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:

Certified Grievance Hearing Officer: An individual who has successfully completed certification requirements established by the State Personnel Administration (SPA).

Dispute Resolution Service: A service administered by the SPA to provide alternative methods, including but not limited to mediation, for resolving workplace disputes.

Filing: The act of an eligible employee submitting an Employee Grievance Form (Attachment B) 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.

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.
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 attendance, 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.

Workday: A Monday through Friday business day, excluding State holidays.

III. PROCEDURES:

A. Eligibility:

1. A classified employee who has attained permanent status during the current period of continuous service and whose employment averages 20 or more hours per week will be eligible to file a grievance.

2. An employee who has been notified of termination is not eligible to file a grievance.

B. Every eligible classified employee may file a grievance, and may do so 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. Grievable issues for classified 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.

E. 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);

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.
F. 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. Employees may represent themselves or be represented by a third party of their choice, subject to the following provisions:

   a. The third party representative must be an employee of the Department whose absence from regular work duties has been authorized. A non-employee third party representative will not be permitted unless required by law or applicable rule.

   b. 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.
c. An employee cannot serve as a third party representative for more than 2 grievances in any calendar year.

d. Reasonable effort will be made to authorize a third party representative to be absent and to provide up to 4 hours duty time, without loss of pay or leave credits, per grievance for the purpose of assisting the grievant.

e. The third party representative must obtain approval for appropriate paid leave in order to provide representation if more than 4 hours of duty time is needed.

9. Preparation Time: A grievant will be allowed up to 4 hours of duty time, as approved by the supervisor, to prepare a grievance or to prepare for a hearing or mediation session. Preparation time will be during regular work hours, without loss of pay or leave credits. Preparation time will include activities such as meeting with witnesses and reviewing the personnel record. Under no circumstances will any employee be granted more than 12 hours per calendar year to prepare a grievance or to prepare for a hearing or mediation session. Preparation time will be independent of any time spent in a grievance hearing or mediation session.

10. Disputes Regarding Preparation Time: The Grievance Coordinator will have the authority to resolve any dispute regarding the determination of reasonable and necessary time for preparing a grievance.

11. 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.

G. 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.

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, third party representative or Departmental representative, a witness, or the Certified Grievance Hearing Officer; or
5. The Grievance Coordinator will immediately notify the grievant of the period of extension and the reason(s) for the extension.

H. Grievance Process:

1. An employee may initiate a grievance by filing an Employee Grievance Form (Attachment B) with the Grievance Coordinator. The employee must attach any documents supporting the stated allegations to the Employee Grievance Form.

2. The employee must file the grievance within 10 workdays of the grievable issue, or within 10 workdays 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 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) 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 I. 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.

6. Within 21 calendar days of issuing a notice that an issue is grievable, the Grievance Coordinator will:

   - Attempt to resolve the issues by facilitating an exchange of information between the parties, clarifying and/or interpreting rules or policies, or exploring alternative resolutions;
   - Refer the parties to the Dispute Resolution Service; or
   - Request that the State Personnel Administration assign a Certified Grievance Hearing Officer.
7. The total time permitted to complete the steps specified in items 5 and 6 above will not exceed 35 calendar days.

8. If the efforts of the Grievance Coordinator or the Dispute Resolution Service do not result in a satisfactory resolution of the issue(s), the grievant will be notified that a Certified Grievance Hearing Officer has been requested from the State Personnel Administration and the grievance will proceed to a hearing.

9. The grievant or the Grievance Coordinator may object, in writing, to the selection of the Certified Grievance Hearing Officer by stating the reasons to the State Personnel Administration Commissioner.

10. The Certified Grievance Hearing Officer will conduct a grievance hearing and issue a recommendation to the Commissioner in accordance with the State Personnel Board Rules.

11. The Commissioner will review the findings and recommendation(s) of the Certified Grievance Hearing Officer and issue a final decision within 10 workdays of receipt of the recommendation(s).

I. 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 and 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 workdays.

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.

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.

J. Suspension of the Grievance Procedure:

1. In the event of an emergency, the Director of Human Resources, upon written notice to the Commissioner of the SPA stating the reasons therefore, may suspend the right of grievance under this policy 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 of the SPA.

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 of SPA may revoke an emergency suspension.

K. Complaints, Appeals and Further Recourse:

1. A grievant may file a complaint with the Commissioner of the SPA if the grievance process time limits were not followed.

2. 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. The appeal must be filed within 10 calendar days of receipt of the final determination. The appeal must include the specific provision(s) of the rule alleged to have been violated and any documentation that would support the allegation.

3. 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 Commissioner’s decision, the employee may file a grievance with the Commissioner of Labor.

4. 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. If the employee is not satisfied with the Commissioner’s decision, the employee may file a grievance with the Department of Labor.

L. 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.

IV. LOCAL OPERATING PROCEDURES REQUIRED: NO