



Arkansas Parole Board
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ADMINISTRATIVE DIRECTIVE: 13-01 Uniform Grievance Procedures

TO: TO ALL ARKANSAS PAROLE BOARD EMPLOYEES

FROM: JOHN FELTS, CHAIRMAN

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SUPERSEDES: AD 10-01 Grievance Procedures

APPROVED BY: Signature on File

EFFECTIVE DATE: February 28, 2013

I. Applicability

This policy applies to all Commissioners and employees of the Arkansas Parole Board (hereinafter referred to as APB, the Board, Board, or agency).

II. Purpose

This grievance procedure is established to provide employees with a prompt review, impartial consideration, and equitable disposition of their grievances. Any employee who presents a grievance or complaint in good faith and in the manner outlined in this directive will be free from restraint, interference, discrimination, or reprisal.

This procedure is intended to encourage employees to discuss problems with their immediate supervisors, thereby providing a basis to talk over matters of mutual interest, to explain, to reach agreement, to make adjustments if necessary, and to foster better understanding between employees and immediate supervisors. Such discussions will lead to better employee/supervisor understanding of policies, procedures, and practices.

III. Policy

It is the policy of this agency that all employees be given the opportunity to resolve complaints or grievances which they believe adversely affect their employment or working conditions. This opportunity is provided through established steps and procedures to ensure fair resolution within a reasonable time frame.

It is also our policy that reasonable efforts be made to settle complaints or grievances as quickly as possible. Direct contact between an immediate supervisor and employee has always been a policy of this agency. These Grievance Procedures are not intended, nor will they be allowed, to become a barrier to the immediate supervisor/employee relationship.

Employees should submit only grievances that meet the following criteria:

- 1) made in good faith,
- 2) expressed in reasonable terms,
- 3) include causes for the grievance,
- 4) include corrective action desired, and
- 5) include sufficient information upon which to base decisions.

Access to this procedure is at the employee's option and does not create any expectation of continued employment, but provides an avenue of review and resolution of internal situations.

IV. Definitions

1. Employee – an individual who is a non-probationary, full-time employee of the agency who occupies a regular position and who works a minimum of 1,000 hours per year. This policy will not apply to employees who hold appointed positions, and employees who are on initial new hire probationary status. Additionally employees occupying a position in the Career Service Pay Plan (C119 and above), or any position in the Professional/Executive Pay Plan, do not have access to these procedures. Part-time, temporary, intermittent, and extra help employees do not have access to this procedure:

2. Grievance – a complaint by an employee regarding an aspect of his or her employment, including, but not limited to:

- annual leave
- sick leave
- compensatory time
- promotion
- demotion
- disciplinary actions
- discrimination
- or any other work-related problem except compensation and conditions which are beyond the control of agency management or are mandated by law.

Terminations, suspensions, and probations are not considered to be grievable under the provisions of this directive. Section 4.8 of the Board's Employee Manual requires a full Board review be held on all suspensions, and also states that probations and terminations are at the discretion of the Board. A review or determination by the full Board exhausts all avenues available for internal resolution. If an employee is not satisfied with the results of that review or determination, he/she may refer the matter to Equal Employment Opportunity Commission (EEOC) or pursue other legal remedies.

Complaints about performance evaluations may be appealed utilizing the separate performance evaluation appeals process spelled out in the Performance Evaluation Administrative Directive.

Reduction-in-force (RIF) appeals will be processed through a separate appeals procedure. An employee should refer to the Statewide Workforce Reduction Policy issued by the Department of Finance and Administration Office of Personnel Management for more information.

3. Grievance Officer – an individual designated by the Board Chairman to fairly discharge the provisions and intent of this directive. The designated individual must be of a supervisory, or similar, level and have no direct or indirect involvement in the matter(s) being grieved. If there is a substantiated conflict-of-interest arising from his/her direct or indirect involvement, the Chairman shall remove the Grievance Officer from the matter(s) at hand and shall either appoint another employee of a supervisory, or similar, level or request the appointment of a Grievance Officer from the Department of Correction, Department of Community Correction, or an attorney from the Board of Correction's Compliance Office. Such appointment shall not otherwise alter any provision of this directive without the written permission of the Board Chairman.

V. Exemption from the State's Uniform Grievance Process

Executive Order (EO) 93-1 states that "members and staff of multimember boards, commissions, or committees whether the members thereof are elected or appointed by the Governor or other authority, serve ex-officio, or are otherwise chosen" are not subject to the provisions of EO 93-1 and therefore do not have access to any part of the State's Uniform Grievance Process, unless granted access by said board, commission, or committee. The Board has chosen to exempt the agency from this process as authorized. A review by the full Board exhausts all administrative remedies available to the employee. An employee of the Board retains the right to file a complaint with the EEOC or pursue other legal remedies.

VI. Procedure

All grievances (except those exempted in Section IV), steps in the procedure, and any appeal steps will be processed through the agency Grievance Officer and should be handled in accordance with the following procedures:

The grievance may be terminated at any stage if an agreement between the parties is reached or at any step by the grievant.

The employee and agency may be represented by someone of their own choosing at each step of this procedure except during informal discussions prior to initiating the formal grievance procedure.

The internal grievance procedure shall be completed within the time allotted in each step unless an extension is agreed to by all parties involved.

It is recognized that immediate supervisors and employees have discussions of work-related problems or disagreements. These candid conversations are generally healthy and helpful to both participants. This procedure is not intended to inhibit these exchanges. Before filing a written grievance, an employee is encouraged to discuss the problem with his/her immediate supervisor to attempt to reach a satisfactory solution. (If the complaint involves sexual harassment, the employee will not be required to meet with the immediate supervisor alone, if the immediate supervisor is the accused.) Most problems can be cleared up or resolved at this point. Collaborative problem-solving is encouraged.

If the problem is not resolved by an informal meeting between the employee and the immediate supervisor, the employee may contact the Board's Grievance Officer who will assist him/ her in starting the formal grievance procedure at the appropriate step. If, for whatever reason, the Grievance Officer cannot process the grievance, a substitute Grievance Officer will be designated by the Chairman.

The employee and the appropriate level of management may have any persons having knowledge of matters relevant to the grievance present at any and all steps of the grievance procedure. Both parties may also submit or request the submission of relevant written documents at any and all steps.

Under special circumstances, the Grievance Officer has the authority to modify, waive, or otherwise change the Uniform Grievance Procedures to fulfill the intent of the procedures, provided such modification, waiver, or change is agreed to by the Board Chairman and the employee. This would

include combining grievances. The Grievance Officer will document the justification for, and the details of, any variation from the procedure. This justification will be added to the Grievance file.

The Chairman may intervene at any step in the grievance procedure if he/she decides that direct action is necessary to resolve the complaint. The Chairman will make every effort to resolve all matters involving allegations of unlawful discrimination, involuntary demotion, and/or failure to award compensatory time.

Should any person employed by the Board intentionally interfere with, hinder, block, or otherwise impede the processing of a grievance, that employee will be subject to disciplinary action. Also, if any employee or immediate supervisor willfully fails to meet any of the deadlines set forth within this procedure in an attempt to delay the resolution or disposition of a grievance, the employee or immediate supervisor will be deemed to have forfeited any participation which he/she might otherwise have under this procedure. Additionally, if an employee is determined to have filed a frivolous grievance or complaint, the employee will be subject to disciplinary action up to, and including, termination.

Determination of Grievable Matters

If the Grievance Officer and the employee cannot agree about whether the complaint is grievable within the scope of these procedures and/or Executive Order 86-1, the Grievance Officer will request a determination from the full Board. To request this determination, the Grievance Officer will file information concerning the nature of the complaint with the Secretary of the Board. The employee and the supervisor will submit position statements concerning the nature of the complaint. These statements will be filed with and attached to the Grievance Officer's request for the determination. Determination matters include whether the matter is grievable or whether the employee has access to the procedure. Any delay caused by pursuing such a determination does not count toward the time deadlines set out in these procedures.

The Secretary of the Board will promptly report to the Grievance Officer and employee (where applicable) the Board's decision concerning the determination. The Board will not make any finding at this stage regarding the complaint. The Board's review will be limited to the determination of whether the complaint is a grievable matter, whether the employee has access to the process.

Special Notations

Meetings and hearings at all steps of the grievance procedure shall be transcribed and/or recorded and will become part of the grievance file..

AD13-01 Uniform Grievance Procedures

Grievances involving allegations of unlawful discrimination, involuntary demotion, and/or failure to award compensatory time will begin at Step 3 of this procedure.

Written notification of decisions, agreements, or recommendations will be provided to all parties involved, including the employee's immediate supervisor (when appropriate), at the conclusion of each step.

The employee should attempt to resolve any work-related problems with the immediate supervisor in an informal meeting prior to initiating the grievance procedure.

To initiate the grievance procedure, the employee must submit the grievance using the attached APB Grievance Form to the Board's Grievance Officer within five working days of the occurrence of the incident.

Step 1

The Grievance Officer will contact the appropriate supervisor within two (2) working days of the filing of a grievance and arrange for a meeting within three working days between the employee and the appropriate supervisor with the Grievance Officer present. The Grievance Officer will explain the grievance procedure to both parties.

To begin the Grievance Procedure, the Grievance Officer will contact the appropriate supervisor and arrange a meeting between the immediate supervisor and employee, with the Grievance Officer present, to be held within three (3) working days. The appropriate supervisor will submit his/her decision in writing to the employee and the Grievance Officer within one (1) working day of the conclusion of this meeting. If the employee wishes to continue the grievance, written notice will be provided to the Grievance Officer within two (2) working days of receipt of the appropriate supervisor's written decision. The process will continue to Step 2.

Step 2

The employee, if not satisfied with the results of Step 1, may, in writing, request a review by the Chairman. The request will be submitted to the Grievance Officer within two (2) working days of receipt of the decision at Step 1. The Grievance Officer will arrange and attend a hearing between the employee and the Chairman. The Chairman may require the employee to submit a written statement of his/her disagreement with the decision in Step 1 prior to the hearing. The Chairman may take testimony from relevant witnesses and the employee's immediate supervisor. This hearing will be recorded. The Chairman will submit his/her decision in writing to the employee, the

Grievance Officer, and the immediate supervisor within three (3) working days following the conclusion of the hearing.

Step 3

If not satisfied with the results of Step 2, the employee may, in writing, request a hearing by the full Board. The request will be submitted to the Grievance Officer within two (2) working days of the receipt of the decision by the Chairman at Step 2. The Grievance Officer will submit the matter to the Secretary of the Board.

The Grievance Officer will, within five (5) working days, arrange and attend a meeting between the employee and the full Board. Immediate supervisors will attend at the request of the Board. The Board may take testimony and accept exhibits.

Within two (2) working days of the conclusion of the hearing, the Secretary of the Board will submit the full Board's decision in writing to the employee, immediate supervisor, and the Grievance Officer.

Note: The Chairman shall only preside over, and not vote on, the employee's review by the full Board. If the vote of full Board results in a tie, the decision of the Chairman shall be considered affirmed.

Step 3 exhausts all administrative remedies available to the employee. An employee retains the right to file a complaint with the EEOC or pursue other legal remedies.

VI. Documentation

It will be the responsibility of the Grievance Officer to maintain the official file of the grievance or complaint, the procedures followed, and the ultimate disposition, along with copies of all documentary evidence. In addition, when an employee begins the formal grievance procedures, it will be the responsibility of the Grievance Officer to immediately document the names of the employee and his/her immediate supervisor, his/her assigned section, the name of the Grievance Officer, a statement of the nature of the grievance, and the date formal proceedings began. Upon final disposition, all documentation relating to an employee grievance will be maintained by the Board's Fiscal/Human Resources Section and kept separate from the employee's personnel file. No information relating to the grievance shall become a part of any employee's permanent personnel record. However, these records will be maintained in hard copy for five years and then maintained permanently in a manner that complies with all applicable state and federal laws regarding the retention of such records.

**Arkansas Parole Board
Grievance Form**

This form is to be used by the employee in filing a formal grievance. The form shall be filled in completely and will serve, without amendment, as the source document for the Grievance Process. All supporting documentation must be attached to this Grievance Form.

Employee's Name:	<u>For Use by Grievance Officer ONLY</u> _____ (Grievance Officer Name) _____ (Date Received)
Job Title:	
Immediate Supervisor's Name:	
Employee's Section:	

Grievance Statement

In order for a formal grievance to be processed, the following four (4) elements must be addressed:
(Attach additional pages if needed)

- (1) What was the date of occurrence and what specific behavior, condition or violation of policy or procedure occurred that you consider constitutes a grievable matter?

- (2) How have you been adversely affected by the specific behavior, or violation of policy or procedure?

- (3) What specific action have you taken to reconcile and improve this situation, including discussing it with your immediate supervisor? What has been the outcome of these efforts?

- (4) What specific remedy(ies) do you request?

Grievant's Signature:	Date:
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**Arkansas Parole Board
Response to Employee Grievance from Immediate Supervisor**

Supervisor's Response/Decision:

Attach additional pages if needed.

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Supervisor's Signature:	Date:
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Grievant's Response:

Please select one:

I accept the answer to my Grievance.

I do not accept the answer to my Grievance and will refer it to the next step.

Note: Explain fully why you do not accept the above Response/Decision. Attach additional pages if needed.

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Grievant's Signature:	Date:
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**Arkansas Parole Board
Response to Employee Grievance from Board Chairman**

Chairman's Response/Decision:

Attach additional pages if needed.

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Board Chairman's Signature:	Date:
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Grievant's Response:

Please select one:

I accept the answer to my Grievance.

I do not accept the answer to my Grievance and wish to refer my Grievance to the full Arkansas Parole Board

Note: Explain fully why you do not accept the above Response/Decision. Attach additional pages if needed.

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Grievant's Signature:	Date:
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Employee Acknowledgement of Uniform Grievance Procedures

Please acknowledge by signing that you have received, read, and understood the Arkansas Parole Board Policy: AD 13-01 Uniform Grievance Procedures (*Supersedes AD 10-01 Grievance Procedures*).

All Commissioners and employees of the Arkansas Parole Board are responsible for complying with all pertinent policies. The Fiscal/Human Resources' Section will place a signed copy of this form in your personnel file.

This form must be signed and returned to the Fiscal/Human Resources' Section within five days after receipt of the above policy.

Employee Acknowledgement:

_____	_____	_____
PRINTED NAME	DATE	SIGNATURE

Supervisor Confirmation:

_____	_____	_____
PRINTED NAME	DATE	SIGNATURE