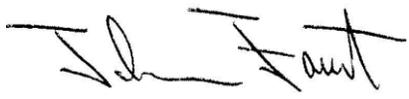


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			Approving Authority	Thomas Faust Director	
SUBJECT:		EMPLOYEE GRIEVANCE PROCEDURE (NON-UNION)			
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SUMMARY OF CHANGES:

Section	Change
PP 3320.2B	<i>No Changes Were Made.</i>

APPROVED:



Thomas Faust, Director

3/26/2014

Date Signed

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1. **PURPOSE AND SCOPE.** To establish grievance procedures for employees of the D.C. Department of Corrections (DOC).
2. **POLICY.** DOC supervisors and managers shall make every effort to resolve complaints and/or employee dissatisfactions without having to resort to grievance procedures. However, when these efforts fail, employees shall be afforded the opportunity to present their grievances in a manner which will ensure full, impartial and prompt consideration and further assure employees freedom from restraint, coercion, interference, discrimination or reprisals.
3. **APPLICABILITY.** These procedures apply to all employees, except those who are covered by a collective bargaining agreement which provide for a grievance or appeal procedure.
4. **PROGRAM OBJECTIVES.** The expected results of this program are:
 - a. All grievances filed by employees shall be presented orally or in writing.
 - b. DOC employees are assured freedom from restraint, coercion, interference discrimination or reprisal.
 - c. Employees have the right to be accompanied, represented, and advised by a representative of his/her choice.
 - d. Employees are authorized a reasonable amount of official time to orally present/file a grievance, if he/she is otherwise in an official duty status. The amount of time to present the grievance shall not exceed four (4) hours.
5. **DIRECTIVES AFFECTED**
 - a. **Directives Rescinded**
 - 1) PS 3320.2A Employee Grievance Procedure (02/04/13)
 - b. **Directives Referenced**
 - 1) PS 3300.1 Employee Code of Ethics and Conduct

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6. **AUTHORITY**

- a. D.C. Code § 24-211.02, Powers; Promulgation of rules.
- b. D.C. Code § 2-1401.02, Administrative Procedures Act.
- c. D.C. Code § 2-1402.11, Human Rights Act.
- d. D.C. Code § 1-606.3, Appeal Procedures
- e. District Personnel Manual, Chapter 14, Performance Management
- f. District Personnel Manual, Chapter 16, General Discipline and Grievances
- g. District Personnel Manual, Chapter 18, Employee Conduct

7. **STANDARDS REFERENCED.** None

8. **DEFINITIONS**

- a. *Grievance.* Any matter under the control of the District Government which impairs or adversely affects the interest, concern, or welfare of employees except:
 - 1) A requirement of law, or of rules or regulations established under the D.C. Administrative Procedures Act;
 - 2) Any other matter which the Department does not have the power or authority to provide the remedy sought or an equivalent remedy;
 - 3) An allegation of unlawful discrimination, or any other matter within the jurisdiction of the D.C. Office of Human Rights;
 - 4) A final Department decision which, pursuant to D.C. Code §1-606.3, may be appealed to the Office of Employee Appeals (OEA), (this includes performance ratings that result in removal of an employee, an adverse action for cause that results in removal, reduction in force, reduction in grade, placement on enforced leave, or suspension for ten (10) days or more) the Petition For Appeal Form (Attachment 1);

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- 5) Non-selection for promotion from a group of candidates who were properly ranked and certified;
 - 6) Non-adoption of a suggestion, or disapproval of a quality step increase, performance award, or other kind of honorary or discretionary award; or
 - 7) Rating factors, written comments, or other items which are parts of a performance appraisal made under the provisions of Chapter 14 of the D.C. Personnel Manual, which items may instead be relevant to an appeal (also under Chapter 14) of the rating level assigned.
- b. *Deciding Official.* The Director or any official designated by the Director who is at a higher administrative level than the official who denied the grievance under the informal grievance procedure and meets the final decision.
 - c. *Administrative Level.* That level in the chain-of-command at which grievances are presented and administratively processed, they are:
 - 1) Office/Service level - by the Office Chief/Supervisor,
 - 2) Institution level - by the Warden,
 - 3) Deputy Director,
 - 4) Director.

9. TIME LIMITS FOR PRESENTING OR FILING A GRIEVANCES

- a. An employee may present a grievance concerning a continuing practice or condition at any time.
- b. An employee must present or file a grievance concerning a particular act or occurrence within forty-five (45) business days after the date that he or she knew or should have known of the act or the occurrence. The Department may extend this time limit for good cause shown by the employee.
- c. A grievance may be presented or filed at the lowest administrative level which has the authority to grant the remedy or relief sought. However, in all cases, the final decision shall be rendered or issued in writing, as appropriate, by officials indicated below:
 - 1) Office/Service level - by the Office Chief/Supervisor,

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- 2) Institution level - by the Warden,
- 3) Deputy Director,
- 4) Director.

10. **THE GRIEVANCE PROCEDURE.** The grievance is processed in two steps. All grievances shall be processed under Step 1 and Step 2, when applicable, before proceeding to the formal grievance procedure.

- a. The Informal Grievance shall be governed by the following provisions:
 - b. Step 1. An informal grievance may be presented to an employee's immediate supervisor or supervisor at the lowest administrative level which has authority to grant relief sought.
 - 1) The informal grievance may be presented either orally or filed in writing, including a detailed explanation of the employee's dissatisfaction and the relief or remedy sought. If the grievance is presented in writing, employees must submit their grievance on the Informal Employee Grievance Form (Attachment 2).
 - 2) If the informal grievance is presented orally, or received in writing at the Office/Service level, a decision shall be rendered as quickly as possible, but no later than ten (10) business days from the date on which the grievance was received.
 - 3) If the informal grievance is presented orally, or received in writing at Institution level, a decision shall be rendered or issued no later than ten (10) business from the date on which the grievance is received.
 - 4) In all informal grievances filed orally or in writing, the decision shall be issued in writing.
 - 5) If within the time period prescribed a decision has not been rendered or the remedy or relief sought has been denied in part or totally, the grievant may, within five (5) calendar days proceed to Step 2.

11. **THE FORMAL GRIEVANCE PROCEDURE – DEPUTY DIRECTOR.** The formal grievance shall be governed by the following provisions:

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- a. An employee shall be entitled to present a grievance under the formal procedure as follows:
 - 1) If the employee has not received a decision under the informal grievance procedure within the specified time or if the employee has been denied the relief sought under the informal grievance procedure, the employee may proceed to Step 2.

 - b. Step 2. The formal grievance shall be presented in writing and must include a detailed explanation of the employee's dissatisfaction and the relief or remedy sought utilizing the Formal Employee Grievance Form (Attachment 3) and must contain sufficient detail and clarify the basis for the grievance and specify the relief requested.
 - 1) The Deputy Director shall advise the employee in writing of his/her findings within ten (10) calendar days of receipt of the grievance. If the decision results in the requested relief or remedy being denied, the employee shall be advised of his/her right to submit the grievance to the Director within ten (10) calendar days from the date of receipt of the notification.
 - 2) The employee may file the formal grievance within ten (10) calendar days after expiration of the time for decision or receipt of notification of denial of the relief or remedy sought at the Deputy Director Level.
12. **THE FORMAL GRIEVANCE PROCEDURE- DIRECTOR.** The formal grievance shall be governed by the following provisions:
- a. An employee shall be entitled to present a grievance under the formal procedure as follows:
 - 1) If the employee has not received a decision under the Formal Grievance Procedure-Deputy Director level within the specified time, or the employee has been denied the relief sought under the formal grievance procedure contained herein, the employee may proceed to the Director's level.
 - 2) The employee must file the formal grievance within ten (10) days after expiration of the time for decision or receipt of notification of denial of the relief or remedy sought at the Deputy Director Level.

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- b. The formal grievance shall be in writing utilizing Formal Employee Grievance Form (Attachment 3), contain sufficient detail, and clarify the basis for the grievance and specify the relief requested.
- c. The Director shall inform the employee in writing of the reasons relief has been approved or denied in whole or in part. If the grievance is denied, the Director shall inform the employee of his or her right of appeal to the OEA in accordance with regulations stated in the Petition For Appeal Form (Attachment 1) issued by OEA.
- d. The decision on the formal grievance must be issued no more than thirty (30) days from the date the formal grievance was received. Failure to issue the decision within such period shall constitute a denial, and an appeal may thereafter be filed with the OEA.
- e. When the Director issues a decision to an employee on a matter appealable to OEA he/she shall provide the employee:
 - 1) Notice of the time limits for appealing to OEA and the address for filing the appeal;
 - 2) A copy of OEA Rules and Regulations as contained part of (Attachment 1) upon request;
 - 3) A copy of OEA Appeal Form (Attachment 1);
 - 4) Notice of any applicable rights to a grievance procedure; and
 - 5) A notice that there is a right to a lawyer or representative.

13. FILING APPEALS WITH THE OFFICE OF EMPLOYEE APPEALS (OEA). DOC employees are to follow these instructions carefully when filing an appeal through the Office of Employee Appeals in accordance with D.C. Code § 1-606.03.

- a. Appeals must be filed within thirty (30) days of the effective date of the appealed agency action.

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- b. Employees that belong to a union may be covered by a collective bargaining agreement that affects your ability to file an appeal through OEA. In the event the employee is not covered through the union, the employee may file an appeal with the office of OEA if requesting an Administrative Judge to determine whether OEA has jurisdiction.
- c. Employees will need to provide personal information that is necessary for OEA to process the appeal.
- d. The written decisions and orders issued by OEA are available to the public under the District of Columbia Freedom of Information Act. All information submitted to OEA shall become part of the record in the employee's case.
- e. Employees must file two (2) copies of the OEA Petition for Appeal Form (Attachment 1). Forms may be filed in person, Monday through Friday between the hours of 9:00 a.m. and 5:30 p.m. (except on District Government holidays); or by mail at the address note below:

**Office of Employee Appeals
1100 4th Street, SW, Suite 620E
Washington, DC 20024**

14. **DISMISSAL OF GRIEVANCE.** The Department may dismiss a grievance in the following instances:
- a. At the employee's written request;
 - b. Upon separation of the employee's employment with the Department, unless the personal relief sought may be granted after termination of employment;
 - c. Upon the death of the employee or former employee, unless the grievance involves a question of compensating or;
 - d. For failure to cooperate, if the employee does not furnish reasonable required information or duly proceed with the advancement of his/her grievance.
15. **REJECTION OF GRIEVANCE.** A grievance may not be rejected under the informal procedures for any reason. If the grievance is not submitted timely or consists of a matter not covered under the grievance procedures, the employee shall be so advised; but he/she must be allowed to submit his/her grievance under the formal procedure if he/she insists.

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16. EMPLOYEE RESPONSIBILITY

- a. An employee must comply with the procedures of the grievance regulations.
- b. Employees are cautioned against knowingly making false or unfounded charges in presenting grievances, as unwarranted attacks tend to undermine the morale and efficiency of the department. If the person hearing the complaint has reason to believe that the employee is knowingly making false and damaging statements, he/she should advise the employee that if his/her statements are found to be intentionally false and damaging, he/she may be subject to disciplinary action in accordance with PS 3300.1, *Employee Code of Ethics and Conduct*.
- c. If any witness is also an employee of the District Government and there are reasons to believe that he/she is making unfounded statements, he/she should be similarly advised. If any witness is not an employee, he/she will be advised that any or all of his/her testimony, if unfounded, will be disregarded.

17. **RIGHT TO REPRESENTATION.** An employee may represent his/her own case; however, if he/she so desires, any person of his/her choice may accompany and represent him/her. An employee may change his/her representative, but when doing so, should notify his/her department in writing of such a change.

- a. *Right to Seek Advice and Guidance*
 - 1) The employee is entitled to seek advice on regulations governing Designation of Employee Representation governed by the servicing Office Of Employee Appeals (Attachment 4)
 - 2) The employee is entitled to seek advice and communicate with the Office of Human Rights, the Department EEO Officer or Counselor, or
 - a) A supervisor or management official of higher rank than the employee's immediate supervisor;
 - b) A departmental official who may have been specifically designated to counsel employees on such matters; and
 - c) His/her representative.

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18. RECORDS AND REPORTS

- a. *Records.* Deciding officials shall maintain an accurate record of all grievances except those resolved under the informal procedures.
- b. *Destruction of Reports.* Any destruction of reports shall be done so in accordance to *PS 2000.2 Retention and Disposal of Department Records.*

19. **DISSEMINATION.** A copy of this Program Statement shall be permanently posted on all employee bulletin boards. In addition, a copy shall be made available to each employee upon request.

Attachments

- Attachment 1 – Petition For Appeal Form
- Attachment 2 – Informal Employee Grievance
- Attachment 3 – Formal Employee Grievance
- Attachment 4 – Designation of Employee Representation

DOC/PP3320.2B/3/26/2014