



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 1, 2022

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 or she 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
 - 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 considered
 - 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 always maintained 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 process. Such representative shall be either a union representative or an 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;
- D. Determine the methods, means, and personnel by which operations are to be carried out; or
- E. 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;
 - 5. Retaliatory actions that result from the grievant's good faith exercise of his or her grievance rights including utilization of the grievance procedure and/or participation in the grievance of another County employee, and/or
 - 6. Retaliatory actions that result from the grievant's participation in any form (e.g., as a witness or appellant) in any appeal hearing process that has been authorized by and/or established in accordance with the Fulton County Civil Service Act.
- 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 (DHRM), 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 file and 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. Parties, testifying witnesses or other persons subpoenaed or requested to bring documents to grievance proceedings should not be subjected to any adverse employment action based on their participation or witness service in a grievance hearing. Should an employee have a concern about such retaliation, the employee should contact the DHRM immediately. However, change in work assignments or job duties for business reasons does not constitute retaliation.
- C. While a grievance is in progress, the grievant is expected to continue to work without interruption, in the performance of all duties.

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

E. 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.

F. 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.

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 either twenty (20) business days of the occurrence/event giving rise to the grievance or twenty (20) business days of the employee's discussion with his or her immediate supervisor, whichever is longer.

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 formal grievance should be submitted directly to the Department of Human Resources Management, which will promptly log the grievance and submit the grievance to the HR Policy Advisor for a preliminary determination of the grievability of the issue(s) raised in the grievance. In addition, the HR Policy Advisor shall make a preliminary

determination as to whether any of the issues identified in the grievance should be addressed via a separate County administrative process, rather than through the grievance process. If it is determined during this initial grievability assessment that any of the issues presented fall within the purview of another County process, those issues will be forwarded promptly to the appropriate authority for handling. The HR Policy Advisor will issue a recommendation as to the grievability of the issue(s) raised in the grievance. The recommendation will be forwarded by the HR Policy Advisor to the Grievance Coordinator within two (2) business days of receipt of the grievance. The Grievance Coordinator shall be responsible for notifying the grievant's department that a formal grievance has been received by the DHRM. The Grievance Coordinator shall forward a copy of the grievance and the recommendation as to grievability to the department. If the recommendation is that the matters raised in the grievance are grievable then the department shall proceed to Step 2 below. If the recommendation is that some or all of the matters raised in the grievance are non-grievable then the Grievance Coordinator shall forward the recommendation as to the non-grievability of certain issue(s) raised in the grievance to the Grievance Review Committee (GRC) for review and final determination of the grievability of those issues at its next administrative meeting. If the GRC determines that the issues raised in the grievance are in fact grievable, the Grievance Coordinator will promptly resume the formal grievance process by notifying the department to proceed to Step 2 below. If any of the matters raised are determined to be "not grievable," the GRC will provide formal notice of its determination to the grievant via official letter.

Step 2

Within three (3) business days of final determination by the GRC that a matter is grievable, the Grievance Coordinator will schedule a conciliation meeting with the Grievant and his immediate supervisor and/or other departmental representative(s). The conciliation meeting will be facilitated by the Grievance Coordinator. If the parties are able resolve all issues at the conciliation meeting, the grievant will acknowledge via their signature on the grievance form that the grievance has been resolved. The Grievance Coordinator will provide notice of the outcome of the conciliation meeting to the Grievance Review Committee. The Grievance Review Committee will send a resolution letter to the grievant and department via the Grievance Coordinator within five (5) business days. If the parties are unable to resolve all issues at the conciliation meeting, the Grievance Coordinator will issue a non-binding recommendation for resolution of the matter, including pertinent facts, to the GRC.

Step 3

If the parties are unable to resolve all issues at the conciliation meeting, the grievant's Appointing Authority or Department Head will meet with the grievant and respond to the grievance within five (5) working days (i.e., the supervisor's normal working days) unless an extension is granted by the Department of Human Resources Management. Within the 5 working days, the Department Head shall conduct any necessary 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

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 Grievance Coordinator within five (5) working days of reaching a decision. The HR Grievance Coordinator shall submit the grievance form and attached evidence to the Grievance Review Committee and set a hearing to be held at the earliest possible date.

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

If 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.
2. 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.
3. 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 introduced 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:

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. If 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.

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. 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.

I. 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.

J. "No Shows": If 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.

K. Grievance Recommendation Orders:

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. A Grievance Recommendation Order should be prepared by the Grievance Review Committee and sent to the Grievance Coordinator within five (5) business days of the hearing. The Grievance Coordinator upon receipt will obtain the signatures of Grievance Committee

Members in attendance of the assigned hearing and submit to County Manager for review and electronic signature within one (1) business day.

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. Within three (3) business days of the Recommendation Order being signed, a letter will be sent by the Grievance Team with the orders attached. 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 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 follow-up with the department and grievant within 30 days after the Grievance Recommendation Order is approved by the County Manager to verify compliance with all requirements of the Grievance Recommendation Order.

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, except for 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 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

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 working 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 5 working days at any given step of this procedure. The original extension of time form shall be attached to the grievance form, and copies provided to the Appointing Authority, Department Head and/or designee, and the grievant. In addition, a copy shall be maintained by the Grievance Coordinator.

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.



**DEPARTMENT OF HUMAN RESOURCES
MANAGEMENT
EMPLOYEE GRIEVANCE FORM (FCGRF-002)**

PERSONNEL POLICY 309-16

☐ Individual Grievance

☐ Group Grievance (include Group FCGRF-003)

First and Last Name of Grievant/ Spokesperson:	Grievance Category (see FCGRF-001):
Grievant Classification / Job Title:	Mailing Address:
Department/Division:	Appointing Authority Name:
Date, Time, and Place of Occurrence:	Phone Number:
Immediate Supervisor Name:	Immediate Supervisor Classification / Job Title:
<p>Step #1 Grievant: <i>Brief description of grievance including statements of facts and issues (use additional sheets if needed). Attach supporting documents.</i></p> <p>Requested Remedy: <i>(Grievances not listing a requested remedy are incomplete and will be returned to the grievant for completion).</i></p> <p>Signature _____ Date _____</p>	
<p>Step #2 Conciliation meeting with the Grievant and immediate supervisor and/or other departmental representative(s) (5 Business Days from date employee submits grievance form to DHRM): <i>(Additional sheets may be attached if needed.)</i></p> <div style="display: flex; justify-content: space-between;"><input type="checkbox"/> Grievance Resolved<input type="checkbox"/> Grievance Unresolved</div> <p>Signature _____ Date _____</p>	
<p>Step #3 Appointing Authority or Designee (5 Business Days from date of Conciliation meeting): <i>Summarize and attach supporting documents.</i></p> <div style="display: flex; justify-content: space-between;"><input type="checkbox"/> Grievance Resolved<input type="checkbox"/> Grievance Unresolved</div> <p>Signature _____ Date _____</p>	

If after completion of Step 3 and the matter is unresolved the grievance will be forward to the Grievance Review Committee.

Employee Grievance Form Instructions (FCGRF-001)

Before filling out this form, please read the Employee Grievances Policy and Procedure (309-16). Copies of grievance forms are available from the Department of Human Resources Management (DHRM). 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 DHRM at (404) 613-6700. While a grievance is in process, the grievant is expected to continue to work without interruption in the performance of duties.

- A. 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.
- B. 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 grievant shall indicate 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:
 - 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;
 - 5. Retaliatory actions that result from the grievant's good faith exercise of his or her grievance rights including utilization of the grievance procedure and/or participation in the grievance of another County employee, and/or;
 - 6. Retaliatory actions that result from the grievant's participation in any form (e.g., as a witness or appellant) in any appeal hearing process that has been authorized by and/or established in accordance with the Fulton County Civil Service Act.
- C. The original grievance form must be signed, dated and submitted by the employee to the DHRM at 141 Pryor Street, SW, Suite 3030, Atlanta, GA 30303 or via email at FCDHRM@fultoncountygga.gov, within 20 business days of the incident giving rise to the grievance or of becoming aware of the incident giving rise to the grievance.
- D. The HR Policy Advisor will issue a recommendation as to the grievability of the issue(s) raised in the grievance to the Grievance Coordinator within two (2) business days of receipt of the grievance. The DHRM will forward a copy of the grievance and the recommendation as to grievability to the grievant's department. If the recommendation is that one or more of the matters raised in the grievance are non-grievable then the Grievance Coordinator shall forward the recommendation as to the non-grievability of certain issue(s) raised in the grievance to the Grievance Review Committee (GRC) for review and final determination of grievability. If the GRC determines that the issues raised in the grievance are in fact grievable, the Grievance Coordinator will promptly resume the formal grievance process. If any of the matters raised are determined to be "not grievable," the GRC will provide formal notice of its determination to the grievant via official letter.
- E. If the recommendation is that the matters raised in the grievance are grievable, the Grievance Coordinator will schedule a conciliation meeting with the Grievant and his immediate supervisor and/or other departmental representative(s). If the parties are able resolve all issues at the conciliation meeting, the grievant will acknowledge that the grievance has been resolved via their signature on the grievance form. The Grievance Coordinator will provide notice of the outcome of the conciliation meeting to the GRC., which will send a resolution letter to the grievant and department within five (5) business days.
- F. If the parties are unable to resolve all issues at the conciliation meeting, the grievant's Appointing Authority or Department Head will meet with the grievant and respond to the grievance within five (5) business days unless an extension is granted by the DHRM. Within the 5 business days, the Department Head shall conduct any necessary 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.
- G. 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.
- H. 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 Grievance Coordinator within five (5) business days of reaching a decision. The Grievance Coordinator shall submit the grievance form and attached evidence to the GRC and set a hearing to be held at the earliest possible date.
- I. If the Appointing Authority or Department Head, as applicable, or his/her staff breach any condition of the agreed upon inter-department resolution within twelve (12) 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) business 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) business days from the employee's notice, then within ten (10) business 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 twelve (12) months from the date of closure of the grievance should be treated as a new grievance. (See Breach of Grievance Resolution Form— FCGRF 007)



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):

Facts/Issue

Requested Remedy

This is an issue that has unfavorably affected my personal employment within twenty (20) business days of filing this grievance or I have become aware of this issue through the exercise of reasonable diligence within twenty (20) business 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.

Print Employee Name	Phone Number	Employee Signature
Spokesperson:		



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 business 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
EMPLOYEE GRIEVANCE
NON-RESOLUTION OF GRIEVANCE (FCGRF-006)
PERSONNEL POLICY 309-16

Instructions: Submit this form to the Department of Human Resources Management, HR Operations Division within 10 business days of reaching a decision of non-resolution.

Department:	Case File #:	Date of Grievance:
Grievant's Name:	Appointing Authority/ Designee:	
Describe in detail the reason(s) for non-resolution:		
Grievant's Signature:		Date:
Appointing Authority/ Designee's Signature:		Date:

