



Ohio Administrative Code Rule 4901-90-03 Grievance procedure.

Effective: March 22, 1985

(A) Policy. It is the commission's desire to foster sound employee-supervisor relations through communication and prompt resolution of work-related problems. To provide for the settlement of any differences which might otherwise detract from a sound relationship, the commission provides the following grievance procedure.

(B) Definition. A "grievance" is defined as any current personnel problem involving an employee's belief that his or her employment relationship is being adversely affected by an improper application or interpretation of laws, personnel procedures or departmental policies relating to said employment. Complaints concerning civil service examinations, certification lists, rate of pay, position classifications, performance evaluations, removals, suspensions of more than three days, or reductions will not be considered under these procedures. Chapter 124. of the Revised Code, Ohio civil service laws, and the administrative rules of the director of the department of administrative services govern these matters. It should be noted that this grievance procedure does not limit or replace the equal employment opportunity complaint procedure. Any employee desiring information or assistance in the area of equal employment opportunity should contact the equal employment opportunity office. The following grievance procedure describes the actions an employee may take to attempt to resolve any other work-related differences.

(C) Rights. All staff members have the right to attempt to resolve a grievance without fear of criticism, reprisal, interference, or coercion. Employee grievance petitions will be handled in a fair and prompt manner.

(D) Informal resolution. Every effort will be made to resolve complaints at the lowest level of supervision. An informal attempt at resolution shall be made initially by the employee with his/her immediate supervisor within seven days of the occurrence of the incident causing the complaint, or within seven days from the time the staff member could reasonably be expected to have knowledge of the situation. The employee should be prepared with notes, dates and any other pertinent information to establish the validity of the grievance. The supervisor shall issue a decision within



seven days after receiving the grievance. If a supervisor fails to respond to the complaint within the time limits specified, or if the employee is not satisfied with the response, he/she may file a written, formal grievance.

(E) Procedural guidelines.

(1) All time limits specified in the resolution of a grievance are calendar days. In the event of extenuating circumstances, or by mutual consent, the time limits may be extended.

(2) Written complaints should be clearly stated, include all necessary information, and summarize all recommendations up to the current step in the process. Once a complaint is submitted for review, it shall not be amended by either party.

(3) Grievance hearings shall be scheduled at mutually satisfactory times, during working hours.

(4) An employee may request assistance from the personnel office to clarify rules, regulations, policies and procedures applicable to the complaint.

(5) If an employee fails to appeal the complaint to the next step of the procedure within the time limits specified, the grievance shall be considered settled with the last answer given as the acceptable resolution.

(6) If a supervisor fails to respond to the complaint within the time limits specified, the employee may take the grievance to the next level of resolution.

(7) Grievance information or testimony must be treated in a most discreet and confidential manner by all persons involved.

(F) Formal resolution.

(1) If discussions with the immediate supervisor do not resolve the grievance to the employee's satisfaction, the employee shall submit the complaint in writing to the division chief/departments director for review, within seven days of the decision by the immediate supervisor. The written



complaint should state the problem in detail, listing dates, times, places, and other pertinent information to assist in resolving the grievance. The division chief/department director shall review the complaint promptly and within seven days from the receipt of the written complaint provide a written decision to the employee with a copy of the decision to the immediate supervisor. The employee has five days to request a review of the grievance at the next level. If the grievance has not been resolved to the employee's satisfaction, the employee shall forward the written complaint and the decision by the division chief/department director to the chief of personnel for review and resolution. If the initial grievance should be with the personnel chief, the employee will request a review of the complaint with the director of administration.

(2) Upon receiving the grievance, the personnel chief will conduct an investigation into the circumstances surrounding the complaint, possibly including a meeting with the employee and any other individuals as may be necessary. The decision of the chief of personnel shall be issued in writing within seven days of receiving the complaint, with a copy to the department director. All meetings with the chief of personnel and the employee/supervisor/division chief/department director will be documented and copies of the complaint, facts and information accumulated, and the grievance appeals and responses will be distributed to the participants.

(G) Commission review. If the complaint is not resolved satisfactorily after review by the personnel chief, either party may request, within five days of the personnel chief's decision, a review of the matter by the commissioners or a designate thereof. Within five days, or as soon thereafter as possible, of a request for a commission review of the complaint, a commissioner or designee will arrange a meeting among all parties to the grievance: the complainant, the supervisor, the division chief/department director, and the chief of personnel, and/or any other individuals as is deemed necessary. Within seven days of the meeting, the commission/designee will review the grievance with the other commissioners. Within seven days of the commissioners' review of the case, a decision will be issued, with at least three of the commissioners agreeing. This decision is final and documented copies of the complaint, facts and information accumulated, the grievance appeals and responses, and the final decision will be forwarded to all participants and the state personnel division.