DEFINITIONS:

Business Days: Monday through Friday, excluding state holidays and furlough days.

Filing: The act of an eligible employee submitting an Employee Grievance Form (Attachment C) to the Grievance Coordinator.

Grievance: A claim by an eligible employee that the employee's personal employment has been affected by unfavorable employment decisions or conditions due to unfair treatment.

Grievance Coordinator: The person designated by the Department to be responsible for receiving grievances, determining grievability, and tracking the processing of grievances.

Grievance Review Official: The person designated by the Commissioner or designee to conduct reviews of grievances filed by unclassified employees.

Grievant: An employee who has filed a grievance in accordance with the procedure established by this policy.

Mediation: An informal problem-solving process in which a mediator helps disputing parties to reach a mutually satisfactory agreement.

Chapter	Subject	Policy #	Page
PERSONNEL	UNCLASSIFIED EMPLOYEE GRIEVANCES	3.24	2 of 7

Performance Improvement Discussion: A structured discussion to address a specific problem with an employee in the areas of attendance, performance, and/or conduct. The objective is to ensure that the employee recognizes that a problem exists, to mutually develop an effective solution, and to avoid the need for formal disciplinary action.

Receipt: The date and time a document is delivered to the addressee by mail, facsimile, or personal delivery.

Reminder 1: The first step of the formal disciplinary process, which includes a discussion between a supervisor and an employee concerning work-related problem(s)/difficulties and the need to change his/her performance, and/or conduct. During this discussion, the supervisor informs the employee that this is the first level of discipline and concentrates on gaining the employee's agreement to change his/her attendance, performance, and/or conduct.

Third Party Representative: A Department employee who has been properly excused from regular work duties in order to represent a grievant.

Unclassified Employees: Employees who, by law, are not covered by the Rules of the State Personnel Board.

III. PROCEDURES:

- A. Eligibility: Any employee may file a grievance, except:
- an employee who is already seeking relief on the same matter through other administrative or judicial procedures outside of the Department;
 - an employee who has been notified of termination; or
 - an employee that reports directly to the Commissioner.
- B. Employees may file a grievance without fear of unlawful discrimination or reprisal.
- C. Any employee who knowingly supplies false or misleading information in a grievance, or who attempts to harass, intimidate, or retaliate against an employee as a result of filing a grievance or providing testimony or evidence regarding a grievance will be subject to disciplinary action, up to and including dismissal from employment.
- D. This policy does not limit the rights of management to direct the workforce in accomplishing the Department's mission. The grievance process does not alter the at-will employment relationship between the Department and unclassified employees.
- E. The decision of the Commissioner regarding any grievance issues with unclassified employees will be final.

Chapter	Subject	Policy #	Page
PERSONNEL	UNCLASSIFIED EMPLOYEE GRIEVANCES	3.24	3 of 7

F. Grievable issues for unclassified employees include:

1. Allegations of unlawful discrimination on the basis of race, color, religion, sex, national origin, age, disability, pregnancy, childbirth or related medical conditions, genetic information, or sexual orientation;
2. Allegations of sexual or other forms of unlawful harassment;
3. Retaliation for filing a grievance or participating in the grievance process;
4. Incorrect or inconsistent interpretation or application of policies and procedures; and
5. Unsafe or unhealthy working conditions.

G. Non-grievable issues include, but are not limited to, the following:

1. Complaints against co-workers;
2. Issues that are pending or have been adjudicated by the Georgia Commission on Equal Opportunity, or through other state or federal administrative or judicial procedures;
3. Issues that are subject to appeal, review or relief through other provisions of other Department policies (e.g., DJJ 3.80, Employee Accountability and Discipline);
4. Performance responsibilities, expectations, and evaluations;
5. Demotion, reassignment, furlough, or termination of employment, including, but not limited to, termination resulting from a reduction in force or job abolition;
6. Selection of an individual to fill a position, unless it is alleged that the selection is in violation of the State Personnel Board Rules, a Department policy, (See DJJ 3.51, Recruitment and Selection) or state or federal law;
7. Permanent changes in work hours or duties and responsibilities unless the changes are unsafe, illegal, discriminatory, or a prohibited practice;
8. Temporary work assignments that do not exceed 90 calendar days;
9. Budget and organizational structure, including the number or assignments of positions in any organizational unit;
10. Relocation of employees, except where the costs of relocation qualify for reimbursement (See DJJ 2.7, Payment of Employee Relocation Expenses);

Chapter	Subject	Policy #	Page
PERSONNEL	UNCLASSIFIED EMPLOYEE GRIEVANCES	3.24	4 of 7

11. Internal security practices established by the Department;
12. Any matter that is not within the control of the Department; and
13. Performance Improvement Discussions and Reminder 1's.

H. General Provisions:

1. Assistance: Employees may contact the DJJ Employment Relations/EEO Section for assistance in filing a grievance.
2. Mediation: At any step in the procedure, any party to a grievance may request mediation. The Grievance Coordinator will make the final determination regarding the appropriateness of the referral. The Grievance Coordinator will suspend the grievance until the mediation process is complete. When the mediation process is complete, the grievance process will continue or terminate.
3. Withdrawal of Grievance: A grievant may voluntarily withdraw a grievance at any point by written notice to the Grievance Coordinator. A withdrawn grievance is terminated and may not be re-filed.
4. Upon separation of the employee, either by dismissal or resignation, the Grievance Coordinator will determine if the grievance review needs to continue even though relief is no longer available to the grievant.
5. If an employee seeks administrative or judicial relief outside of the Department after beginning the grievance procedure, the grievance review procedure will continue.
6. Group Grievances: Employees having a common grievance may submit one group grievance using the Employee Group Grievance Form (Attachment A). The grievance may identify not more than 2 grievants as selected spokespersons. Group grievances eliminate the right to pursue that grievance on an individual basis.
7. The Grievance Coordinator may combine multiple grievances filed by one employee into a single grievance. The Grievance Coordinator may combine separate grievances filed by separate employees regarding the same issues into a group grievance.
8. An employee will be allowed work time (up to 4 hours) to prepare a grievance, to include time to review records. (Under no circumstances will an employee be allowed more than 12 hours per calendar year to prepare grievances.) The Grievance Coordinator will have the authority to resolve any dispute regarding the determination of reasonable and necessary time for preparing a grievance.

Chapter	Subject	Policy #	Page
PERSONNEL	UNCLASSIFIED EMPLOYEE GRIEVANCES	3.24	5 of 7

9. Records Maintenance: The Office of Human Resources will maintain current, accurate records of each grievance filed and the nature and disposition of all grievances filed. These records are subject to audit by the State Personnel Administration.

I. Time Provisions:

1. The grievance is filed when stamped “received” by the Grievance Coordinator.
2. The day received does not count towards any time limit specified in this policy.
3. All parties to a grievance must agree to extend the time limits specified in this policy may be extended.
4. The Grievance Coordinator may extend any time limit specified in this policy due to:
 - Emergency;
 - Medical disability;
 - Legally mandated absence on the part of the grievant, Departmental representative, or a witness; or
 - Missing or incomplete documentation or information.
5. The Grievance Coordinator will immediately notify the grievant of the period of extension and the reason(s) for the extension.

J. Grievance Process: (See Attachment B, Unclassified Employee Grievance Process)

1. An employee may initiate a grievance by filing an Employee Grievance Form (Attachment C) with the Grievance Coordinator. Any documents supporting the stated allegations must be attached to the Grievance Form.
2. The employee must file the grievance within 10 business days of the grievable issue, or within 10 business days of the date the employee became aware or should have become aware of the issue. The Grievance Coordinator may waive or extend the filing deadline.
3. The grievance must contain a statement of the incident(s) or violation(s) involved, the date(s) the incident(s) or violation(s) occurred, how the grievant’s employment has been unfavorably affected, and the relief sought. If the grievance involves the interpretation or application of a rule or policy, the grievance must identify the rule or policy at issue.
4. The grievant may not add additional issues and requested remedies or relief to the grievance after it has been filed.
5. Within 10 business days of receipt of a grievance, the Grievance Coordinator

Chapter	Subject	Policy #	Page
PERSONNEL	UNCLASSIFIED EMPLOYEE GRIEVANCES	3.24	6 of 7

will review the grievance to determine the grievability of the issue(s) and provide written notice to the grievant(s) that:

- The issue is non-grievable, including the specific reason(s) for the determination, and that the grievance process is being terminated;
- The issue alleges unlawful discrimination and will be processed according to the provisions of a separate complaint procedure for allegations of unlawful discrimination (See Section K. below); or
- The issue is grievable, including an explanation of how the grievance will be processed. This notice must also be provided to the first level of supervision having the authority to grant the requested relief.

K. Internal Review Process:

1. Within 15 business days of the notice that an issue is grievable, a Grievance Review Official will be assigned.
2. Within 15 business days of assignment, the Grievance Review Official will review the grievance based solely on written statements and documents provided and:
 - Interview grievants, witnesses and others;
 - Clarify and/or interpret policies;
 - Meet with the parties to facilitate an agreement; or
 - Explore alternative dispute resolutions (e.g., mediation).
3. Barring prior settlement of the grievance by agreement of the parties, the Grievance Review Official will make a final determination of the appropriate corrective action, if any. The Grievance Review Official will submit the final determination to the Grievance Coordinator, in writing, within 10 business days of conducting the grievance review.
4. Within 10 business days of receipt of the final determination, the Grievance Coordinator will advise the grievant, in writing, of the final determination and that the Department has concluded processing the grievance.

L. Grievances alleging unlawful discrimination and/or harassment will be reviewed by the Grievance Coordinator and will be processed as follows:

1. The grievance will be investigated pursuant to the Department's procedure designed specifically for unlawful discrimination complaints, in which case the procedural time limitations may be extended by 30 business days.
2. The investigation findings will be submitted to the respective Assistant Commissioner, Deputy Commissioner or reviewing official. The Assistant Commissioner, Deputy Commissioner or reviewing official will make the final determination of the appropriate corrective action, if any.

Chapter	Subject	Policy #	Page
PERSONNEL	UNCLASSIFIED EMPLOYEE GRIEVANCES	3.24	7 of 7

3. The grievant will be advised of the final determination of the appropriate corrective action, in writing, and that the Department has concluded processing the grievance. The grievant may then present the matter to the Georgia Commission on Equal Opportunity or the Equal Employment Opportunity Commission.
- M. Grievances alleging occupational exposure to hazardous chemicals will be processed in the same manner as all other grievances. If the employee is not satisfied with the Grievance Review Official's decision, the employee may file a grievance with the Commissioner of Labor.
- N. Grievances alleging violations of the Fair Labor Standards Act (FLSA) will be processed according to this policy as incorrect or inconsistent interpretation or application of personnel policies and procedures. If the employee is not satisfied with the Grievance Review Official's decision, the employee may file a grievance with the Department of Labor.
- O. Suspension of the Grievance Procedure:
1. In the event of an emergency, the Director of Human Resources may suspend the grievance process for unclassified employees for all or part of the Department for a period not to exceed 30 calendar days. The Director of Human Resources may make a written request for an extension beyond the 30 days from the Commissioner.
 2. An emergency suspension of the grievance process may delay the processing of a grievance filed before the effective date of the suspension.
 3. Grievances for issues that occurred during the suspension period must be filed within 15 calendar days after the suspension period ends.
 4. The Commissioner may revoke an emergency suspension.
- P. The Notice of Eligibility to File a Grievance (Attachment D) must be permanently and prominently posted on the official bulletin board of each office/facility.

IV. LOCAL OPERATING PROCEDURES REQUIRED: NO