

**STATE OF OHIO
ADJUTANT GENERAL'S DEPARTMENT
2825 West Dublin Granville Road
Columbus, Ohio 43235-2789**

MEMORANDUM

TO: SEE DISTRIBUTION 
FROM: Gregory L. Wayt, Major General (Ohio), The Adjutant General
DATE: January 5, 2005
SUBJECT: POLICY – State Employee Procedure Letter #28
Exempt Employee Grievances

1. SCOPE: This policy applies to all exempt full-time permanent employees (classified and unclassified) of the department. Bargaining unit employees may grieve in accordance with their labor contract. **Only issues which are subject to control and resolution by management can be grieved.**

2. PURPOSE: The purpose of this regulation is to assist State employees in seeking relief and resolving issues which may have produced personal concern or dissatisfaction arising out of employment with the Adjutant General's Department. It is the policy of the Adjutant General's Department that all State employees shall be afforded the opportunity to present a grievance, without fear of reprisal, and to obtain a full, fair, and impartial decision based upon the facts presented and within the legal scope of authority granted to the department.

3. DEFINITIONS:

- a. Days means calendar days.
- b. Grievance means a request by an employee, or a group of employees, for personal relief in a matter of concern or dissatisfaction which is subject to the control of the management of the Adjutant General's Department.
- c. Supervisor means immediate or first-line supervisor of the employee.
- d. Intermediate supervisor is the second-level supervisor (supervisor of the first-line supervisor).
- e. Informal grievance is a verbal discussion between the employee and supervisor.
- f. Formal grievance consists of completion and submission of the grievance form attached to this memorandum.
- g. The calendar does not start for meeting suspense dates at Step 1, 2, and 3 until the day after receipt of the grievance and the day after any Step 1, 2, or 3 meetings.

4. ISSUES NOT COVERED BY THIS POLICY:

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- a. Matters which are subject to final administrative review outside the Adjutant General's Department (e.g., State Personnel Board of Review, County or State Courts, Department of Administrative Services, etc.).
- b. Any matter presently under litigation with any court.
- c. The content of any published Adjutant General's policy.
- d. Non-selection for promotion from a group of properly ranked and/or certified candidates.
- e. Complaints, grievances, and allegations of discrimination which are to be submitted in accordance with the agency Affirmative Action Plan.
- f. Disciplinary action.
- g. A preliminary warning or notice of a specific action. Examples: proposed reprimand, anticipation of an unsatisfactory performance rating, anticipation of a leave request denial, etc.

5. PRESENTATION OF GRIEVANCE:

- a. Informal: The employee may present an informal (verbal) grievance to his/her supervisor at any time. Supervisors should discuss issues with their employees and resolve complaints at the lowest level possible within their authority to do so.
- b. Formal: If unresolved at the informal stage, then an employee may file a formal grievance at Step 1 (immediate supervisor level) by completing the form attached to this memorandum. The employee may be represented by a person of his/her choosing at the Step 1, 2, or 3 meetings. If a fellow employee is chosen, then he/she must be from the same work area or installation (armory, air base, division, etc.). No travel pay or release from work to travel will be permitted at Steps 1 and 2. Step 3 travel is authorized only with prior approval of the Step 3 Officer. The employee may also have witnesses appear on his/her behalf. Witnesses are normally limited to two.

6. FORMAL GRIEVANCE STEPS:

- a. STEP 1: Employee must file (present) the grievance to his/her supervisor on the attached form not later than 10 days from the date the grievant became, or reasonably should have become, aware of the event which gave rise to the grievance. The immediate supervisor will schedule and conduct a Step 1 meeting within 5 days. The supervisor will issue a written response within 7 days after the face-to-face meeting.
- b. STEP 2: If unresolved at Step 1, the employee may appeal the grievance to Step 2 by submission of the grievance to the intermediate supervisor within 5 days after the Step 1 response is received or should have been received. The Step 2 Officer will schedule and conduct a Step 2 meeting within 10 days after receipt of the grievance. The Step 2 Officer will issue a written response within 14 days after the face-to-face meeting.
- c. STEP 3: If unresolved at Step 2, the employee may appeal the grievance to Step 3 by submission of the grievance to the next higher level supervisor in the employee's chain of

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command, 7 days after the Step 2 response is received or should have been received. At Air National Guard Bases, the Step 3 Officer shall be the Base Civil Engineer or his/her designee. A Step 3 meeting is not required and is at the sole discretion of the Step 3 officer or designee. If a Step 3 meeting is conducted, then the Step 3 Officer will prepare a written response within 21 days of the meeting. A copy of the Step 3 response will be forwarded to the State Human Resources Administrator (AGOH-SHRD) for review. If no meeting is conducted, then the written response shall be forwarded to the State Human Resources Administrator within 21 days after receipt of the grievance form.

- d. STEP 4: The State Human Resources Administrator or his/her designee shall review the Step 3 answer and designate concurrence/non-concurrence with the response as written. Grievance responses may be changed at the Step 4 level. The grievance may be forwarded to The Adjutant General if the State Human Resources Administrator believes this to be necessary. The Adjutant General may accept, reject, or modify the final grievance response. Following the Step 4 review process, the grievance will be returned to the Step 3 officer for final disposition to the Grievant.

7. TRANSMISSION OF GRIEVANCES:

- a. Step 1, 2 & 3: Shall be hand carried/delivered. No receipts required.
- b. Step 4: Shall be transmitted by normal U.S. Mail. No receipts required. Envelope postmark shall constitute meeting of time deadlines.

Enclosure (1)

1 - Exempt State Employee Formal Grievance Form

DISTRIBUTION:

AD

Exempt State Employee Formal Grievance Form

Enclosure 1

Grievant's Name: _____ Work Location: _____
Name of Immediate Supervisor: _____
Date Grievance was Filed: _____
Signature of Grievant: _____

STEP 1 (Hand deliver to immediate supervisor within 10 days of the event/issue being grieved)

Statement of grievance: _____

Witnesses: _____

Remedy Desired: _____

STEP 1 Supervisor's response: (Meet within 5 days after receiving the grievance and provide a written response within 7 days after the face-to-face meeting.)

Signature: _____ Date: _____

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STEP 2 Intermediate Supervisor Response (Meet with the grievant within 10 days after the grievant presents the grievance form and provide a written response to the grievant within 14 days after the face-to-face meeting.) _____

Intermediate Supervisor Signature: _____

Date: _____

STEP 3 Third-level Supervisor/Air Base Civil Engineer (or Designee) (No meeting required based upon the discretion of the Step 3 officer. If a meeting is conducted, it shall be within 15 days after the grievant presents the grievance form which has passed through Steps 1 and 2. If a meeting is conducted, then the Step 3 officer shall prepare a written response within 21 days after the meeting. If no meeting is conducted, then the written response shall be prepared within 21 days after receipt of the grievance form. Grievance will be forwarded to AGOH-SHRD for review.)

Step 3 Officer Signature: _____

Date: _____

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STEP 4 State Human Resources Administrator (or Designee)

___ Concur

___ Non-Concur

Comments: _____

Step 4 Officer Signature: _____

Date: _____