

SCIOTO COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

POLICY 3.04.03 RESOLVING EMPLOYEE GRIEVANCES

A. Introduction

The resolution process in this policy is to be used by non-management employees for resolving disputes within the agency. Other resolution processes are available which should be reviewed and eliminated as inappropriate before this one is undertaken.

1. The term “grievance” as used herein may include, but is not limited to, a dispute over the application or interpretation of a policy or action of the Board, disciplinary actions that are not appealable to the State Personnel Board of Review (SPBR), or a disagreement between employees.
2. The parties, by mutual written agreement, may waive the time limits of this policy.
3. For the purpose of this policy, a “working day” is defined as a day the Superintendent’s office of the Scioto County Board of Developmental Disabilities is open.
4. Grievances are to be settled at the earliest possible Step of the process. The employee must proceed through each Step of the resolution process in order and within the prescribed time limits, unless otherwise agreed, in order for the grievance be resolved.
5. Where a grievance is impacted by issues of law that in-house staff cannot address, the grievance will be sent by the Superintendent or designee to the County Prosecutor’s Office for an opinion before proceeding. All time limits stated in this policy will be held in abeyance until a response from the Prosecutor is received.
6. An employee with a grievance may be accompanied by one other person of his/her choice, who may serve as a representative during any meetings held to resolve the complaint.
7. Grievances beyond Step I must be written, stating the reason for the grievance and the preferred resolution.

B. Restrictions on Use as a Disciplinary Appeal Process

1. The resolution process in this policy may be used by non-probationary, non-management employees to appeal certain corrective disciplinary actions.

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2. This process can only be used by employees to appeal disciplinary actions up to and including suspensions that constitute less than 24 hours of work, or pay reductions amounting to less than 24 hours of pay. Suspensions of longer than 24 hours of work, pay reductions equaling more than 24 hours of pay, demotions, layoffs, and removals are examples of disciplinary actions that may be appealed to the SPBR. In these cases, this in-house resolution process may not be used.

C. Resolution Process

Step I, Informal Resolution

- a. The aggrieved employee shall meet with his/her immediate Supervisor to resolve the grievance within three working days after the occurrence of the act, or acts, giving rise to the grievance.
- b. If a resolution is not reached at this meeting, the supervisor will give the aggrieved employee a verbal response within three working days of the meeting's end.

Step II

If the aggrieved employee wishes pursue the grievance further, he/she shall do so within three working days of receiving the immediate Supervisor's verbal response. If the Supervisor in Step I is the Superintendent, go to Step IV.

- a. The aggrieved employee shall put the grievance in writing and submit it to the next level of management above his/her direct Supervisor.
- b. That Administrator shall review the facts of the dispute with the involved parties at a conference held within three working days of receiving the written grievance.
- c. The Administrator shall issue a written response within three working days from the close of the conference, which is either a description of the resolution reached in the conference or his/her decision on the issue.

Step III

If no satisfactory solution is secured in Step II, the employee may request that the Administrator forward all information pertinent to the grievance to the Superintendent, or his/her designated representative, for resolution of the grievance. If the Administrator in Step II is the Superintendent, go to Step IV.

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- a. The Superintendent/designee shall hold a conference relating to the grievance within three working days following receipt of the grievance. Both the aggrieved employee and the Superintendent shall have the right to have available such witnesses as are necessary for the explanation and investigation of the grievance.
- b. The Superintendent shall issue a written response within three working days from the close of the conference, which is either a description of the resolution reached in the conference or his/her decision on the issue. In the case of a designee holding the conference, he/she has three working days to make a written report to the Superintendent which is either a description of the resolution agreed to in the conference or his/her recommendation for a resolution. The superintendent has three days to review the report and provide all parties with a description of the resolution or his/her decision of the issue.

Step IV

The aggrieved employee may appeal the Step III decision within ten working days, if no satisfactory resolution is reached. At this point, the case will be referred to the Personnel Committee of the Scioto County Board of Developmental Disabilities. Upon receiving the appeal, the Superintendent will cause to be prepared three packets of relevant materials and within three working days assure that they have been delivered to the members of the Committee.

- a. The Personnel Committee will designate a time and place for a meeting with the aggrieved employee and his/her representative at the earliest and most practicable time. This meeting will comply with Ohio's open meeting laws.
- b. The Personnel Committee will hear all the facts and witnesses concerning the grievance and prepare a recommendation for the full Board.
- c. The Personnel Committee will present the recommendation to the full Board at the next regular Board meeting.
- d. The Board will make a decision.
- e. The decision will be communicated in writing to the aggrieved employee and the Superintendent within ten working days following the meeting.

All decisions of the Scioto County Board of Developmental Disabilities will be final and binding upon all parties who participate.

- C. Nothing in this policy is intended to deny an employee any rights available by law, including the right to appeal to the State Personnel Board of Review, the Ohio Civil

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- Rights Commission, the Equal Employment Opportunity Commission, or any court of competent jurisdiction. However, if the employee elects to file a complaint with another administrative agency or court body, it is the employee's responsibility to meet the criteria for filing with that administrative agency or court.
- D. This resolution process is not to be utilized to adjudicate allegations of discrimination by reason of an employee's race, color, religion, gender, age, national origin, political affiliation, veteran status, sexual orientation, parental status, genetic information or disability. Staff alleging such discrimination shall refer to the appeal process outlined in the Fair Employment Standards policy.

Note: Combines Former Personnel Policies 5.05 and 5.06.