


<p>RABUN COUNTY SHERIFF'S OFFICE</p>  <p>General Order Number: 2.05</p>	<p>Date of Issue</p> <p>2/23/2016</p>	<p>Effective Date</p> <p>2/23/2016</p>	<p>Revision Date</p>
<p>Subject: EMPLOYEE GRIEVANCE PROCEDURES</p>	<p>Amends:</p>	<p>Rescinds:</p>	
<p>Index as: Employee Grievance Grievance Procedures</p>	<p>State Certification Standards: 3.5</p>		

PURPOSE

To establish a formal process that allows employees to resolve their grievances with management fairly and expeditiously.

STATEMENT OF POLICY

It shall be the policy of the Rabun County Sheriff's Office to be committed to the fair treatment of employees and to offer a remedy for work-related complaints, to seek resolution of grievances at the lowest possible level; to provide due process for all adverse actions that are work-related, but may not involve disciplinary matters; to encourage appropriate review of current policies, procedures and practices in order to find ways to improve management of the department and the employees; to provide a procedure for presentation and joint reconciliation of grievances which arise between employees and their supervisors; and to assure employees that their problems and complaints will be considered fairly, rapidly and without reprisal.

DISCUSSION

In any organization, disputes occur between employees, as well as between employees and their supervisors, concerning working conditions or situations within the agency. These procedures are intended to provide an official forum where employee disputes or complaints can be addressed in a complete and equitable manner.

DEFINITIONS

ADVERSE DISCIPLINARY ACTION – Any action taken by the Sheriff or his designee, for cause, that results in a suspension without pay, salary deduction, demotion, or dismissal.

GRIEVANCE – A claim initiated by a full-time employee alleging that his/her employment or productivity has been adversely affected or a claim alleging unlawful discrimination initiated by a probationary employee during his/her initial 12-month period of employment.

I. GRIEVABLE MATTERS AND LIMITATIONS

- A. For an employee grievance to be accepted it must be based on conditions or a situation in the employee's working environment and the redress sought must be within the purview of the Sheriff to grant. For non-probationary employees, such grievable matters are:
1. Unfair treatment;
 2. Unsafe or unhealthy working conditions;
 3. Erroneous or capricious application of agency policy and procedures;
 4. Illegal discrimination; or
 5. A claim arising out of an act or failure to act that is directly related to the working conditions of an employee; or
- B. In addition to matters outside the authority of the agency to control, the following areas are **not** grievable:
1. Issues which are pending or have been concluded by other administrative or judicial procedures;
 2. Work assignments which do not result in a demotion or salary reduction;
 3. Budget allocations, organizational structure, including the persons or number of persons assigned to a particular job, assignment, or unit;
 4. The content or rating of a performance appraisal except when the employee can show that he/she has been adversely affected by the appraisal;
 5. The selection of an individual by the Sheriff to fill a position through appointment, promotion, or transfer;

6. Internal security practices established by the Sheriff or governing authority of Rabun County; or
7. Decisions, policies, practices, resolutions, or ordinances made or passed by the governing authority of Rabun County, which are not job or work related.

II. OBJECTIVES

The objectives of the agency's grievance procedures are to:

- A. Identify organizational problems that might otherwise be overlooked;
- B. Effectively address any perceptions or allegation of favoritism or unauthorized preferential treatment;
- C. Provide an organizational climate whereby all employees can work to their ultimate potential; and
- D. Establish an environment to maximize organizational effectiveness.

Note: The following procedures are not intended to concede any traditional management rights and responsibilities. The Sheriff and his designees must retain the right to supervise all employees, make various assignments, and take disciplinary and other remedial action when appropriate and direct emergency operations and the daily activities of the agency, among other matters.

III. GRIEVANCE RESOLUTION PROCEDURES

The grievance process established by this agency consists of several consecutive steps, each of which must be used in turn before the next step is initiated.

A. Step One – Informal Adjustment

1. The employee should discuss the problem with his/her immediate Supervisor.
2. A problem resulting from a specific event or action must be presented within ten (10) days of the event.
3. The supervisor's decision regarding the matter shall be rendered to the employee within ten (10) days following the conference.

B. Step Two – Formal Grievance

1. If the problem cannot be resolved through the conference with the employee's immediate supervisor and/or the employee wishes to document the grievance for further action, a completed Employee Grievance Report must be submitted to the employee's Shift Supervisor within ten (10) days following receipt of the supervisor's decision/response.
2. A letter must be submitted with the Employee Grievance Form, containing the following information.

- a. First, explain the informal adjustment and why it was not satisfactory;
 - b. Second, state the harm done to the person(s) filing the grievance;
3. The Shift Supervisor shall review the written grievance and respond in writing on the appropriate section of the Employee Grievance Report within ten (10) days of receipt of the employee's grievance.
 4. If the matter is resolved to the satisfaction of the employee, the Supervisor will mark through the remaining response sections on the Employee Grievance Report and the employee will sign the bottom of the Report. A copy of the report is to be given to the employee, with the original forwarded to the Office of the Sheriff.
 5. If the matter is not satisfactorily resolved during the preceding steps, the Shift Supervisor is to forward the Employee Grievance Report to the Division Commander.

C. Step Three – Division Commander Review

1. Upon receipt, the Division Commander shall review the written grievance and respond in writing on the appropriate section of the Employee Grievance Report within ten (10) days of receipt of the forwarded report.
2. If the matter is resolved to the satisfaction of the employee, the Division Commander will mark through the remaining response sections on the Employee Grievance Report and the employee will sign the bottom of the Report. A copy of the report shall be given to the employee, with the original forwarded to the Office of the Sheriff.
3. If the matter is not satisfactorily resolved during the preceding steps, the Division Commander is to forward the Employee Grievance Report to the Chief Deputy for a hearing

D. Step Four – The Hearing

1. Upon receipt of the Employee Grievance Report the Chief Deputy shall review the grievance and schedule a hearing to review the matter with the grievant(s).
2. The Hearing is intended to create an orderly, non-adversarial means for the grievant(s) to communicate his/her complaint in an informal "face-to-face" setting. The Hearing will be closed except to those summoned to appear and provide information before the Chief Deputy. During the hearing:
 - a. The Chief Deputy may summon other individuals who are involved in, or who have knowledge of, the matter under consideration and/or may obtain any related documentation that may be relevant to the grievance.
 - b. The employee(s) will represent himself/herself. He/she may bring an agency employee to serve as his/her representative during the proceedings. However, the representative shall have no direct role in the proceedings, to include being called as a witness, but will only be present to observe and to advise the grievant as appropriate.
 - c. The grievant(s) may call witnesses to the hearing to testify.

- d. The grievant(s) and the Chief Deputy may “cross-examine” any individual(s) called to provide information.
3. After the hearing, the Chief Deputy shall adjourn the proceedings and will then review the grievance and consider all relevant information presented during the hearing.
4. The Chief Deputy will provide the grievant(s) with a written response by completing the Hearing Portion of the Employee Grievance Report within ten (10) working days following the hearing. If the matter is resolved to the satisfaction of the employee, the Chief Deputy will mark through the remaining response section on the Employee Grievance Report and the employee will sign the bottom of the Report. A copy of the report shall be given to the employee, with the original forwarded to the Office of the Sheriff.
5. If the matter is not satisfactorily resolved during the preceding steps, the Chief Deputy shall forward the Employee Grievance Report to the Sheriff for appeal.

E. Step Five – Appeal to the Sheriff

The Sheriff shall act upon the grievance appeal by reviewing all documentation and making a decision. The Sheriff will notify the grievant(s) of his decision within twenty (20) days of receipt of the appeal. The decision of the Sheriff will be final and binding upon all parties involved. Once the Sheriff's decision is rendered, no additional grievance action concerning the matter may be initiated within the Sheriff's Office.

IV. RESPONSE TO GRIEVANCES

- A. Once a grievance is filed, it will be handled formally and expeditiously. The facts or allegations should be carefully considered, analyzed, and either affirmed or denied in writing. A legitimate attempt should be made by each supervisor who handles a grievance to resolve the issue rather than merely pass it on to the next higher level of authority.
- B. Written responses to grievances shall include the following information:
 1. Notation of the time, date and individual who received the grievance;
 2. Analysis of the facts or allegation(s);
 3. Affirmation or denial of the allegation(s); and
 4. Identification of the remedies or adjustments to be made, if any.

C. Time Limits

1. If the grievance is not submitted by the aggrieved employee(s) within the specified time limits provided in this General Order, the grievance shall be considered void.
2. If a supervisor fails to process a grievance within the time limits specified, the employee may initiate action by proceeding to the next step in the filing process identified above and the supervisor may face remedial action.

D. Time Extensions

1. All times specified are subject to scheduled vacations, sick leave or other authorized absences necessary for the proper conduct of agency business.
2. Involved parties may request one extension not to exceed ten (10) days by providing written notice to the other parties prior to the expiration of the time limit established for a particular step.

V. GENERAL CONDITIONS

A. The procedures outlined in this General Order are not designed to provide an avenue for lodging purely personal attacks on fellow employees or supervisors.

1. Likewise, supervisors who may be the target of personnel grievances should understand that the system is not designed, nor will it be permitted to become, a mechanism for their harassment or abuse.
2. All employees must understand that using grievance procedures to resolve petty personal complaints or to exact revenge for perceived personal wrongs will not be tolerated and may even result in the initiation of appropriate remedial action.

B. Only an individual employee or group of employees may initiate a grievance if they can properly demonstrate a real and articulable harm that has been caused to them personally through the actions or inactions of fellow employees or the agency.

C. Employees are not allowed to initiate a grievance on behalf of another employee or group of employees.

D. The submission of more than one grievance, to redress the same grievance previously filed, is not authorized. However, this does not preclude more than one employee from filing a grievance on the same employee for essentially the same issue.

E. Withdrawal of Grievance

At any time during the grievance process, an affected employee may withdraw the grievance by making written notification of the withdrawal to all parties involved in the grievance process.

F. Grievance Coordinator

1. The agency's Grievance Coordinator shall be the Internal Affairs deputy.

2. The Grievance Coordinator is responsible for:
 - a. Maintaining and controlling a record of all written grievances in a manner that will ensure their confidentiality;
 - b. Providing appropriate assistance to affected parties; and
 - c. Forwarding a copy of all grievances filed during a calendar year to the Chief Deputy who will conduct an annual analysis of grievances.

G. Maintenance and Control of Records

1. The Internal Affairs Office will maintain a copy of all written grievances.
2. The record of written grievances shall include the original Employee Grievance Report and all related correspondence.
3. All grievance records shall be confidential, maintained in a secure manner, and kept separate from other files within the office.
4. Grievance records shall be kept indefinitely for analysis purposes.

H. Annual Analysis of Grievances

1. The Chief Deputy shall conduct an annual analysis of all grievances filed during the calendar year.
2. Such an analysis is a valuable method for the Sheriff to discover agency problems. Specific attention should be made to identify any recurring problems or possible trends that may signal the need to take appropriate steps to minimize the causes for employee grievances in the future.
3. The Chief Deputy shall report to the Sheriff the results of the annual analysis in a written report.



By Order of the Sheriff: **Chad K. Nichols**
Sheriff, Rabun County