

GEORGIA PUBLIC DEFENDER STANDARDS COUNCIL

EMPLOYEE GRIEVANCE PROCEDURE

Purpose

The Georgia Public Defender Standards Council recognizes the need for a consistent process for resolution of employment concerns for employees of the agency including, but not limited to, employees of all state-funded public defender offices.

I. Disclaimer

This grievance procedure is provided to employees as a guideline for expressing concerns about employment. The procedure does not compromise the rights of management to direct the workforce in accomplishing the agency mission. This process is not applicable to disciplinary matters and does not alter the employment at-will relationship between the employer and its at-will employees.

II. Policy

It is the policy of the Georgia Public Defender Standards Council, to maintain a standard of personnel administration which assures fair and equitable treatment of employees. In that regard, every employee eligible to file a grievance as defined in this policy may do so without fear of unlawful discrimination or reprisal.

- A. Circuit Public Defenders will ensure that all employees within their respective offices are aware of this policy. Every employee will sign an acknowledgement that he or she has read and understands these procedures. A copy of the signed acknowledgement will be placed in the employees personnel file.
- B. Employees and respective supervisors are encouraged to make reasonable attempts to identify the issues / contentions involved and to seek to remedy any disputes prior to a written grievance being filed. The effort to resolve disputes may include (but is not limited to) the use of mediation. Such efforts must be handled in a manner that will permit the employee to meet deadlines established by this policy and procedure for the filing of a grievance.
- C. Any circuit public defender, supervisor, or employee or member of the staff of the Georgia Public Defender Standards Council who attempts to harass, intimidate, or retaliate against any circuit public defender, supervisor, management representative, or employee as a result of filing a grievance, providing testimony or evidence regarding a grievance may be subject to disciplinary action.
- D. The decision of the Director of the Standards Council is final. However, in the event that a grievance is filed against or relating to the actions of the Director then the Chairman of the Council shall assign a member of the Council's Executive Committee to oversee and provide the final ruling.

III. Eligibility

- A. All employees except those listed in Paragraph B, below, are eligible to file a grievance.

- B. The following employees are not eligible to file a grievance:
1. Employees who have been notified of suspension, demotion, disciplinary, salary reduction, or separation from employment.
 2. Employees seeking relief through other administrative or judicial procedures.

IV. Grievance Issues

- A. Aggrievable issues are:
1. Allegations of unlawful discrimination because of race, color, sex, national origin, disability, age, or religious or political opinions or affiliations.
 2. Allegations of sexual or other forms of harassment.
 3. Retaliation for using this grievance procedure.
 4. Erroneous, arbitrary or capricious interpretation or application of personnel policies and procedures.
 5. Unsafe or unhealthy working conditions.
- B. Grievances alleging unlawful discrimination based on race, color, sex, or sexual harassment, national origin, disability, age, religious or political opinions or affiliation, shall be reviewed by the director and are processed in the following way:
1. Allow the grievance to proceed through the grievance procedure.
- And
2. When the grievance procedure has been completed advise the employee filing the grievance, in writing, that GPDSC has concluded processing the grievance and that the employee filing the grievance may present the matter to the Georgia Commission on Equal Opportunity or the Equal Employment Opportunity Commission.
- C. Non-aggrievable issues include but are not limited to the following:
1. Issues which are pending or have been concluded by the Georgia Commission on Equal Opportunity, or through other administrative or judicial procedures.
 2. Performance responsibilities, expectations, and evaluations.
 3. Temporary work assignments.
 4. Budget and organizational structure, including the number or assignments of positions in any organizational unit.
 5. The selection of an individual to fill a position, unless it is alleged that the selection is in violation of an agency's written policy.
 6. 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.

V. Representation

- A. Employees may represent themselves or be represented by a third party of their own choosing, provided the third party is an employee of GPDSC, who has been properly authorized for absence from regular work duties.
- B. GPDSC will make a reasonable effort to authorize a third party representative to be absent and to provide up to four hours duty time per grievance for the purpose of assisting the employee filing the grievance. Such time shall be during regular work hours, without loss of pay or leave credits. Employees will not be authorized work time to serve as a third party representative or to assist in grievance preparation for more than two grievances per calendar year. Time spent as a participant in a grievance review meeting will be considered work time.
- C. A non-employee third party representative is not permitted unless required by law or applicable rule.

VII. General Provision

At any point in the procedure, a grievance may be referred to mediation. Any party to a grievance may request that the grievance be referred to mediation. The Director shall make the final determination regarding the appropriateness of mediation referral for the grievance.

- A. At the sole discretion of the employee filing the grievance, a grievance may be voluntarily withdrawn at any point in the procedure. A withdrawn grievance may not be refiled. To withdraw a grievance, the employee will notify the GPDSC Human Resources Manager in writing.
- B. Employees needing assistance in processing a grievance may contact the Human Resources Manager.
- C. GPDSC may consolidate grievances as follows:
 - 1. Multiple grievances filed by an employee may be consolidated into a single grievance.
 - 2. Separate grievances filed by two or more employees regarding the same issue(s) may be consolidated into a group grievance.
- D. An employee filing the grievance will be allowed reasonable time, as determined by the GPDSC Human Resources Manager to prepare a grievance. Such time shall be during regular work hours, without loss of pay or leave credits. Preparation time shall include such activities as meeting with witnesses and reviewing the complaining employee's personnel file. Such time is independent of any time spent in a grievance review session with the GPDSC Grievance Review Official. The GPDSC Grievance Coordinator (Human Resources Manager) shall have the authority to resolve any dispute regarding the determination of reasonable and necessary time for processing a grievance.

VIII. Time Provision

- A. The grievance is considered filed when stamped received by the Human Resources Manager.
- B. The first day of any time provision in this grievance procedure will not be counted.

- C. Upon agreement of all parties to a grievance, any time limit specified in this policy may be extended, not to exceed 90 calendar days.
- D. The GPDSC Human Resources Manager may extend any time limit specified in this policy due to emergency, medical disability or legally mandated absence on the part of the employee filing the grievance. The employee filing the grievance will be notified immediately of the reasons for and the length of the extension.
- E. In the event of an emergency situation, the GPDSC Human Resources Manager may suspend the right of grievance under this procedure.
- F. A suspension of the eligibility to file a grievance may delay but will not otherwise prejudice any grievance filed before the effective date of the suspension, nor will any grievance filed within 15 workdays after the period of suspension has expired be denied or otherwise limited.

IX. Procedure

- A. The grievance must be submitted on the Standard Grievance Form to the GPDSC Human Resources Manager, within 10 workdays after the occurrence upon which the grievance is founded or within 10 workdays after the employee becomes aware of the problem. The GPDSC Grievance Coordinator (Human Resources Manager) may grant a waiver or an extension of the filing deadline.
- B. The grievance must contain a statement of the issue(s) involved, how the the employee filing the grievance's employment has been unfavorably affected, the relief sought, and the date(s), if known, the incident(s) or violation(s) occurred. If the grievance involves the interpretation or application of policy or procedure, the grievance must identify the policy or procedure at issue and describe how it was erroneously interpreted or applied.
- C. Within 10 workdays of receipt of a grievance, the GPDSC Human Resources Manager shall review the grievance to determine the grievability of the issue(s) and provide written notice to the parties that:
 - 1. The issue is non-grievable, including the specific reasons for the determination, and that the grievance process is being terminated.
 - Or
 - 2. The issue is grievable_under this procedure.
- D. GPDSC Internal Review Process
 - 1. Within 15 workdays of the notice that an issue is grievable, the Director shall appoint a GPDSC Grievance Review Official.
 - 2. Within 5 workdays of assignment, the GPDSC Grievance Review Official will undertake any of the following actions_with regard to the grievance: conduct a grievance review of the grievance issues based upon available information presented; or conduct a grievance review by meeting with the parties to facilitate an agreement, clarify and/or interpret policies, or explore alternative resolutions.
 - 3. Barring prior settlement of the grievance by agreement of the parties, the Grievance Review Official shall submit a written recommendation to the Director within 30 workdays of receiving the assignment of grievance review.

4. The Director will review the findings and recommendation(s) of the Grievance Review Official and issue a decision in writing within 10 workdays of receipt of the recommendation. The decision of the Director will be final and concludes the grievance process.

Adopted July 23, 2004, and numbered Council Resolution 07-04 for administrative purposes.

Emmet J. Bondurant
Chairperson

Attested:

Natasha Perdew Silas
Secretary