



DEPARTMENT OF JUVENILE JUSTICE

3408 Covington Highway, Decatur, Georgia 30032
404-508-6500 FAX: 404-508-7340

February 1, 2011

TRANSMITTAL #11-02

TO: DJJ Staff

FROM: Amy V. Howell
Commissioner

RE: DJJ 3.2, Third Party Involvement
DJJ 3.23, Classified Employee Grievances
DJJ 3.24, Unclassified Employee Grievances
DJJ 5.3, Open Records Act

DJJ 3.2, Third Party Involvement, states that the Department of Juvenile Justice values and respects its employees and shall maintain relations directly with individual employees rather than through third party organizations, organization representatives, or individuals. This policy replaces the existing DJJ 3.2, Third Party Involvement. The policy does not require local operating procedures. The following changes were made to the policy:

- Third party involvement in employment issues shall not be recognized or implied unless specifically required by law, rule, or policy. (See Policy statement)
- Supervisors will not engage in any discussions or conversations with individuals claiming to represent one or more Department employees or with representatives of third party organizations. (See Section B.2.)
- Supervisors or other Department representatives will report third party contacts to the local appointing authority. The local appointing authority will report such contacts to the Director of Human Resources or designee. For contacts from an attorney, the local appointing authority will report the contact to the Office of Legal Services. Any written correspondence will be forwarded to the Office of Human Resources and Office of Legal Services (for correspondence from an attorney) for review. (See Section B.3.)
- A classified employee who has filed a grievance may be represented by another Department employee, in accordance with the Department's grievance policies. (See Section B.4.)
- In accordance with applicable laws, employees have the right to engage in collective activity, which includes the right to join a third party organization and participate in the activities of the organization provided such activities are not in violation of state law or Department policy. (See Section D.1.)

DJJ 3.23, Classified Employee Grievances, states that the Department of Juvenile Justice shall be committed to the fair and equitable treatment of employees in all aspects of human resource management. This policy replaces the existing DJJ 3.23, Classified Employee Grievances. This policy does not require local operating procedures. The following changes were made to the policy:

- Section D. lists the grievable issues.

- Section E. lists the non-grievable issues.
- 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 will be suspended until the mediation process is complete. When the mediation process is complete, the grievance process will continue or be terminated. (See Section F.2.)
- A withdrawn grievance will be considered terminated and may not be re-filed. (See Section F.3.)
- Upon separation of the employee, either by dismissal or resignation, the issues raised will be evaluated to determine if the review needs to continue even though relief is no longer available to the grievant. (See Section F.4.)
- If an employee seeks administrative or judicial relief outside of the Department after beginning the grievance procedure, the grievance review procedure will continue. (See Section F.5.)
- The grievance may identify not more than 2 grievants as selected spokespersons. (See Section F.6.)
- The third party representative must be in work status, not have an active disciplinary action, and not have been placed on Unauthorized Leave Without Pay within the past 90 calendar days. (See Section F.8.b.)
- Section G.4. lists the circumstances under which the grievance official can extend the time limits.
- Within 10 workdays of receipt of a grievance, the Grievance Coordinator will review the grievance to determine the grievability of the issue(s) and will provide written notice to the grievant(s). (See Section H.5.)
- Grievances alleging 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 will be reviewed by the Grievance Coordinator. (See Section I.)
- Section J. provides guidelines when the grievance process can be suspended.
- Upon receipt of a final determination of a grievance, if the grievant believes that the appointing authority has violated any provision(s) of the Rules of the State Personnel Board, the grievant may file an appeal in writing to the Office of State Administrative Hearings. (See Section K.2.)
- Grievances alleging occupational exposure to hazardous chemicals will be processed in the same manner as all other grievances. (See Section K.3.)
- 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, procedures, rules, regulations, ordinances and statutes. (See Section K.4.)
- The Notice of Eligibility to File a Grievance (Attachment C) must be permanently and prominently posted on the official bulletin board of each office/facility. (See Section L.)

DJJ 3.24, Unclassified Employee Grievances, states that the Department of Juvenile Justice shall be committed to the fair and equitable treatment of employees in all aspects of human resource management. This policy replaces the existing DJJ 3.24, Unclassified Employee Grievances. This policy does not require local operating procedures. The following changes were made to the policy:

- 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. (See Section A.)
- Section F. lists the grievable issues.
- Section G. lists the non-grievable issues.
- Section H. provides the general guidelines.
- Section I. provides the time provisions.
- Additional issues and requested remedies or relief may not be added to the grievance after it has been filed. (See Section J.4.)

- Within 10 business days of receipt of a grievance, the Grievance Coordinator will review the grievance to determine the grievability of the issue(s) and provide written notice to the grievant(s). (See Section J.5.)
- Within 15 business days of assignment, the Grievance Review Official will review the grievance based solely on written statements and documents provided and take action. (See Section K.2.)
- Grievances alleging unlawful discrimination and/or harassment will be reviewed by the Grievance Coordinator and will be processed. (See Section L.)
- Grievances alleging occupational exposure to hazardous chemicals will be processed in the same manner as all other grievances. (See Section M.)
- 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. (See Section N.)
- Section O. provides guidelines when the grievance process can be suspended.
- 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. (See Section P.)

DJJ 5.3, Open Records Act, states that the Department of Juvenile Justice shall make public records available to any citizen of Georgia for inspection in accordance with the Georgia Open Records Act. This policy replaces the existing DJJ 5.3, Open Records Act. The policy does not require local operating procedures. The following changes were made to the policy:

- Requests for public records may be made verbally, in writing, or via email. Requests will be responded to in compliance with the Open Records Act. (See Section A.)
- When a request for public record(s) is made, the employee receiving the request will immediately consult the Office of Legal Services. The Office of Legal Services will determine if the requested record is subject to release under the Open Records Act and provide direction on how to respond to the request. (See Section C.)
- Public records subject to release under the Open Records Act will be made available within 3 business days (excluding weekends and holidays) from the time of receipt of the request, when possible. The requestor will be notified of an estimated cost of the production, if copies are requested. (See Section D.)
- Records not subject to inspection will not be produced. (See Section G.)
- Youth records are not public records. (See Section H.)

INSTRUCTIONS:

DJJ Policy Manual

Remove the following policies from the policy manual

- DJJ 3.2, Third Party Involvement
- DJJ 3.23, Classified Employee Grievances
- DJJ 3.24, Unclassified Employee Grievances
- DJJ 5.3, Open Records Act

Place the following policies in the policy manual

- DJJ 3.2, Third Party Involvement
- DJJ 3.23, Classified Employee Grievances
- DJJ 3.24, Unclassified Employee Grievances
- DJJ 5.3, Open Records Act

Make the proper notations