

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT:	PAGE <u>1</u> OF <u>3</u>
Exempt Employee Grievance Procedure	NUMBER: 37-EAP-07
RULE/CODE REFERENCE:	SUPERSEDES: 37-EAP-07 dated 07/26/07
RELATED ACA STANDARDS:	EFFECTIVE DATE: May 11, 2011
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

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.

IV. DEFINITIONS

Grievance - An alleged violation of the Department and/or its agencies, institutions, and facilities to comply with work rules, 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. Discipline that is appealable to the State Personnel Board of Review is 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 to provide a fair, prompt, and impartial grievance procedure for all exempt persons employed by the Ohio Department of Rehabilitation and Correction.

VI. PROCEDURES

Any exempt employee of the Department of Rehabilitation and Correction may file a grievance. A group of employees may file a grievance involving a situation affecting each employee in the same manner; one employee selected by such group will submit the grievance. The employee having the 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 response in the preliminary step, then he/she may pursue the matter through the formal grievance procedure.

A. Step One –Managing Officer/Designee in Institutions; Deputy Director/Designee in DPCS and Operation Support Center

1. After informal discussion has failed to resolve a grievance, an employee may present it to the Step One Designee within 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 30 calendar days after the occurrence of the event. Grievances submitted beyond such time limits may not be honored.
2. The grievance shall be reduced to writing on the Exempt Employee Grievance (DRC1810) designated for this purpose. The employee shall specify the work rule, 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.
3. The Step One Designee shall schedule a meeting with the employee within seven calendar days of the receipt of the written grievance. The employee may be accompanied at such meeting by one other exempt classified employee who is employed at the same facility or location; however, the selected employee may not hold a classification equal to or higher than that of the Step One Designee.
4. The Step One Designee shall respond to the grievance in writing and return it to the employee within 15 calendar days following the meeting.

B. Step Two – Director or Designee

1. If the employee is not satisfied with the written answer in Step One, then within 15 calendar days he/she may submit the grievance to the Director of the Department through the Bureau of Labor Relations in the Operation Support Center. The grievance form shall be date-stamped upon receipt. An investigation into the circumstances of and allegations set forth in the grievance shall be conducted.
2. The Director or designee shall schedule a meeting with the employee within 30 calendar days of receipt of the grievance. The employee may be accompanied at such meeting by one other classified exempt employee who is employed at the same facility or location. The Director or designee shall respond to the grievance in writing within 30 calendar days following the meeting.

- C. The employee may submit the grievance to the next step in the procedure, at any step in which a response is not forthcoming within the specified time limits, and proceed as though the answer at the prior step had been given and was unsatisfactory. Failure of an employee to appeal 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 chosen to accompany an employee to grievance meetings in this procedure may do so during regularly assigned working hours provided that:
1. Such employee is employed at the same institution, office, or location;
 2. Such employee is in the exempt classified civil service;
 3. An emergency situation requiring the presence of such employee at his/her assigned work situation does not exist;
 4. The supervisor of such employee has approved the absence and has arranged to have the work area properly covered.
- E. An event or circumstance, which results from a law or Executive Order, shall not be proper subject matter for a grievance under this procedure.
- F. Exempt Employee Grievance (DRC1810) shall be used for the exempt grievance procedure. Each grievance initiated in written form shall be assigned a consecutive number.

Related Department Forms

Exempt Employee Grievance

DRC 1810