

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Employee Complaint Resolution Procedure		
Policy Number: 104.43	Effective Date: 5/31/2018	Page Number: 1 of 9
Authority: Commissioner	Originating Division: Administration & Finance Division (Human Resources)	Access Listing: Level I: All Access

I. Introduction and Summary: To encourage effective operations and a productive workforce, the Georgia Department of Corrections (GDC) will use the following Complaint resolution program to address employee concerns.

1. Employees and their respective supervisors are encouraged to make reasonable efforts to resolve concerns prior to utilizing the formal employee complaint resolution procedure.
2. No employee will be penalized, formally or informally, for voicing a Complaint in a reasonable business-like manner or for participating in an established Complaint resolution process. Anyone who intentionally supplies false or misleading information regarding a Complaint, attempts to or actually harasses, intimidates, or retaliates against an employee for using the employee Complaint resolution procedure or for providing information in connection with a Complaint, or otherwise behaves inappropriately when submitting or responding to a Complaint, will be subject to disciplinary action up to and including termination of employment.

II. Authority:

- A. State Personnel Board Rules (SPBR): 478-1-.15 Changes to Employment, 478-1-.16 Absence from Work, 478-1-.17 Leave Donation, 478-1-.20 Employee Complaint Resolution Procedure, and 478-1-.24 Working Test & Permanent Status for Classified Employees;
- B. GDC Standard Operating Procedures (SOPs): 104.04 Employee Support Services, 104.09 Filling a Vacancy, 104.39.02 Annual & Terminal Leave, 104.39.06 Sick Leave, 104.39.12 Family Medical Leave, 104.39.13 Leave Donation Program, 104.44 Written Reprimand Review Process, and 104.46 Unlawful Harassment (Including Sexual Harassment);
- C. Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972;
- D. O.C.G.A. § 42-5-36, Confidential Information Supplied by Inmates; and
- E. ACA Standard: 2-CO-1C-2.

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III. **Definitions:**

- A. **Agency Complaint Resolution Coordinator** - The person designated by the Director of Human Resources to be responsible for receiving Complaints, determining eligibility for the employee complaint resolution procedure, and tracking the processing of Complaints.
- B. **Agency Complaint Review Official** - An impartial individual designated by the Agency Complaint Resolution Coordinator to conduct Complaint reviews.
- C. **Filing** - The act of an employee submitting a Complaint to the Agency Complaint Resolution Coordinator.
- D. **Complaint** - A claim filed by an eligible employee that the employee's personal employment has been affected by unfavorable employment decisions or conditions due to unfair treatment.
- E. **Complaint Form** - A form provided for the filing of employee Complaints.
- F. **Receipt** - The date and time at which a document is delivered to the addressee by mail, electronic transmission, or personal delivery.
- G. **Workday** - A Monday through Friday business day exclusive of state holidays.

IV. **Statement of Policy and Applicable Procedures:**

A. Employee Eligibility:

Any employee may use the employee complaint resolution procedure for timely-filed, eligible issues, except an employee who:

1. Has been notified of separation from employment; or
2. Seeks relief on the same matter through other administrative or judicial procedures.

A Complaint filed by an eligible employee prior to becoming ineligible will cease to be processed through this procedure upon the employee's separation from employment or upon the employee's filing for relief on the same matter through another administrative process or a judicial process.

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B. Eligible Issues:

An employee may use the employee complaint resolution procedure to address a Complaint related to any:

1. Allegation of unlawful discrimination based on race, color, national origin, religion, age, disability, sex, genetic information, political affiliation, protected uniformed service, or other legally protected category;
2. Allegation of sexual or other form of unlawful harassment;
3. Retaliation for Filing a Complaint or participation in the employee complaint resolution procedure;
4. Retaliation or intimidation for exercising any right under the SPBR or policies of GDC;
5. Erroneous, arbitrary, or capricious interpretation or application of policies, procedures, rules, regulations, ordinances, or statutes;
6. Unsafe or unhealthy working condition(s); or
7. Any matter specifically included as eligible by this agency's policies or procedures;
- 8. For classified employees only: Written reprimand or written confirmation of an oral reprimand.**

C. Ineligible Issues:

An employee **cannot** use the employee complaint resolution procedure to address a Complaint related to:

1. Suspension, demotion, salary reduction, or separation from employment;
2. Issues that are pending or have been adjudicated by the State Personnel Board, the Georgia Commission on Equal Opportunity, or through other state or federal administrative or judicial procedures;

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3. Issues that are subject to appeal, review, or relief as provided for in other agency policies and procedures;
 4. Performance expectations and evaluations;
 5. Actions implementing a reduction in force or furlough plan;
 6. Selection to fill a position, unless an allegation is made that the selection violates an applicable SPBR, GDC policy, law, or regulation;
 7. Permanent changes in work hours or duties and responsibilities, unless a change is unsafe or unlawful;
 8. Temporary work assignments that do not exceed 90 days;
 9. Budget and organizational structure, including the number or assignment of positions in any organizational unit;
 10. Relocation unless the relocation qualifies for reimbursement under Office of Planning and Budget regulations;
 11. Internal security practices established by GDC; or
 12. Any matter that is not within the jurisdiction or control of the agency.
 13. **For unclassified employees: Written reprimand or written confirmation of an oral reprimand.**
- D. A copy of Attachment 2, Department's Official Policy Statement Regarding Employee Grievances, will be posted on the official bulletin board in all state facilities, centers, units, and offices operating under GDC's management.
- E. Filing A Complaint:
1. Employees may file Attachment 1, Employee Complaint Form, with the Agency Complaint Resolution Coordinator regarding an eligible issue. Before Filing a Complaint, employees are encouraged to try to resolve issues or concerns at the local level or through direct discussions with supervisors.

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2. The employee must submit the Complaint Form within **ten (10) Workdays** of the occurrence of the subject of the Complaint **or** within **ten (10) Workdays** after the employee becomes aware of the problem or should have become aware of the problem through the exercise of reasonable diligence.
3. The Complaint Form must contain a statement of the issue(s) involved, the party(s) involved, an explanation of how the complainant's personal employment has been unfavorably affected, the relief sought, and the date(s) that the incident(s) or violation(s) occurred. Complaints that involve the interpretation or application of policy or procedure must identify the policy or procedure and describe how it was erroneously or arbitrarily interpreted or applied.
4. The complete form/written Complaint must be submitted to:

Agency Complaint Resolution Coordinator
CHRM/ Gibson Hall/2nd Floor
P.O. Box 1529
Forsyth, Georgia 31029

F. Initial Eligibility Determination:

The Agency Complaint Resolution Coordinator will notify the complainant whether a Complaint is eligible for processing within ten (10) Workdays of receiving the Complaint.

1. The Agency Complaint Resolution Coordinator may decline to process a Complaint because the complainant is ineligible, the issue is ineligible, the Complaint was filed in an untimely manner or the Complaint Form is incomplete. If the Agency Complaint Resolution Coordinator declines to process the Complaint, he or she will provide written notification to the complainant that the review process is terminated and the specific reasons for the determination.
2. If the Complaint will be processed, the Agency Complaint Resolution Coordinator will provide a written explanation to the complainant of the Complaint review process, with a copy to the complainant's immediate supervisor with authority to grant the requested relief.
3. The Agency Complaint Resolution Coordinator shall consult with the Director of

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Human Resources regarding Complaints that allege unlawful harassment or discrimination based on race, color national origin, religion, age, disability, sex, genetic information, political affiliation, protected uniformed service, or other legally protected category and determine whether to:

- a. Allow the Complaint to proceed for an internal review as outlined in this SOP; or
- b. Refer the Complaint to the Office of Professional Standards [OPS] for external review. The Agency Complaint Resolution Coordinator shall notify the complainant that the Complaint was referred for investigation. The complainant shall receive a final written determination, with a copy to his or her supervisor, to conclude the employee complaint resolution procedure within 120 calendar days of the date the Agency Complaint Resolution Coordinator received the Complaint.

G. Complaint Review Process:

1. The Agency Complaint Resolution Coordinator will appoint an Agency Complaint Review Official on a case by case basis.
2. Within 15 Workdays from appointment, the Agency Complaint Review Official will review the Complaint and have discretion to do any of the following:
 - a. Base the review solely on written statements and documents provided;
 - b. Interview the complainant, witnesses, or others;
 - c. Meet with involved parties to facilitate an agreement;
 - d. Clarify and/or interpret relevant rules, laws, policies, procedures, etc.; or
 - e. Explore alternative resolutions.
3. If the parties resolve the issue while the Agency Complaint Review Official is reviewing the Complaint, the Agency Complaint Resolution Coordinator will provide written notification to the complainant and supervisor confirming the resolution and concluding the employee complaint resolution procedure.

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4. If the parties do not resolve the issue, then the Agency Complaint Review Official will issue written findings and recommendations to the Agency Complaint Resolution Coordinator. The Agency Complaint Resolution Coordinator will then issue a final written determination. Such decision will be final and will conclude the employee complaint resolution procedure.
 5. The deadline to determine eligibility and process a Complaint is 90 calendar days, except as noted in section F.3.b. herein.
- H. Any time limit specified in this SOP may be extended upon agreement of all parties to a Complaint. The Agency Complaint Resolution Coordinator may extend any time limit specified in this SOP due to operational necessity, emergency, medical disability, or legally mandated absence on the part of a relevant party to the Complaint. The complainant shall be immediately notified in writing of the period of extension and the reasons therefore.
- I. Preparation Time:
1. An employee will be excused from duty for up to four hours during regular work hours, as approved by the Appointing Authority, to prepare a Complaint. Such preparation is without loss of pay or leave credits. Preparation time includes time spent reviewing the personnel file, preparing a Complaint, and meeting with witnesses. Meetings with the Agency Complaint Review Official are considered work time and do not count as preparation time.
 2. No more than twelve (12) hours of regular work time per employee per calendar year will be permitted for preparation time associated with Complaints.
 3. Employees must obtain approval from their appointing authority before using regular work hours to prepare a Complaint. An appointing authority may deny a request to prepare a Complaint during a particular time due to operational or other business needs.
 4. The Agency Complaint Resolution Coordinator has the authority to resolve any dispute regarding the determination of reasonable and necessary time to prepare a Complaint and participate in the process.

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J. Group Complaints:

1. Employees having one common Complaint may sign and file one group Complaint, identifying up to two of the employees as spokespersons for the group. Employees who choose to file a group Complaint waive their individual rights to file separate Complaints on the same subject.
2. The Agency Complaint Resolution Coordinator may consolidate separate Complaints filed by two or more employees, regarding the same issue, into one group Complaint.
3. The Agency Complaint Resolution Coordinator may consolidate multiple Complaints filed by one employee into one single Complaint.

K. Assistance:

1. An employee who needs assistance Filing or processing a Complaint may contact the Agency Complaint Resolution Coordinator or Director of Human Resources.
2. No staff member shall be assigned to assist in preparing a Complaint if that person is a party or respondent to the Complaint.

L. Withdrawal of Complaint:

1. An employee may voluntarily withdraw the Complaint at any point during the process by submitting a request in writing to the Agency Complaint Resolution Coordinator.
2. A Complaint that is withdrawn may not be re-filed.

M. Appeal Rights for **Classified** Employees:

Upon Receipt of GDC's final decision on a Complaint and provided a remedy is not available through the Georgia Commission on Equal Opportunity, a classified employee may file a written appeal with the Office of State Administrative Hearings if:

- a. The employee is not satisfied with GDC's final decision on the merit of a

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Complaint alleging violation of SPBR;

- b. The employee is not satisfied with GDC’s final decision on a Complaint related to relocation, alleged unlawful discrimination, or alleged unjust coercion or reprisal because of an appeal or internal Complaint proceeding; or
 - c. The employee believes GDC violated the procedure outlined in SPBR 478-1-.20 Employee Complaint Resolution Procedure while processing the Complaint.
2. The appeal must be filed or postmarked within ten (10) calendar days of Receipt of GDC’s final decision on the Complaint. Untimely appeals will not be processed.
 3. The appeal must include the specific provision(s) of the SPBR alleged to have been violated and any documentation that would support the allegation.
- L. The Director of Human Resources shall file an annual report with the Department of Administrative Services (DOAS) reflecting the number, nature, and disposition of Complaints filed through the employee complaint resolution procedure. DOAS shall establish further reporting guidance to facilitate the intent of this section.

V. Attachments:

- Attachment 1: GDC Complaint Form
- Attachment 2: Official Policy Statement

VI. Record Retention of Forms Relevant to this Policy:

The Agency Complaint Resolution Coordinator will maintain a record of Attachment 1: GDC Complaint Form for each Complaint filed through the employee complaint resolution procedure, including the nature and disposition of the Complaint. Complaints alleging discrimination or harassment based on race shall be retained for a minimum of four (4) years and all other Complaints shall be retained for two (2) years.