

	<b>JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>REFERENCES: 101 KAR 1:375 4-JCF-6D-04</b>
<b>CHAPTER: Administration</b>		<b>AUTHORITY: KRS 15A.065</b>
<b>SUBJECT: Grievance</b>		
<b>POLICY NUMBER: 103.3</b>		
<b>TOTAL PAGES: 2</b>		
<b>EFFECTIVE DATE: 12/01/2014</b>		
<b>POLICY APPROVAL: Bob D. Hayter</b>		<b>, COMMISSIONER</b>

## **I. POLICY**

The Department of Juvenile Justice (DJJ) shall be committed to resolving staff grievances in the most efficient and fairest possible manner. Each staff who believes they have been subjected to unfair or unjust treatment concerning their conditions of employment may file with the department a grievance in accordance with 101 KAR 1:375. A staff utilizing this procedure is entitled to file a grievance without interference, coercion, discrimination, or reprisal.

## **II. APPLICABILITY**

This policy shall apply to the Department of Juvenile Justice staff.

## **III. DEFINITIONS**

Refer to Chapter 100.

## **IV. PROCEDURES**

### **A. Staff Responsibilities**

1. A grievance shall be submitted on an official grievance form, which can be located on the DJJ Portal.
2. A grievance shall be filed for review with the staff's immediate supervisor within thirty (30) days following the occurrence of the action or the staff becoming aware of the action that is the subject of the grievance. If the action or conduct of the first line supervisor is the basis of the staff's grievance, the grievance may be for review filed with the second line supervisor.
3. Staff shall state in writing the basis of the grievance or complaint together with the corrective action desired. If a staff has additional information or documentation, it should be attached to the grievance form.
4. Staff shall have the right to have a representative present at each step of the grievance procedure.

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5. If the grievance has not been resolved to the satisfaction of the staff person, they may request additional review of the grievance. Staff shall have the responsibility of forwarding the grievance to the appropriate next level of review.
  - a. Staff shall submit the request for review of the grievance within five (5) business days of receipt of the decision.
  - b. Grievance appeal levels shall follow a chain of command.
  - c. For purposes of the grievance review process, the Superintendent shall be the second line supervisor for a youth worker and Youth Worker Supervisor (YWS).
6. If the final supervisory review is unable to resolve the grievance to the satisfaction of the staff person, they may request review by the appointing authority for a final determination of the grievance within five (5) business days of receipt of the decision of the final supervisory review. The appointing authority shall have twenty (20) business days to issue a final determination.

#### B. Supervisor Responsibilities

1. Each office or facility shall be responsible for maintaining blank copies of the grievance form in an area easily accessible to staff that do not have access to the portal and for notifying staff of the location of the grievance documents.
2. If a grievance is filed that alleges discrimination on the basis of race, color, religion, national origin, sex, age, disability, sexual orientation, gender identity, genetic information, political affiliation, or veteran's status, the recipient of this grievance shall immediately notify the department Equal Employment Opportunity (EEO) Coordinator to apply the affirmative action plan.
3. The supervisor receiving the grievance shall be responsible for handling the grievance according to the instructions on the grievance form.
4. Each supervisor responding to the grievance shall send a copy of their response with their signature to the DJJ Personnel Branch.
5. Grievance forms may be mailed, faxed, or scanned to the DJJ Personnel Branch.

#### C. Grievance Levels

1. The timeframes outlined on the grievance form shall be followed by the grievant and supervisors.
2. There shall be a maximum of five (5) supervisory levels of review for any grievance. The grievant may choose to accept the decision at any level of the supervisory review to resolve the grievance.

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3. The final three (3) supervisory review levels of a grievance shall include the Division Director, Deputy Commissioner, and Commissioner.
- D. The Personnel Branch may be contacted for technical assistance regarding filing grievances or grievance appeals.
- E. Interviews to evaluate or investigate a grievance outside of normal work hours, with the grievant or other staff, shall not require the use of leave time and entitles them to compensatory time.
- F. Unless the time limits have been extended by agreement of the parties, failure of supervisory or management personnel to respond within prescribed time limits shall automatically advance the grievance to the next review level.
- G. Any intermediate grievance level may be waived by written agreement of the parties.

**V. MONITORING MECHANISM**

Supervisors shall ensure compliance on an ongoing basis.