


SUBJECT: Exempt Employee Grievance Procedure	PAGE <u> 1 </u> OF <u> 3 </u>
	NUMBER: 37-EAP-07
RULE/CODE REFERENCE:	SUPERSEDES: 37-EAP-07 dated 06/26/17
RELATED ACA STANDARDS:	EFFECTIVE DATE: August 27, 2018
	APPROVED: 

I. AUTHORITY

Ohio Revised Code 5120.01 authorizes the Director of the Department of Rehabilitation and Correction, as the executive head of the department, to direct the total operations and management of the department by establishing procedures as set forth in this policy.

II. PURPOSE

The purpose of this policy is to provide the written guidelines for the grievance procedure for exempt employees.

III. APPLICABILITY

This policy applies to all exempt persons employed by the Ohio Department of Rehabilitation and Correction (DRC).

IV. DEFINITIONS

Grievance - An alleged failure of the DRC to comply with regulations, policies, or procedures; or an alleged failure to comply with the provisions of Chapter 124 of the Ohio Revised Code or the administrative rules of the Department of Administrative Services. An event or circumstance affecting an employee, which results from a law or executive order, and discipline that is appealable to the State Personnel Board of Review are not within the jurisdiction of the exempt grievance process. Further, any allegations that would form the basis of a complaint of discrimination or harassment or any violations of equal employment opportunity laws are not within the jurisdiction of the exempt grievance process.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC) to provide a fair, prompt, and impartial grievance procedure for all exempt persons employed by the DRC.

VI. PROCEDURES

Any exempt employee of the DRC may file a grievance. Any employee having a grievance shall attempt to resolve it informally with his/her immediate supervisor at the time the incident giving rise to the grievance occurs. At this step there is no need to reduce the grievance to writing.

If the employee is not satisfied with the outcome of the attempt at informal resolution, then he/she may pursue the matter through the electronic grievance system.

A. Step One - Managing officer/designee in institutions; Deputy director/designee in Division of Parole and Community Services (DPCS) and Operation Support Center (OSC):

1. After informal discussion has failed to resolve a grievance, an employee may present it to the Step One designee within fifteen (15) calendar days from the events or circumstances giving rise to the grievance or of the employee's knowledge of the event or circumstance, not to exceed a total of thirty (30) calendar days after the occurrence of the event. Grievances submitted beyond such time limits may not be honored.
2. The grievance shall only be accepted when filed electronically in the electronic grievance system provided and maintained by the Ohio Department of Administrative Services (this system is also known as *Salesforce*). A link to the exempt grievance filing system shall be maintained on the Bureau of Labor Relations intranet page. The employee filing the grievance shall specify the regulation, policy, procedure, Ohio Revised Code, or Administrative Rule alleged to have been violated and shall indicate the remedy sought. The grievance form shall be date-stamped upon receipt and/or acknowledged by email if received electronically.
3. The Step One designee shall schedule and hold a meeting with the employee within fifteen (15) calendar days of the grievance filing in the electronic grievance system. The employee may be accompanied at such meeting by one (1) other exempt employee who is employed at the same facility or location; provided however, the accompanying employee may not hold a higher position in the chain of command of, or possess supervisory authority over, the Step One designee and shall not be involved in any way with the alleged violation of regulation, policy, procedure, Ohio Revised Code, or Administrative Rule.
4. The Step One designee shall consider the allegation set forth in the grievance and information provided during the meeting by the employee and respond to the grievance only through the electronic grievance system within fifteen (15) calendar days following the meeting.
5. The employee may submit the grievance to Step 2 in the electronic grievance system if either the scheduling of the Step 1 meeting or the Step 1 response is not within the specified time limits, and proceed as though the Step 1 answer had been given and was unsatisfactory.

- B. Step Two – Director or Designee
1. If the employee is not satisfied with the answer at Step One, then within fifteen (15) calendar days he/she may submit the grievance to the Director of the DRC through the electronic grievance system.
 2. The Director or designee shall schedule and hold a meeting with the employee within thirty (30) calendar days of the grievance being submitted to Step 2 in the electronic grievance system. The employee may be accompanied at such meeting subject to the provisions of VI.A.3 of this policy.
 3. The Director or designee shall consider the allegation set forth in the grievance and information provided during the meeting by the employee and respond to the grievance in the electronic grievance system within thirty (30) calendar days following the meeting.
- C. Failure of an employee to submit a grievance to the next step of the grievance procedure within the time constraints specified shall be considered as an abandonment of the grievance and acceptance of the last answer received.
- D. An employee agreeing to accompany an employee to grievance meetings in this procedure may do so during regularly assigned working hours and with permission from their supervisor. The exempt employee grievance procedure is considered an official inquiry; an employee impeding the grievance procedure in any way may be subject to disciplinary action, up to and including removal from employment.
- E. A single grievance may be filed by an exempt employee on behalf of a group of exempt employees only when there is a reasonable belief that all members of the group have been affected similarly by an alleged violation of regulation, policy, procedure, Ohio Revised Code, or Administrative Rule.