



## **PERSONNEL POLICY**

### **SUBJECT: EMPLOYEE GRIEVANCES**

DATE: January 1, 2017

Number: 309-16

---

#### **I. Statement of Policy**

It is the policy of Fulton County Government to treat all employees fairly and equitably in matters affecting their employment and to provide employees with an efficient and effective process for resolving workplace issues and disputes. The Fulton County grievance procedure is established to provide a formal, structured process through which employees may voice complaints concerning work-related issues and seek administrative redress for alleged violations, misinterpretations or inequitable applications of Fulton County policies, rules, and standards of conduct. An employee has a right to use the grievance procedure without fear of reprisal or retaliation, and the filing of a grievance by an employee will not reflect adversely on the employee's standing or performance.

The objective of the grievance procedure is to settle all grievances between management and employees as quickly as possible and at as low of an administrative level as possible, so as to improve employee-management relations, assure efficient work operations and maintain employee morale. Fulton County expects employees and management to exercise reasonable efforts to resolve any questions, problems or misunderstandings prior to using the grievance procedure. Employees should pursue, if possible, an informal resolution of their complaints, utilizing all available avenues within their department before filing a formal, written grievance. Appointing Authorities, Department Heads and supervisors are encouraged to work with employees to resolve grievances informally.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

Time scales have been fixed to ensure that grievances are dealt with quickly, however these may be extended by the County if necessary. Efforts at informal resolution are unrelated to the formal grievance procedure and do not extend the time limit(s) included in the procedure.

The grievance procedure may be modified or eliminated by the County at any time, with or without prior notice. This procedure is not a guarantee of employment or of any other rights or benefits. This procedure does not create or grant covered employees with a property interest in their employment or tenure rights of any kind and does not constitute a contract of employment, express or implied.

This policy is not intended to deal with (1) dismissal or disciplinary matters which are dealt with in a separate policy or procedure; (2) disputes of a collective nature which are dealt with in a separate procedure; or (3) complaints arising from sexual or other harassment actions covered under the EEOC policies.

## **II. Background and Applicability**

All non-probationary, fee-paid and seasonal Fulton County employees are eligible to file grievances pursuant to this procedure. For purposes of this policy, "employee" does not include elected officials and their personal staff, interns, independent contractors, or volunteers. Review of demotion, suspension without pay, and dismissal actions (as well as any other disciplinary action taken for cause whereby an employee suffers any loss in salary, grade or classification as described in the Civil Service Act, as amended) taken against classified employees pursuant to the Personnel Policies of Fulton County shall be exclusively within the jurisdiction of the Fulton County Personnel Board. This grievance procedure and the ability to file a grievance in no way gives any employee a property interest in employment with Fulton County.

## **III. Establishment and Implementation of Procedure**

The County Manager, in consultation with the Chief Human Resources Officer and the County Attorney, is authorized to establish and modify, as needed, a procedure for implementing this policy.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".



## PERSONNEL PROCEDURE

### SUBJECT: EMPLOYEE GRIEVANCES

DATE: March 17, 2017

Number: 309-16

---

#### I. Definitions

- A. Grievance: a wrong or hardship suffered (real or perceived), which is the grounds of a complaint. A claim of an individual employee that he was adversely affected by a violation, misinterpretation, misapplication, or disparity in the application of a specific rule, regulation, policy, or procedure.
- B. Appointing Authority/Department Head: the person(s) authorized by law or delegated authority to make appointments to fill positions and who is the executive head authorized to oversee the operations of a department.
- C. Complaint: an expression of grievance, dissatisfaction or concern.
- D. Retaliation: to act or omit to act towards a person in a way which is intended to cause disadvantage to that person because they have made a complaint or may make a complaint.
- E. Supervisory Personnel: For the purposes of this procedure, the term "supervisory personnel" shall mean any permanent Fulton County employee who:
  - 1. Customarily and regularly directs the work of two or more full-time employees. This test would be met, for example, if an employee directs one full-time and two part-time workers, one of whom works mornings and the other afternoons; or four part-time workers, one of whom works mornings and the others afternoons; or four part-time workers, two of whom work mornings and two of whom work afternoons; and

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

2. Has the authority to hire or discipline employees, or whose suggestions and recommendations as to hiring and disciplinary actions, and as to the advancement and promotion or any other change of status of other employees, will be given particular weight.
- F. Management Personnel: For purposes of this procedure, the term “management personnel” shall include any permanent Fulton County employee who regularly engages in any combination of two or more of the following activities: interviewing, selecting, and training of employees; setting and adjusting employees’ hours of work; directing the work of employees; maintaining production records for use in supervision or control; appraising employees’ productivity and efficiency for the purpose of recommending promotions or other changes in status; handling employee complaints and grievances; disciplining employees; planning the work; determining the techniques to be used by employees in performing their job duties; apportioning work among the employees; determining the type of materials, supplies, machinery, equipment or tools to be used or merchandise to be bought, stocked and sold; controlling the flow and distribution of materials or merchandise and supplies; and monitoring or implementing legal compliance measures.

## **II. Rights and Responsibilities**

All County employees have the right to:

- Make a complaint to their direct supervisor or HR representative
- Be treated with respect and impartiality and provided with support throughout the process
- Have the principles of procedural fairness observed. This means:
  - Complaints must be fully described by the person with the grievance
  - The person who is the subject of concern must have a full opportunity to put forward their case
  - All parties to the complaint must have the right to be heard
  - All relevant submissions and evidence must be considered
  - Irrelevant matters must not be taken into account
  - The decision-maker must be impartial, fair and just
- Investigations and proceedings that are conducted honestly, fairly and without bias
- No undue delay in investigations and proceedings

It is the responsibility of all parties involved in a grievance to participate fully in the resolution process in good faith. Confidentiality must be respected and maintained

These policies do not create a contract of employment. Employment for non-classified employees remains “at will”.

at all times within the constraints of the need to fully investigate the matter, subject to any legal requirements for disclosure and consistent with the principles of procedural fairness.

#### Right of Representation:

Either party to the grievance procedure may have a representative present at all stages of the grievance procedure. Such representative shall be a union representative or attorney. Notice of representation shall be provided to the other party at all stages of the grievance process. The grievant must bear any cost involved in employing representation or in preparing or presenting his/her grievance.

### **III. Management Rights**

Nothing in the grievance procedure set forth herein is intended to circumscribe or modify the existing management right of Fulton County to do any of the following:

- A. Direct the work of its employees as well as establish and revise wages, salaries, position classifications, and employee benefits;
- B. Hire, promote, transfer, assign, and retain employees within the County;
- C. Maintain the efficiency of governmental operations;
- E. Determine the methods, means, and personnel by which operations are to be carried out; or
- F. Discharge, demote, layoff, or suspend an employee for unsatisfactory performance or because of reorganization, lack of work, reduction in force, or position elimination.

### **IV. Grievable Matters**

- A. An employee may file an individual grievance regarding any of the following matters:
  - 1. Concerns regarding the application or violation of County or department rules, regulations, policies or procedures;
  - 2. Unsafe, unhealthy or unsanitary working conditions;
  - 3. Denials of requests for leave;
  - 4. Classification issues related to whether the grievant is working outside of his or her assigned classification; and
  - 5. Retaliatory actions that result from utilization of the grievance procedure or participation in the grievance of another County employee.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

B. Fulton County retains the exclusive right to manage its affairs and operations. Accordingly, matters that are not subject to this grievance procedure include, but are not limited to:

1. Classification-wide title changes or salary grade revisions;
2. Revision of classification specifications or employee benefit plans or systems;
3. Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the employee's job duties;
4. Performance evaluations or reviews;
5. The contents of established personnel policies, procedures, rules, and regulations;
6. Disciplinary actions;
7. Promotion decisions;
8. Layoff because of departmental reorganization, lack of work, reduction in force, or abolishment of position;
9. Matters involving employee compensation, wages, salary or other payroll-related issues;
10. The hiring, promotion, transfer, assignment, and retention of employees within the County;
11. Administrative suspension with pay, during any internal employment-related investigation;
12. County actions or inactions as it relates to another employee;
13. Violations of federal, state, or local law; and
14. Reassignments or job transfers.

## **V. Grievance Resolution Procedures**

A. Grievance forms are available from the HR Operations Division of the Department of Human Resources Management, Appointing Authorities, Department Heads and direct supervisors. The Department of Human Resources Management's HR Operations Division will track all grievances through the grievance process. The grievance form will establish and constitute the official record of grievance by an employee. The form will be appended at each subsequent step of the grievance process.

B. Each employee who feels aggrieved has a right to present a grievance to appropriate management personnel. All employees will be afforded fair, equitable, and expeditious review of their grievance without fear of any form of punishment, retaliation, or reprisal for such action. No retaliation against an employee who has filed a grievance will be tolerated. However, change in work assignments or job duties for business reasons does not constitute retaliation.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

C. Should an employee allege that a supervisor has retaliated against him or her for utilizing this grievance procedure or participating in the grievance of another County employee, that employee may bypass Steps 1 and 2, and proceed under Step 3, and provide a written statement describing the perceived retaliation. Should an employee allege that he or she has been or is being retaliated against by the Appointing Authority or Department Head, as applicable, that employee may bypass Step 3 and submit the grievance and a written statement describing the perceived retaliation directly to the HR Operations Division of the Department of Human Resources Management.

D. While a grievance is in progress, the grievant is expected to continue to work without interruption, in the performance of all duties.

E. A separate form shall be required for each individual grievance unless a group grievance is designated at Step 1. Parties of a group grievance forfeit their individual rights to file a grievance on the same issue.

F. A Request for Determination of Grievability form may be initiated by either the grievant or the Appointing Authority/Department Head/Supervisor when the grievability of an issue or matter is at question. A determination of grievability can be requested by either party at any time prior to the hearing before the Grievance Review Committee or County Manager.

G. There are five (5) categories of grievances listed on the employee grievance form instructions (FCGRF-0001):

1. Concerns regarding the application or violation of County or department rules, regulations, policies or procedures;
2. Unsafe, unhealthy or unsanitary working conditions;
3. Denials of Leave of Absence;
4. Classification issues related to whether the grievant is working outside of his or her assigned classification; and
5. Retaliation actions that result from utilization of the grievance procedure or participation in the grievance of another County employee.

H. The following steps shall govern the processing of employee grievances:

### **Step 1**

An employee who has a grievance shall initially discuss the issue or dispute directly with his immediate supervisor. If the matter itself concerns the employee's immediate supervisor, then the grievance should be taken to the next level supervisor, Department Head or Appointing Authority.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

If the supervisor is unable to resolve the matter at that time, then a formal written grievance form should be submitted. Grievances shall be promptly filed. To be considered, a grievance must be filed in writing within twenty business days of the occurrence/event giving rise to the grievance.

A formal written grievance must contain the following information:

1. The date and a brief explanation of the incident or action giving rise to the grievance;
2. The reason the action is deemed to be inappropriate, impermissible, unjust or unfair;
3. The remedy or solution sought; and
4. The signature of the aggrieved employee.

The immediate supervisor should meet with the grievant and respond to the grievance within ten (10) working days (i.e., the supervisor's normal working days) unless an extension is granted by the County. Within the 10 working days, the supervisor shall conduct an investigation of the issues presented and provide a detailed explanation of said investigation on the grievance form. The grievance form, containing the findings and conclusions of the supervisor, along with the reasons for such findings and conclusions will be forwarded by the supervisor to the next level supervisor with copies of all documents used in conducting the investigation. The response will also provide instructions on who to appeal to if still aggrieved.

\* Note that in smaller departments, the Appointing Authority or Department Head may receive and process a grievance directly from Step 1 to Step 3 level if no intermediate level of supervision exists.

## **Step 2**

In most instances, the County would expect the supervisor's decision to be final and for the matter to come to a close. However, in some circumstances the employee may remain aggrieved and can seek review of the immediate supervisor's decision.

The request for review (i.e., if the grievance is not resolved during **Step 1** of the procedure to the employee's satisfaction, and the employee desires to pursue the matter) by the next level supervisor must be made within ten (10) working days of the original response to the employee's grievance. The request for review must be made by the employee in writing and/or the direct supervisor shall submit the completed grievance form to the next level supervisor. Within 10 working days of receipt of the appeal, the next level supervisor will meet with the grievant and provide a written response to the grievance on the grievance form. The written response, which shall

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".



include a detailed explanation of the findings of any investigations conducted, the decision on the grievance and the reason therefore, and all supporting documents.

Where the direct supervisor is the Appointing Authority or Department Head, then the grievance should immediately progress to Step 3.

### **Step 3**

If the employee remains aggrieved, there will be a final level of review within the department by the Appointing Authority or Department Head. The request for review must be made in writing to the Appointing Authority or Department Head within ten (10) working days of receipt of the Step 2 response, and should include a copy of the original grievance form as well as all previous supervisory responses to the grievance. Within ten (10) working days of receipt of the grievance form, the Appointing Authority or Department Head and/or designee shall conduct an investigation of the issues presented and shall then set forth in writing on the corresponding section of the grievance form the findings of the investigation. A copy of the grievance form, containing the findings and conclusions of the Appointing Authority or Department Head and/or designee, along with the reasons for such findings and conclusions, shall then be returned to the employee along with the copies of all documents used during the investigation.

If the grievance is resolved to an employee's satisfaction within the department, the Appointing Authority or Department Head and/or designee must submit the completed grievance form to the Grievance Coordinator. This form must contain signatures of the supervisor and/or designee, and employee, and must indicate the specific resolution, deadlines for any actions to be taken to fully resolve the grievance, and date of closure. The employee must be provided a copy of the completed grievance form.

If the Appointing Authority, Department Head or his/her staff breaches any condition of the agreed upon resolution within twelve (12) months of the grievance closure date, then the employee must inform the Appointing Authority, Department Head and/or designee in writing within five (5) working days of the alleged breach. The employee's notice must describe the alleged breach in detail and provide a date of the alleged breach. If the breach is not corrected within five (5) working days from the employee's notice, then the employee may proceed to Step 4 by filing a copy of the completed grievance form with the agreed-upon resolution and a copy of the employee's notice of breach with the HR Operations Division within ten (10) working days from the date of the employee's notice of the breach. Any alleged breaches occurring more than twelve (12) months from the date of closure of the grievance should be treated as a new grievance.

### **Step 4**

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

If the grievance is not resolved by the Appointing Authority or Department Head and/or designee to the employee's satisfaction, and the employee desires to pursue the matter, the Appointing Authority, Department Head and/or designee must submit the completed grievance to the HR Operations Division within ten (10) working days of reaching a decision. The HR Operations Division shall submit the grievance form and attached evidence to the Grievance Review Committee for a hearing to be held at the earliest possible date.

- A. Failure to follow procedure:
  - 1. Channels of supervision between steps one (1) through three (3) as specified in this procedure shall be strictly followed.
  - 2. The failure of supervisory employees or County officials to follow each step as outlined in this procedure shall entitle the employee to proceed to the next step in the grievance procedure. Supervisory employees or County officials who do not follow the steps outlined in the procedure shall be subject to disciplinary action by the affected Appointing Authority, Department Head and/or designee, the County Manager or his/her designee, or the Board of Commissioners, as appropriate. Examples of disciplinary actions include, but are not limited to, verbal and written warnings, suspension without pay, demotion, dismissal, and the loss of any salary increase during a 12-month period.
- B. Extension of Time in the Grievance Procedure: Time limit requirements for employees and supervisors who request action on a grievance or departmental response to grievances as specified in this procedure may be extended by agreement in writing signed by the employee and Appointing Authority, Department Head and/or the designee any time prior to the deadline. Extension of time forms shall be available from the Grievance Coordinator. Extensions shall not exceed more than ten (10) days at any given step of this procedure. The original of the extension of time agreement shall be attached to the grievance form, one (1) copy shall be kept by the Appointing Authority, Department Head and/or designee, a copy shall be given to the employee and a copy forwarded to the Grievance Coordinator's office.

## **VI. Grievance Review Committee**

- A. An impartial Grievance Review Committee (hereinafter "Committee") consisting of five (5) members is established, empowered and authorized to recommend to the County Manager a resolution and settlement of any

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

grievance covered by this procedure which has not been satisfactorily resolved during steps 1, 2, 3, 4 or as outlined in this procedure.

- B. Members of the Grievance Review Committee are not entitled to receive compensation for their services. The member selected from the community, however, shall receive per diem compensation.
- C. Vacancies for any reason shall be filled in accordance with this procedure.
- D. Membership of the Committee shall be as follows:
  - 1. Two (2) members shall be elected by Fulton County employees in a County-wide election. The term of office for such members shall be two (2) years. Eligibility requirements are as follows:
    - (a) Permanent employee;
    - (b) Non-supervisory employee; and
    - (c) Signatures from thirty (30) County permanent employees supporting candidacy.

The Department of Human Resources Management shall verify the qualifications for employee candidates and shall coordinate elections using a democratic process with the assistance of the Registration and Elections Department as needed. The posts will be awarded to those two (2) candidates receiving the most votes. In the event an elected member resigns or becomes ineligible to serve, for whatever reason, the Department of Human Resources Management shall fill the vacancy for the unexpired term with the employee who received the next highest number of votes.

- 2. Two (2) members shall be appointed by the County Manager from the Fulton County workforce for staggered terms of two (2) years each, with selection eligibility as follows: Management Personnel or Supervisory Personnel. The County Manager shall provide notice to employees of the appointments.

In the event an appointed member resigns or becomes ineligible to serve for whatever reason, the vacancy will be filled by the County Manager by use of an alternate candidate list outlined in this procedure.

- 3. One (1) member shall be selected from the community by the Grievance Review Committee for a term of two (2) years, with selection eligibility as follows: human resource or employee

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

relations experience of at least one (1) year within the last five (5) years.

In the event that the selected member resigns or becomes ineligible to serve, for whatever reason, the Committee shall repeat the aforementioned process.

E. Alternates

1. Alternates, to fill temporary or permanent vacancies on the Committee, shall be chosen in advance at the time of selection of a member. Once an alternate fills a permanent vacancy, a new alternate will be chosen in the following manner:
  - (a) An alternate will be chosen by the County Manager at the same time a permanent member is chosen by the County Manager. If the alternate fills a permanent vacancy, then a new alternate shall be chosen by the County Manager within twenty (20) working days.
  - (b) If a vacancy involves an elected member (employee County-wide election), the new alternate will be the person with the next highest vote total.
3. In the event two (2) members are elected from the same department, an equal number of alternates shall be selected from the next highest vote totals.
4. In the event two (2) members are appointed by the County Manager from the same department, the County Manager shall appoint an equal number of alternate members in order to comply with requirements set forth in this procedure.

F. New member orientation process

All Committee members shall be given an introduction to their roles and responsibilities, relevant County policy and procedures, personnel regulations and general meeting protocol, by the County Manager's office, Chief Human Resources Officer, and/or members of the Committee no more than thirty (30) days after taking office.

G. Removal of a Committee member:

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

By a majority vote, the Grievance Review Committee may recommend the removal of a member to the County Manager. A member may be recommended for removal for incompetency, inefficiency, dereliction or neglect of duty, malfeasance in office, or other good cause.

## **VII. Authority and Functions**

A. Upon formation of the Grievance Review Committee, a chairperson and a vice-chairperson shall be elected by the members of the Grievance Review Committee, and thereafter every January a chairperson and a vice-chairperson will be elected for a one-year term.

B. At least three (3) of the five (5) members must be present for all meetings, which shall constitute a quorum for the purpose of conducting business. Any Committee member who is employed by the grievant's department shall not participate in the hearing and shall not be counted for the purpose of reaching a quorum. The chairperson is responsible for ensuring a quorum is in place for all hearings.

C. To ensure that the Committee shall be impartial in its deliberations, and that an objective decision is rendered, any Committee member who is employed in the grievant's department will be excluded from the hearing. In the event that the elected chairperson is excluded, the vice-chairperson will conduct the hearing.

D. The legal counsel to the Committee shall be responsible for ruling on all procedural questions during the grievance hearings, and the chairperson of the Committee shall be responsible for answering all inquiries concerning the status of grievances processed by the Committee.

E. Required attendance at meetings of the Grievance Review Committee by any employee participant or witness shall be reported on a standard leave slip as "Official Leave" and shall not be charged to any other leave category. The Grievance Coordinator shall be responsible for notifying all participants and for coordinating with supervisors a release time for the grievant(s), witnesses and others. Both the grievant and department management shall be responsible for notifying the Grievance Coordinator in advance of hearings of the names and location of any employee witnesses who will appear during a hearing. It is the responsibility of the requesting parties to arrange the presence of any witnesses who are not County employees. Supervisors and/or designees and Appointing Authorities, Department Heads and/or designees are expected to assist the efforts of the Grievance Coordinator by arranging for employee release time in accordance with this Procedure.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

F. All witnesses during a Grievance Review Committee hearing shall be sworn-in by the chairperson.

G. Record-keeping: All testimony during a Grievance Review Committee meeting shall be tape recorded, but shall not be transcribed, except at the cost of the requesting party. The Grievance Coordinator's office shall be responsible for the typing and distribution of all approved "Grievance Recommendation Orders" and shall also be responsible for the storage and maintenance of appropriate grievance files and tapes. All such tape recordings shall be destroyed at the end of eighteen (18) months from the date of the Grievance Recommendation Order, unless otherwise requested by any party at interest. Such destruction shall be certified by the Office of the County Manager. The parties shall have the right to have a court reporter record the proceedings at their own expense and with twenty-four (24) hours prior notice to the opposing party. All exhibits shall be clearly identified.

H. The Grievance Review Committee reserves the right to determine its case calendar. Grievances shall be heard in the order or priority set and established by a quorum of the Committee.

I. Upon a majority vote, the Grievance Review Committee may deny or dismiss any grievance as "frivolous." A timely written explanation of a "frivolous" determination shall be provided to the grievant and Appointing Authority or Department Head. Within twenty (20) working days of the date of the written denial or dismissal, the grievant may appeal such finding to the County Manager. A frivolous grievance is one of little weight or importance and not worthy of serious consideration.

J. All committee meetings shall be conducted during normal working hours upon notification in writing from the Committee chairperson to all affected persons. No hearing shall progress beyond 4:00 p.m. on any hearing date. If more time is needed, a continuance shall be granted.

K. Any scheduled meeting of the Grievance Review Committee may be rescheduled with the mutual consent of the parties and upon notification to the chairperson of the Grievance Review Committee, or for good cause as determined by the chairperson.

L. "No Shows": In the event that neither party to a grievance reports at the scheduled date and time for the hearing, the hearing will be rescheduled. If one party reports at the scheduled date and time and the other party does not, the grievance will be resolved in favor of the party reporting as scheduled.

M. Grievance Recommendation Orders:

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

1. The Grievance Review Committee shall have the authority to issue Grievance Recommendation Orders to the County Manager or his/her designee. All Grievance Recommendation Orders shall be signed by a majority of the committee members who participated in the grievance hearing.
2. The Committee and County Manager shall seek advice when necessary from the Department Head, Appointing Authority, the Chief Human Resources Officer, or from the County Attorney, prior to issuing or approving a Grievance Recommendation Order.
3. Recommendations by the Grievance Review Committee contained in the Grievance Recommendation Order shall be objective, reasonable and impartial; and may identify instances where personal or political prejudices are suspected, and determine when undue hardship results from a grievance action.
4. Recommendations by the Grievance Review Committee in the Grievance Recommendation Order shall be non-precedential. However, recommendations made by the Grievance Review Committee may give due consideration to past practices and decisions concerning other grievances of a similar nature.
5. The County Manager is authorized to approve or not approve a Grievance Recommendation Order. Once approved, Grievance Recommendation Orders shall be signed by the County Manager, and shall become a matter of official record and subject to the Georgia Open Records Act. Copies shall be furnished to all parties at interest, and a copy shall be placed in the grievant's official personnel file.
6. Every Grievance Recommendation Order shall:
  - (a) Contain a summary of the issues raised by the grievant;
  - (b) Set forth in writing the decision of the Committee, the reason(s) therefore, and attach any/all supporting documents; and
  - (c) Describe in detail the resolution of the Grievance Review Committee including specific actions and deadlines needed to satisfy recommendation contained in the Grievance Recommendation Order. Grievance Recommendation Orders shall not include any medical or health related

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

documents as attachments except for those orders to be placed in Department of Human Resources Management files.

- (d) All Grievance Recommendation Orders shall be delivered to the Department Head or Appointing Authority and the grievant no more than five (5) working days after signature of the committee members and no more than five (5) working days after signature of the County Manager or his/her designee.

7. The department shall comply with the recommendations contained in a Grievance Recommendation Order approved by the County Manager within five (5) working days of receipt. The Department of Human Resources Management, through the Grievance Coordinator, shall verify compliance with all Grievance Recommendation Orders.

8. Evidence of default on an approved Grievance Recommendation Order shall be referred to the County Manager or his/her designee for immediate review, disposition and disciplinary action.

9. A Grievance Recommendation Order, once approved or disapproved by the County Manager, shall be final and no further appeals may be permitted.

### **VIII. Conduct of Grievance Step Meetings**

Personal face-to-face meetings are required at all steps. The employee and County management may have a representative present at all steps. If the employee is represented by legal counsel, management likewise has the option of being represented by counsel. The parties to the grievance may by mutual agreement waive any or all intermediate steps or meetings, with the exception of the initial grievance and reducing the grievance to writing. Time spent attending grievance step meetings during the grievant's regularly scheduled hours shall be considered work time and the use of personal leave is not required.

At all steps, appropriate witnesses also may be asked to provide information. Witnesses shall be present only while actually providing testimony. Any time spent providing information during the witness's regularly scheduled hours shall be reported and recorded as "Official Leave" as described in Section VII.E above.

### **IX. Failure to Follow Procedure**

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".



Channels of supervision between steps 1 through 3 as specified in this procedure shall be strictly followed.

The failure of supervisory employees or County officials to follow each step as outlined in this procedure, including adhering to timeframes/deadlines, shall entitle the employee to proceed to the next step in the grievance procedure. Supervisory employees or County officials who do not follow the steps outlined in the procedure shall be subject to disciplinary action by the affected Appointing Authority, Department Head, County Manager, or Board of Commissioners as appropriate. Examples of disciplinary actions include, but are not limited to, verbal and written warnings, suspension without pay, demotion, dismissal, and the loss of any salary increase during a 12-month period.

#### **X. Extension of Time in the Grievance Procedure**

Time limit requirements for employees and supervisors who request action on a grievance or departmental response to grievances as specified in this procedure may be extended by the County within 5 to 7 work days from receipt of the request. Extension of time forms shall be available from the HR Operations Division of the Department of Human Resources Management. Extensions shall not exceed more than 10 days at any given step of this procedure. The original of the extension of time form shall be attached to the grievance form, one copy shall be kept by the Appointing Authority, Department Head and/or designee, a copy shall be given to the employee and a copy forwarded to the Grievance Coordinator's office.

#### **XI. Resolution of Grievance by Mutual Consent of the Parties**

Any grievance shall be considered resolved at the completion of any step if all parties are satisfied. In fact, it is expected that most grievances will be resolved at the first or second step. However, nothing in this procedure should be construed as limiting the employee's right to exhaust the remedies provided by this procedure.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

## Employee Grievance Form Instructions (FCGRF-001)

Before filling out this form, please read carefully and comply with Policy and Procedure 309-16, "Employee Grievances." Copies of grievance forms are available from the HR Operations Division of the Department of Human Resources Management. All employees will be afforded fair, equitable and expeditious review of their grievance without fear of any form of punishment, retaliation or discrimination for such action. No retaliation against an employee who has filed a grievance will be tolerated. Report all issues or concerns regarding acts of retaliation to the Department of Human Resources Management, HR Operations Division at 404-613-0902 or 404-613-0916. While a grievance is in process, the grievant is expected to continue to work without interruption in the performance of duties. The employee shall be limited to either a recognized Fulton County Union representative or a member of the State Bar of Georgia.

1. Grievant fills out the top section of the form showing name, position title, department and division, phone number, and indicates the category of grievance (see #3 below). The grievance must show the time, date and place of occurrence. The grievant then states in writing the nature of the grievance, the facts supporting the grievance, all corroborating documents, if any, and the requested remedy. Grievances not listing a requested remedy are incomplete and will not be returned to grievant for completion. Attach additional sheets to the form as necessary. Complete the form using a ball point pen (please print) or computer.
2. One completed form shall be required for each individual grievance, unless a group grievance is filed along with a Group Grievance Roster Form (FCGRF-003). The original grievance form must be signed, dated and submitted by the employee to the immediate supervisor and/or designee within 20 working days of the incident giving rise to the grievance or of becoming aware of the incident giving rise to the grievance.
3. The grievant indicates in writing **one** of the five categories in the upper right-hand corner of the form to identify the type of issue involved as follows:
  - (a) Concerns regarding the application or violation of County or department rules, regulations, policies or procedures;
  - (b) Unsafe, unhealthy or unsanitary working conditions;
  - (c) Denials of Leave of Absence;
  - (d) Classification issues related to whether the grievant is working outside of his or her assigned classification; and
  - (e) Retaliatory actions that result from utilization of the grievance procedure or participation in the grievance of another County employee.

4. Grievant submits the grievance form to the immediate supervisor and sends copies of the form to the Appointing Authority or Department Head, as applicable, and the Department of Human Resources Management, HR Operations Division, 141 Pryor Street, SW, Suite 3030, Atlanta, GA 30303. Policy and Procedure prescribed time limits shall be strictly observed by all persons at all levels, unless an extension form (FCGRF-005) is properly executed. Failure of supervisory employees or county officials to follow each step as outlined in this procedure shall entitle the employee to proceed to the next step in the grievance procedure. Supervisory employees or county officials who do not follow the steps outlined in the procedure shall be subject to disciplinary action by the affected Appointing Authority or Department Head, as applicable, and/or designee, the County Manager or his/her designee, or the Board of Commissioners as appropriate. Copies of extension forms are available from the Department of Human Resources Management, HR Operations Division, 141 Pryor Street SW, Suite 3054, Atlanta, GA 30303. This form must contain signatures of the supervisor and/or designee and grievant, and must indicate the specific resolution and date of closure.
5. If the grievance is resolved to an employee's satisfaction within the department, the Appointing Authority or Department Head, as applicable, and/or designee must submit the completed grievance form to the Department of Human Resources Management, HR Operations Division, 141 Pryor Street SW, Suite 3030, Atlanta, GA 30303. This form must contain signatures of the supervisor and/or designee and grievant, and must indicate the specific resolution, deadlines for any actions to fully resolve the grievance, and date of closure. The employee must be provided a copy of the completed grievance form.
6. If the Appointing Authority or Department Head, as applicable, or his/her staff breach any condition of the agreed upon inter-department resolution within six (6) months of the grievance closure date, then the employee must inform the Appointing Authority or Department Head, as applicable, and/or designee in writing within five (5) working days of the alleged breach. The employee's notice must describe the alleged breach in detail and provide a date of the alleged breach. If the breach is not corrected within five (5) working days from the employee's notice, then within ten (10) working days from the date of the employee's notice, the employee may submit the completed grievance form that includes the resolution originally reached and the employee's notice of breach to the HR Operations Division. Any alleged breaches occurring more than six (6) months from the date of closure of the grievance should be treated as a new grievance. (See Breach of Grievance Resolution Form—FCGRF 0007)

7. If the grievance is not resolved within the department, to the employee's satisfaction, and the employee desires to pursue the matter, the Appointing Authority or Department Head, as applicable, must submit the completed grievance to the Department of Human Resources Management, HR Operations Division, within 10 working days of reaching a decision of non-resolution. (See Non-Resolution of Grievance Form—FCGRF 0006)



DEPARTMENT OF HUMAN RESOURCES MANAGEMENT

EMPLOYEE GRIEVANCE FORM (FCGRF-002)

PERSONNEL POLICY 309-16

Individual Grievance

Group Grievance (include Group Roster FCGRF-003)

First and Last Name of Grievant/ Spokesperson:	Grievance Category (see FCGRF-001):
Department/Division:	Mailing Address:
Date, Time, and Place of Occurrence:	Phone Number:

**Step #1 Grievant:** Brief description of grievance including statements of facts and issues (use additional sheets if needed). Attach supporting documents.

**Requested Remedy:** (Grievances not listing a requested remedy are incomplete and will be returned to the grievant for completion).

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Step #2 Immediate Supervisor:** Summarize and attach supporting documents.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Step #3 Mid-Level Supervisor:** Summarize and attach supporting documents.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Step #4 Appointing Authority or Designee:** Summarize and attach supporting documents.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

TO BE COMPLETED BY HR OPERATIONS

File Number:

HR Consultant Signature:

### **Employee Grievance Form Instructions (FCGRF-001)**

Before filling out this form, please read carefully and comply with Policy and Procedure 309-16, "Employee Grievances." Copies of grievance forms are available from the HR Operations Division of the Department of Human Resources Management. All employees will be afforded fair, equitable and expeditious review of their grievance without fear of any form of punishment, retaliation or discrimination for such action. No retaliation against an employee who has filed a grievance will be tolerated. Report all issues or concerns regarding acts of retaliation to the Department of Human Resources Management, HR Operations Division at 404-613-0902 or 404-613-0916. While a grievance is in process, the grievant is expected to continue to work without interruption in the performance of duties. The employee shall be limited to either a recognized Fulton County Union representative or a member of the State Bar of Georgia.

1. Grievant fills out the top section of the form showing name, position title, department and division, phone number, and indicates the category of grievance (see #3 below). The grievance must show the time, date and place of occurrence. The grievant then states in writing the nature of the grievance, the facts supporting the grievance, all corroborating documents, if any, and the requested remedy. Grievances not listing a requested remedy are incomplete and will not be returned to grievant for completion. Attach additional sheets to the form as necessary. Complete the form using a ball point pen (please print) or computer.
2. One completed form shall be required for each individual grievance, unless a group grievance is filed along with a Group Grievance Roster Form (FCGRF-003). The original grievance form must be signed, dated and submitted by the employee to the immediate supervisor and/or designee within 20 working days of the incident giving rise to the grievance or of becoming aware of the incident giving rise to the grievance.
3. The grievant indicates in writing **one** of the five categories in the upper right-hand corner of the form to identify the type of issue involved as follows:
  - a) Concerns regarding the application or violation of County or department rules, regulations, policies or procedures;
  - b) Unsafe, unhealthy or unsanitary working conditions;
  - c) Denials of Leave of Absence;
  - d) Classification and pay issues; and
  - e) Retaliatory actions that result from utilization of the grievance procedure or participation in the grievance of another County employee.
4. Grievant submits the grievance form to the immediate supervisor and sends copies of the form to the Appointing Authority or Department Head, as applicable, and the Department of Human Resources Management, HR Operations Division, 141 Pryor Street, SW, Suite 3030, Atlanta, GA 30303. Policy and Procedure prescribed time limits shall be strictly observed by all persons at all levels, unless an extension form (FCGRF-005) is properly executed. Failure of supervisory employees or county officials to follow each step as outlined in this procedure shall entitle the employee to proceed to the next step in the grievance procedure. Supervisory employees or county officials who do not follow the steps outlined in the procedure shall be subject to disciplinary action by the affected Appointing Authority or Department Head, as applicable, and/or designee, the County Manager or his/her designee, or the Board of Commissioners as appropriate. Copies of extension forms are available from the Department of Human Resources Management, HR Operations Division, 141 Pryor Street SW, Suite 3030, Atlanta, GA 30303. This form must contain signatures of the supervisor and/or designee and grievant, and must indicate the specific resolution and date of closure.
5. If the grievance is resolved to an employee's satisfaction within the department, the Appointing Authority or Department Head, as applicable, and/or designee must submit the completed grievance form to the Department of Human Resources Management, HR Operations Division, 141 Pryor Street SW, Suite 3030, Atlanta, GA 30303. This form must contain signatures of the supervisor and/or designee and grievant, and must indicate the specific resolution, deadlines for any actions to fully resolve the grievance, and date of closure. The employee must be provided a copy of the completed grievance form.
6. If the Appointing Authority or Department Head, as applicable, or his/her staff breach any condition of the agreed upon inter-department resolution within six (6) months of the grievance closure date, then the employee must inform the Appointing Authority or Department Head, as applicable, and/or designee in writing within five (5) working days of the alleged breach. The employee's notice must describe the alleged breach in detail and provide a date of the alleged breach. If the breach is not corrected within five (5) working days from the employee's notice, then within ten (10) working days from the date of the employee's notice, the employee may submit the completed grievance form that includes the resolution originally reached and the employee's notice of breach to the HR Operations Division. Any alleged breaches occurring more than six (6) months from the date of closure of the grievance should be treated as a new grievance. (See Breach of Grievance Resolution Form—FCGRF 007)
7. If the grievance is not resolved within the department, to the employee's satisfaction, and the employee desires to pursue the matter, the Appointing Authority or Department Head, as applicable, must submit the completed grievance to the Department of Human Resources Management, HR Operations Division, within 10 working days of reaching a decision of non-resolution. (See Non-Resolution of Grievance Form—FCGRF 006).



**DEPARTMENT OF HUMAN RESOURCES MANAGEMENT**

**EMPLOYEE GRIEVANCE**

**EMPLOYEE GROUP GRIEVANCE ROSTER (FCGRF-003)**

PERSONNEL POLICY 309-16

*By signing my name to this form, I understand that I will be considered a participant in a Fulton County Employee Group Grievance and I forfeit my right to file an individual grievance on the same concern based upon the following issue and remedy requested (attach additional sheets if necessary):*

<b>Facts/ Issue</b>

<b>Requested Remedy</b>

*This is an issue that has unfavorably affected my personal employment within twenty (20) calendar days of filing this grievance or I have become aware of this issue through the exercise of reasonable diligence within twenty (20) calendar days of filing this grievance. I have read the entire grievance on the attached Fulton County grievance form and agree with the information contained in the grievance.*

<b>Print Employee Name</b>	<b>Phone Number</b>	<b>Employee Signature</b>

<b>Spokesperson:</b>
----------------------



**DEPARTMENT OF HUMAN RESOURCES MANAGEMENT**

**EMPLOYEE GRIEVANCE**

**REQUEST FOR DETERMINATION OF GRIEVABILITY (FCGRF-004)**

PERSONNEL POLICY 309-16

**Instructions:** Use this form to request a determination of grievability. This may be reviewed at any time after a grievance has been filed, but prior to a hearing before the Grievance Review Committee.

<b>Date of Request:</b>	<b>Step #:</b>	<b>Case File #:</b>
<b>Grievant's Name:</b>	<b>Requestor's Name and Job Title:</b>	
<b>Reason for Request and Date of Occurrence:</b>		
<b>Requestor's Signature:</b>		

**DECISION OF CHIEF HUMAN RESOURCES OFFICER OR DESIGNEE**

<input type="checkbox"/> The matter is grievable	<input type="checkbox"/> The matter is not grievable
<b>Comments:</b>	

<b>Signature of Chief Human Resources Officer or Designee:</b>	<b>Date:</b>
--	--------------





# DEPARTMENT OF HUMAN RESOURCES MANAGEMENT

## EMPLOYEE GRIEVANCE

### EXTENSION OF TIME FOR GRIEVANCE PROCEDURE (FCGRF-005)

PERSONNEL POLICY 309-16

Pursuant to the Grievance Procedure, the parties agree to extend the prescribed time period to allow for further investigation, findings and decisions in the grievances filed by (grievant name): \_\_\_\_\_ on (date) \_\_\_\_\_.

Signature of Grievant/ Spokesperson:	Date:
Appointing Authority or Department Head:	Date:

*Time limit requirements for employees and supervisors who request action on a grievance or departmental response to grievances as specified in this procedure may be extended by the County within 5 to 7 work days from receipt of the request. Extension of time forms shall be available from the HR Operations Division of the Department of Human Resources Management. Extensions shall not exceed more than 10 days at any given step of this procedure. The original of the extension of time form shall be attached to the grievance form, one copy shall be kept by the Appointing Authority, Department Head and/or designee, a copy shall be given to the employee and a copy forwarded to the Grievance Coordinator's office.*







# DEPARTMENT OF HUMAN RESOURCES MANAGEMENT

## GRIEVANCE APPEAL REQUEST FORM (FCGRF-008)

PERSONNEL POLICY 300-16

Please check which applies:  Individual Grievance     Group Grievance (Include list of participants)

(Please note: Appeals can only be submitted for "frivolous" determinants)

<b>Name of Grievant/Spokesperson:</b>	<b>Contact Number:</b>	<b>Case File #:</b>
<b>Position/Title:</b>	<b>Date of Grievance Hearing (if applicable):</b>	
<b>Department:</b>	<b>Appointing Authority:</b>	
<p><b>Step #1 Grievant/Spokesperson:</b> Please provide a brief description of why you're appealing the Grievance Review Committee's decision. (Attach a copy of original grievance and order/letter from the GRC)</p>          <p><b>Signature of Grievant/Spokesperson:</b> _____ <b>Date Signed:</b> _____</p>		

### DECISION OF COUNTY MANAGER

<p><b>Step #2 County Manager:</b> (to be reviewed within 5 business days)</p> <p style="margin-left: 40px;">Based upon a thorough investigation and the documents attached, I uphold the decision of the Grievance Review Committee.</p> <p style="margin-left: 40px;">I recommend this grievance be sent back to the Grievance Review Committee for a hearing. Additional comments or recommendations:</p>          <p><b>Signature of County Manager:</b> _____ <b>Date Signed:</b> _____</p>
---

Human Resources Management Dept. Use Only:	
<b>Date Appeal Received:</b>	<b>Date submitted to County Manager:</b>
<b>Date Employee Notified (if Applicable):</b>	<b>Date GRC Notified:</b>