

NORTH GEORGIA HEALTH DISTRICT
County Board of Health Personnel Policy #1501
Cherokee, Fannin, Gilmer, Murray, Pickens, Whitfield

GRIEVANCE PROCEDURE FOR CLASSIFIED EMPLOYEES

EFFECTIVE DATE: June 1, 2010

RELEASE DATE: June 1, 2010

REFERENCE: Rules of the State Personnel Board - Rule 20

The County Board of Health (CBH) recognizes the need for a process to review employee concerns. This procedure is established to provide classified employees with an orderly process for reviewing allegations of unfavorable employment decisions or conditions in a timely manner. Employees are encouraged to bring work-related concerns to the attention of their supervisors for review and possible resolution prior to filing a grievance.

ELIGIBILITY

1. This procedure may be used by all CBH **classified** employees whose employment averages twenty (20) or more hours per week.
2. An employee who has been notified of termination, or is seeking relief or remedy for the work-related concern(s) through other administrative or judicial processes, is not eligible to file a grievance through this procedure.

**GRIEVABLE
ISSUES**

1. Harassment, retaliation or intimidation for exercising any right provided under the Rules of the State Personnel Board or County Board of Health policies;
2. Retaliation for using the grievance procedure;
3. Erroneous, arbitrary or capricious interpretation or application of human resource/personnel policies, procedures, rules, regulations, ordinances and statutes;
4. Unsafe or unhealthful working conditions; and,
5. Alleged occupational exposure to hazardous chemicals.
6. The following allegations are grievable and will be addressed through the **Unlawful Discrimination Complaint Procedure** (County Board of Health Personnel Policy #1503):
 - 6.1 Unlawful discrimination because of race, color, sex, national origin, disability, age or religious or political opinions or affiliations; and,
 - 6.2 Sexual harassment.

GRIEVANCE PROCEDURE FOR CLASSIFIED EMPLOYEES (continued)

**NON-GRIEV-
ABLE ISSUES**

1. Issues which are pending or have been concluded by direct appeal to the State Personnel Board, the Georgia Commission on Equal Opportunity or through other administrative or judicial procedures;
2. Issues which are subject to appeal, review or relief through other provisions of the rules;
3. Performance responsibilities, expectations or evaluations;
4. Relocation of employees, except where the costs of relocation qualify for reimbursement by the Board;
5. Temporary work assignments which do not exceed ninety (90) calendar days;
6. Permanent changes in work hours or duties and responsibilities, unless such changes are manifestly unsafe, illegal, or can be shown to adversely affect an employee's personal employment;
7. Budget and organizational structure, including the number or assignment of positions in any CBH within the Agency;
8. Internal security practices established by the Board;
9. The selection of an individual to fill a position, unless it is alleged that the selection is in violation of a written Board policy or the Rules of the State Personnel Board on filling vacancies;
10. Demotion of an employee on working test as defined in the Rules of the State Personnel Board;
11. Termination, demotion, reassignment, furlough, layoff from duties because of lack of work, or other actions resulting from a reduction in the work force or job abolition; and,
12. Any matter which is not within the jurisdiction or control of the Board.

**WRITTEN
AND ORAL
REPRIMANDS**

Grievances filed regarding written reprimands and written confirmation of oral reprimands will be processed through the **Process for Review of Written Reprimands**. (See CBH Personnel Policy #1504)

**GRIEVANCE
NOTICES**

All CBH facilities **MUST** post the *GRIEVANCE NOTICE TO CBH EMPLOYEES*, (Attachment #1) which advises employees of their eligibility to file a grievance.

1. Notices must be posted in prominent locations, such as on bulletin boards.

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2. Notices, at a minimum, must include the following information:
 - 2.1 Web site address(es) where the grievance procedure can be reviewed; and,
 - 2.2 The telephone number of the District Personnel Office where employees can secure information and assistance regarding the grievance process.

**FILING A
GRIEVANCE**

1. A grievance may be filed by an eligible employee when the employee's personal employment has been allegedly affected by unfavorable employment decisions or conditions due to unfair treatment.
2. A grievance should be filed as soon as possible, and **must** be RECEIVED BY the District Personnel Office:
 - 2.1 **within ten (10) WORK DAYS** after the occurrence upon which the grievance is based; or,
 - 2.2 **within ten (10) WORK DAYS** of the date the employee became aware, or should have become aware, of the issue(s) through the exercise of reasonable diligence.

NOTE: "Work day" refers to Monday through Friday, excluding State holidays. The grievance must be received by the District Personnel Office no later than 4:30 p.m. on the 10th work day.

**CBH
GRIEVANCE
FORM**

1. A grievance **must** be filed on the *CBH CLASSIFIED SERVICE GRIEVANCE FORM* (Attachment #2)
 - 1.1 This form **must** be completed in its entirety, and include:
 - ◆ the issue(s);
 - ◆ the date(s), if known, that the issue(s) occurred;
 - ◆ how the employee's personal employment has been unfavorably affected; and,
 - ◆ the relief sought.
 - 1.2 Supporting documentation **must** be submitted with the *CBH CLASSIFIED SERVICE GRIEVANCE FORM*.
 - 1.3 If the grievance involves interpretation or application of a Rule or policy, the grievance **must** identify the specific Rule or policy and how it was allegedly violated.

GRIEVANCE PROCEDURE FOR CLASSIFIED EMPLOYEES (continued)

- 1.4 Additional issues and requested relief may not be added to the grievance after it has been filed.
2. The *CBH CLASSIFIED SERVICE GRIEVANCE FORM* **must** be delivered, mailed or faxed to the District Personnel Office:

100 W. Walnut Ave; Suite 92
Dalton, GA 30720
Fax: 706/272-2704

3. Copies of the grievance form and any attached documents sent to the District Personnel Office **must** be provided to the supervisor involved with the grievance and the District Health Director.

**REVIEWING &
PROCESSING A
GRIEVANCE**

1. Within **ten (10) WORK DAYS** of receiving a grievance, the District Personnel Representative will:
 - 1.1 Complete a review;
 - 1.2 Determine the grievability/timeliness of the issue(s); and,
 - 1.3 Provide written notification to individuals involved in the grievance.
2. The written notification will include reasons for the determination and advise appropriate individuals that:
 - 2.1 The issue(s) in the grievance is non-grievable or the provisions of the procedure have not been met and no further action will be taken; or,
 - 2.2 The issue(s), if alleging unlawful discrimination or sexual harassment, is grievable and will be processed through the Unlawful Discrimination Complaint Procedure; or,
 - 2.3 The issue(s), if not alleging unlawful discrimination or sexual harassment, is grievable, and will specify how the grievance will be processed.
3. Within **twenty-one (21) CALENDAR DAYS** of the notice that the issue(s) is grievable, the District Personnel Representative will:
 - 3.1 Attempt to resolve the issue(s); or,
 - 3.2 Schedule a mediation session; or,
 - 3.3 Request that the State Personnel Administration assign a Grievance Hearing Officer to hear the grievance.

GRIEVANCE PROCEDURE FOR CLASSIFIED EMPLOYEES (continued)

PERSONNEL INFORMAL RESOLUTION

Every grievance will be thoroughly reviewed. Attempts to resolve the issue(s) may be made by the District Personnel Representative on a case by case basis. The employee and supervisor involved are expected to cooperate with the District Personnel Representative regarding attempts at informal resolution.

MEDIATION

1. Either the employee or supervisor involved may request that the grievance be referred for mediation. The District Personnel Representative will determine if the request is appropriate.
2. The District Personnel Representative may also refer a grievance for mediation.
3. If mediation is determined appropriate, the District Personnel Representative will schedule the session. The employee and supervisor involved must attend and cooperate fully with the process.
4. If resolution is not reached in the mediation session, a grievance hearing will be held.

GRIEVANCE HEARING NOTIFICATION

1. The State Personnel Administration will assign a Grievance Hearing Officer within **five (5) WORK DAYS** of receiving a request from the Agency.
2. The date, time and location of the grievance hearing will be coordinated by the District Personnel Office with the employee, supervisor involved and Grievance Hearing Officer.
3. A grievance hearing will be conducted within **fifteen (15) CALENDAR DAYS** of assignment of the Grievance Hearing Officer.

HEARING PROCESS

1. The Grievance Hearing Officer will direct the hearing in order to ensure the orderly presentation of relevant information.
2. The Grievance Hearing Officer will tape record the hearing. **NO OTHER TAPE RECORDERS, COURT REPORTERS, OR MEANS OF RECORDING THE HEARING WILL BE PERMITTED.**
3. The employee and supervisor involved may speak for themselves or have a CBH Third Party Representative speak on their behalf at the hearing. If a CBH Third Party Representative(s) is used, the employee and supervisor must be present at the hearing to ensure that accurate information is presented.
4. Witnesses who are asked to testify in a hearing will attend the hearing only while testifying, unless otherwise approved by the Grievance Hearing Officer.

GRIEVANCE PROCEDURE FOR CLASSIFIED EMPLOYEES (continued)

4.1 Appearance as a witness is voluntary, except as noted below in #4.2.

4.2 An employee **may be required** to provide witness testimony **only** by the District Personnel Representative or Grievance Hearing Officer, if it is determined that the employee's testimony is essential to making an accurate recommendation on the grievance.

**CONCLUSION
OF THE GRIEV-
ANCE**

1. The Grievance Hearing Officer will submit a report with recommendations to the District Health Director within **fifteen (15) WORK DAYS** of the grievance hearing.
2. The District Health Director or designee will review this report, and any other relevant information, and issue a final decision to the employee with copies to appropriate individuals within **ten (10) WORK DAYS** of receipt of the Grievance Hearing Officer's report.
3. The District Health Director or designee's decision is the final action of the Board on the grievance.

APPEAL

1. After receiving the decision on a grievance, an employee may appeal to the State Personnel Board, in writing, if the employee believes that the Agency **has violated any provision of the Rules of the State Personnel Board.**
2. The appeal must be filed in writing with the Office of State Administrative Hearings in accordance with the provisions of the Rules of the State Personnel Board within **ten (10) CALENDAR DAYS** of receipt of the decision on the grievance.
3. Any appeal must include the specific provision(s) of the rule alleged to have been violated, and any documentation that would support the allegation.

**GRIEVANCE
PREPARATION
TIME**

An eligible employee may request and must be allowed up to four (4) hours of work time, as approved by the supervisor, to prepare a grievance or prepare for a mediation session or grievance hearing.

1. The four (4) hours is in addition to time spent in a mediation session or grievance hearing.
2. The supervisor should make reasonable efforts to grant the specific time period requested by the employee. If requested time cannot be granted due to work load, the supervisor is to allow the employee to use grievance preparation time at another agreed upon time.

GRIEVANCE PROCEDURE FOR CLASSIFIED EMPLOYEES (continued)

3. Telephone calls, meetings, discussions with potential witnesses, or other contacts initiated by the employee regarding the grievance during work hours will count as grievance preparation time.
4. Grievance preparation time should not interfere with the ordinary business of the work unit, and the employee should remain in the general work area, unless specifically authorized by the supervisor to leave.
5. Each employee is limited to a maximum of twelve (12) hours of grievance preparation time per calendar year.

CBH THIRD PARTY REPRESENTATIVE

An employee and/or supervisor involved in a grievance may ask another CBH employee to act as a CBH Third Party Representative in a grievance hearing. Serving as a CBH Third Party Representative is voluntary.

1. Staff designated to assist employees with filing grievances and personnel representatives cannot serve as CBH Third Party Representatives.
2. Non-CBH employee third party representation is not permitted, unless required by law or rule.
3. CBH employees may serve as a CBH Third Party Representative in no more than two (2) grievances per calendar year.
4. Time spent in a grievance hearing is with pay and is not charged to accrued leave **if the hearing takes place during scheduled work hours.**
5. If a CBH Third Party Representative chooses to represent an employee or supervisor in a grievance hearing held outside of scheduled work hours, the CBH Third Party Representative's schedule **will not be adjusted and compensation will not be granted** for time spent in the hearing.

USE OF STATE SUPPLIES

Employees may use state supplies, equipment, mail services, or other state resources to provide copies of the grievance-related documents only to those individuals specified in this procedure, or as directed by the District Personnel Office.

CONFIDENTIAL INFORMATION

Patient/client/resident names **must not** be included in any grievance-related document since this information may violate confidentiality. Initials or case numbers may be used if they are relevant to the issues of the grievance.

GRIEVANCE PROCEDURE FOR CLASSIFIED EMPLOYEES (continued)

**GROUP
GRIEVANCE**

A grievance may be filed by a group of eligible employees if the alleged unfavorable employment decisions or conditions have affected each member of the group.

1. Members of a group grievance cannot file an individual grievance on the same issue(s).
2. The group must select a spokesperson to present all matters of the grievance. The group may select up to two (2) members as spokespersons.
3. Only the spokesperson(s) for a group grievance may request to use grievance preparation time. If a group grievance has more than one spokesperson, the requested grievance preparation time is limited to a combined total of four (4) hours, as approved by the supervisor.
4. All members of a group grievance must sign the *CBH CLASSIFIED SERVICE GRIEVANCE GROUP ROSTER* Form (Attachment #3) certifying that each employee's personal employment has been unfavorably affected and that they agree with the contents of the grievance. This roster must be submitted with the grievance.

**CONSOLIDATION OF
GRIEVANCES**

When appropriate, the District Personnel Office may:

1. Consolidate multiple grievances filed by an employee into a single grievance; and,
2. Consolidate separate grievances filed by two (2) or more employees regarding the same issue(s) into a group grievance.

**EXTENSION OF
TIME LIMITS**

Time limits may be extended under the following circumstances:

1. Upon agreement of all parties to a grievance, any time limit may be extended; and,
2. The District Personnel Office or the Grievance Hearing Officer may extend any time limit due to emergency, medical disability or legally mandated absence.

NOTE: Appropriate individuals will be notified of the length and reasons for an extension.

**WITHDRAWAL
OF GRIEVANCE**

A grievance may be voluntarily withdrawn by the employee at any time during the grievance process. A grievance that has been withdrawn will be considered closed, and may not be re-filed.

GRIEVANCE PROCEDURE FOR CLASSIFIED EMPLOYEES (continued)

**IMPROPER USE
OF THE
GRIEVANCE
PROCEDURE**

1. All state officers, supervisors, third party representatives and employees are prohibited from the following:
 - 1.1 Knowingly supplying false or misleading information in a grievance; or,
 - 1.2 Attempting to harass, intimidate, or retaliate against any State officer, supervisor, third party representative or employee for filing a grievance, or providing testimony or evidence regarding a grievance.
2. Improper use of the grievance procedure may result in disciplinary action, up to and including separation from employment.

NOTE: The District Health Director must be consulted prior to initiating disciplinary action under these circumstances.

**COMPLAINT
TO GEORGIA
MERIT SYSTEM**

An employee may file a complaint to the Georgia Merit System Commissioner if the District Personnel Office, the Grievance Hearing Officer, or the District Health Director or designee do not adhere to specified time limits. The Georgia Merit System Commissioner will review the complaint and take appropriate action.

For additional information or assistance, please contact the District Personnel Office at 706/272-2342.

ATTACHMENTS:

Attachment #1 -*GRIEVANCE NOTICE TO CBH EMPLOYEES*

Attachment #2 -*CBH CLASSIFIED SERVICE GRIEVANCE FORM*

Attachment #3 -*CBH CLASSIFIED SERVICE GRIEVANCE GROUP ROSTER*
