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Subject: Staff Grievances  
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ODJFS Rule: 5101: 2-5-13(A)(22)(c)  
COA Standard: ETH 4; PA-RPM 2.03(d); HR 4.05,  
5.02(d)(6)  
Review/Revised: 8/6/2019

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NRTC operates under the Montgomery County Juvenile Court's policies and procedures regarding staff grievances. For purposes of this handbook a grievance is defined as: A disagreement between an employee and management as to the interpretation or application of policy, rule or regulation; or State or Federal laws or regulations relating to terms or conditions of employment; or other disagreements stemming from perceived unfair or inequitable treatment during employment.

#### **General Policy**

No employee shall be disciplined, harassed or dealt with in any unfair manner, as a result of filing a grievance or testifying in a grievance hearing.

Where a grievance cites issues of law that the respondent (individual hearing the grievance) cannot address, the respondent may elect to forward the grievance to the Prosecutor for an opinion before proceeding. All time limits set forth in this procedure shall be in abeyance until a response from the Prosecutor is received.

Time limits as set forth in the procedure may be extended by mutual agreement of the parties in writing. Written time extension must: clearly identify the particular grievance, specify the dates from and to which the extension applies, and indicate what required action is being extended.

All grievances filed under this procedure shall be legibly written on the authorized grievance form only and must be filed within five (5) consecutive days of the incident in which the problem/grievance occurred.

#### **Problem/Grievance Resolution Procedure**

Each employee shall follow these steps to express and resolve problems, concerns and disagreements:

##### **Step 1**

The employee may informally discuss the matter with his/her immediate supervisor. If discussed verbally and settled, the matter is considered resolved. The supervisor will try to resolve the situation as quickly as possible, but within seven (7) working days. The supervisor makes a decision based upon the facts as well as established MCJC and NRTC policy.

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If the problem cannot be resolved informally, the employee should submit the problem or complaint in writing to his/her supervisor. Supervisors are required to document each employee complaint and the supervisory action taken in the matter. The supervisor must hold a meeting with the employee and respond to the complaint in writing within seven (7) working days of receipt of the complaint.

If no response to the complaint is received within the agreed upon time frame, the complaint/problem may be taken to Step 2 within five (5) working days after the reply should have been received. Should the supervisor be unable to resolve the problem to the employee's satisfaction, the employee may appeal the complaint/problem to the Director.

#### **Step 2**

If the employees does not feel their complaint/problem was resolved with their supervisors decision under Step 1 of this procedure they may appeal the complaint/problem to their manager within five (5) actual working days following receipt of the answer from the supervisor. The distribution by the employee of the copies of the written complaint shall be as follows: one copy to the immediate supervisor, one copy to the manager, and one copy to be retained by the employee. The manager will review the complaint/problem and make inquiries into the matter of the issue and provide a written reply within five (5) actual working days to the employee.

#### **Step 3**

An employee whose complaint/problem has not been settled under Step 2 of this procedure may appeal the complaint/problem to the Director within five (5) actual working days following receipt of the answer from the manager. The distribution by the employee of the copies of the written complaint shall be as follows: one copy to the immediate supervisor, one copy to the manager, one copy to the Director, and one copy to be retained by the employee. The Director will investigate and make inquiries into the matter of the complaint and provide a written reply within five (5) actual working days to the employee.

#### **Step 4**

If no satisfactory solution is secured in Step 2, the employee may appeal the problem/complaint to the MCJC Court Administrator or his/her nominee for solution of the complaint within seven (7) actual working days. The Court Administrator shall then hold a meeting relating to the complaint within seven (7) working days following receipt of the complaint. The meeting shall include no more than four representatives of management. Both the employee and management representatives shall have the right to have available information as is necessary for the explanation and investigation of the complaint. The Court Administrator shall reply to the problem in writing within seven (7) actual working days from the date of the termination of the meeting.

#### **Step 5**

If a solution is not agreeable to both parties in Step 3, either party may request that all files relating to the problem/grievance be forwarded to the Administrative Judge by Court

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Administration for final advisement and/or resolution within five (5) working days. The decision of the Administrative Judge shall be final and binding.

NOTE: If an employee goes outside to seek resolution to action taken against him prior to, or simultaneous with, filing an internal complaint, this policy will not be used.

Employees in the supervisory range and above will not go to Step 1, but will proceed directly to the step appropriate to his/her first supervisor.

A copy of the complaint and final decision will be kept in the employee file.

The Court and NRTC strictly prohibits any kind of retaliation for filing a complaint or participating in an investigation under this policy.