



HUMAN RESOURCES

Georgia Building Authority / State Properties Commission / Georgia State Financing & Investment Commission

HR-02: Unclassified Employee Grievance Procedure (effective 3/2009)

Introduction

The Georgia Building Authority (GBA), Georgia State Financing & Investment Commission (GSFIC), and the State Property Commission (SPC) recognize the need for a process to resolve non-disciplinary employment concerns of unclassified employees (“employees”). This grievance procedure is established to provide employees with an orderly, timely process for reviewing allegations of unfavorable employment decisions or conditions. Employees may file a grievance without fear of reprisal.

This procedure is not applicable to disciplinary matters and does not alter the employee’s status as an employee-at-will.

Eligibility

All unclassified employees are eligible to file a grievance except those identified below:

- Employees who have been notified of separation from employment, suspension, demotion, or disciplinary salary reduction.
- Employees who are seeking relief through other administrative or judicial procedures.

Grievable Issues

The following are appropriate issues for grievance complaints:

- Erroneous, arbitrary or capricious interpretation or application of human resource policies, personnel policies, or other policies and procedures.
- Unsafe or unhealthful working conditions (e.g., allegations of occupational exposure to hazardous chemicals).
- Allegations of harassment.
- Retaliation for filing a grievance complaint.

Non-Grievable Issues

This grievance policy is not intended to address sexual harassment or unlawful discrimination. Employees alleging unlawful discrimination or sexual harassment shall file an Unlawful Discrimination Complaint pursuant to Policy HR-03. The following issues are not eligible for the grievance complaint procedure.

- Issues which are pending or have been concluded through the Georgia Commission on Equal Opportunity or other administrative or judicial procedures.
- Performance requirements, expectations and evaluations.
- Relocation of employees, except where the costs of relocation qualify for reimbursement under regulations promulgated by the Office of Planning and Budget.
- Temporary work assignments which do not exceed ninety (90) calendar days.



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- Permanent changes in work hours or duties and responsibilities, unless such changes are manifestly unsafe, illegal, or can be shown to unfavorably affect an employee's personal employment.
- Budget or organization structure, including the number or assignment of positions in any unit.
- Established internal security practices.
- Employment selections unless it is alleged that the selection is in violation of the policies of the State of Georgia, the GBA, GSFIC, or SPC.
- Termination, reduction in salary, demotion, reassignment, furlough, layoff from duties because of lack of work, or other actions resulting from a staff reduction or job abolition.
- Written reprimands, written confirmations of oral reprimands, work plans and/or attendance plans, or any other document worded similar to a written reprimand regardless of where the document is placed or how it is distributed.
- Any matter which is not within the jurisdiction of the GBA, SPC, or GSFIC.

Improper Use of the Grievance Procedure

Employees are prohibited from knowingly supplying false or misleading information in a grievance. Employees are further prohibited from attempting to harass, intimidate, or retaliate against anyone for filing a grievance or providing testimony or evidence regarding a grievance. Improper use of the grievance procedure may result in disciplinary action up to and including separation from employment.

Grievance Policy Procedure

All grievances must be filed on the Unclassified Service Grievance Form (See Attachment 1). The grievance must contain a statement of the issues involved, how the employee has been unfavorably affected, the relief sought, and the dates, if known, of the incident or violations. If the grievance involves the interpretation of application of policy or procedure, the grievance must identify the policy or procedure at issue and describe how it was erroneously or unfairly interpreted or applied.

A grievance should be filed as soon as possible and must be received by the Director of Human Resources within ten work days after the event causing the grievance or within ten work days of the date the employees became aware or should have become aware of the issue. The Director of Human Resources may extend any time limit specified in this procedure due to emergency,

A grievant may be allowed up to four (4) hours of work time to prepare a grievance. The grievant must specify the time period requested to prepare a grievance and receive approval from the supervisor to ensure that the work place is not adversely impacted. Such time shall be during the regular work hours, without loss of pay or leave credits. The Director of Human Resources may authorize additional work time, if determined appropriate.



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Group Grievance

A grievance may be filed by a group of employees if the alleged unfavorable employment decisions or conditions have affected each member of the group, subject to the following rules.

- All members of a group grievance must sign the Unclassified Service Grievance Form to certify that each employee's personal employment has been unfavorably affected and that they agree with contents of the grievance.
- Members of a group grievance cannot file an individual grievance on the same issue.
- The group shall select a spokesperson to present the grievance. The group may select up to two (2) members as spokespersons.
- Only the spokesperson may use grievance preparation time.

Withdrawing a Grievance

At the sole discretion of the grievant, a grievance may be voluntarily withdrawn at any point in the grievance procedure. To withdraw a grievance the employee must notify the Director of Human Resources in writing. A withdrawn grievance cannot be refilled.

Processing a Grievance

The Director of Human Resources will review the grievance to determine the grievability of the issue. Within ten work days of receipt of a grievance the Director of Human Resources will provide written notice to the individuals involved stating whether the issue is grievable, non-grievable or subject to the Unlawful Discrimination Complaint Procedure. If the issue is non-grievable, the notice shall state the specific reasons for the determination and further state that the grievance is being terminated.

Consolidating Grievances

When appropriate, the Director of Human Resources may consolidate multiple grievances filed by an employee into a single grievance. The Director of Human Resources may also consolidate separate grievances filed by two or more employees regarding the same issue into a group grievance.

Mediation

A grievance may be referred to mediation at any point in the procedure if requested by the employee or supervisor involved and determined appropriate by the Director of Human Resources. If mediation is determined to be appropriate, the Director of Human Resources shall schedule the session. The employee and supervisor involved must attend and cooperate fully with the process.

Grievance Review

Within fifteen (15) work days of notice that an issue is grievable, a Grievance Review Official will be appointed. Within fifteen (15) work days of appointment, the Grievance Review Official will conduct a grievance review. The grievance review may be based upon available information presented. The Grievance Official may also meet with the employee and/or supervisor involved to facilitate an agreement, explore alternative resolutions, or clarify or interpret policies.



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Barring prior settlement of the grievance by agreement between the employee and supervisor involved, the Grievance Review Official will submit written findings and recommendations to State Property Officer or Director, Financing & Investment or their designee within ten (10) work days of conducting the grievance review.

Grievance Decision

The State Property Officer or Director, Financing & Investment or their designee will review the findings and recommendations of the Grievance Review Official and issue a decision in writing within ten (10) work days of receipt of the findings and recommendations. The decision of the State Property Officer or Director, Financing & Investment is final and concludes the grievance process.