



BOB RILEY
GOVERNOR

State of Alabama
Alabama Department of Corrections

Alabama Criminal Justice Center
301 S. Ripley Street
P. O. Box 301501
Montgomery, AL 36130-1501
(334) 353-3883



Richard F. Allen
COMMISSIONER

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**ADMINISTRATIVE REGULATION
NUMBER** 213

OPR: PERSONNEL

EMPLOYEE GRIEVANCE PROCEDURES

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes responsibilities, policies, and procedures for reporting and resolving an employee grievance.

II. POLICY

It is the policy of the ADOC to provide all employees open access to a timely grievance resolution process.

III. DEFINITION(S) AND ACRONYM(S)

A. **Grievance:** For the purpose of this regulation, a grievance is any issue of dispute or conflict that an employee may have pertaining to the interpretation and / or application of:

1. ADOC regulations, procedures, or directives that affect an employee's compensation, leave, duty assignment, work hours, or work conditions.
2. Rules of the State Personnel Board or the State Personnel Department's Personnel Procedure Manual.

B. **Departmental Grievance Officer:** An employee appointed by the Commissioner to investigate grievances

IV. RESPONSIBILITIES

A. The Commissioner is responsible for appointing a Departmental

Grievance Officer.

- B. The Departmental Grievance Officer is responsible for investigating and processing Step III grievances.
- D. The Wardens / Division Directors are responsible for developing his / her institutional Standard Operating Procedures (SOPs), as necessary, for the implementation of AR 213, *Employee Grievance Procedures*.
- E. The employee is responsible for filing his / her grievance in a timely manner and in accordance with the procedures outlined in this AR.

V. **PROCEDURES**

- A. Employee grievances shall be handled informally at the lowest level of supervision, whenever possible.
- B. Employees whom believe they have a grievance shall present the nature of the grievance on ADOC Form 213-A, *Employee Grievance* in accordance with the Three-Step process below:
 - 1. **Step One:** A grievance shall be presented in writing **to the immediate supervisor** on ADOC Form 213-A, within five (5) working days of the occurrence of the incident, or learning of the circumstances or conditions which gave rise to the grievance. Extenuating circumstance, if applicable, may be considered should the grievance be presented after the required time period and the reason for late filing should be noted on ADOC Form 213-A.
 - a. The supervisor shall investigate the grievance and within ten (10) working days, after it is presented, render a written response on ADOC Form 213-A to the employee.
 - b. A copy of the Step One grievance and the immediate supervisor's response shall be provided to the Warden / Division Director.
 - 2. **Step Two:** If the grievance at Step One is **not** resolved, or a response is not given within the required time frame, the grievance shall be presented to the Warden / Division Director.
 - a. The Step Two grievance shall be presented on ADOC Form 213-A for Step Two, within seven (7) working days of the immediate supervisor's response. A copy of the ADOC Form 213-A filed at Step One shall be attached.

- b. If the supervisor fails to respond within the required time frame, the employee may file ADOC Form 213-A to the Warden / Division Director within three (3) working days. A copy of the ADOC Form 213-A filed at Step One shall be attached.
 - c. The Warden / Division Director shall conduct an investigation and meet with the employee to resolve the grievance.
 - d. Within seven (7) working days following the receipt of the Step Two grievance, the Warden / Division Director shall render a written response on ADOC Form 213-A to the employee.
3. **Step Three:** If the grievance is **not** resolved at Step Two, or a response is not received within the required time frame, the grievance may be presented to the Departmental Grievance Officer. When an employee is submitting for Step Three, a cover letter must accompany the grievance from the employee stating that the grievance was not resolved at Step 1 or Step 2 and they are submitting the grievance for a response at Step 3.
- a. The Step Three grievance shall be presented on ADOC Form 213-A for Step Three, within seven (7) working days of the Warden's / Division Director's response. A copy of the ADOC Form 213-A filed at Steps One and Two shall be attached.
 - b. If the Warden / Division Director fails to respond within the required time frame, the employee may file ADOC Form 213-A to the Departmental Grievance Officer within three (3) working days. A copy of the ADOC Form 213-A filed at Steps One and Two shall be attached.
 - c. Within fifteen (15) working days, the Departmental Grievance Officer shall review the grievance and contact the employee and / or schedule a meeting.
 - d. During the investigation, the Departmental Grievance Officer may:
 - (1) Interview witnesses.
 - (2) Record any conversation pertaining, or relating to the grievance.
 - (3) If the grievance is resolved at either Step 1 or

Step 2 and is forwarded to the Departmental Grievance Officer, Form 213-C shall be completed and must accompany the grievance.

- e. If the Departmental Grievance Officer determines that possible violation of state or federal laws have occurred, the Grievance Officer shall make a request to the Investigation and Intelligence (I&I) Director for a formal investigation. The formal investigation shall be completed within thirty (30) calendar days.
 - f. The Departmental Grievance Officer shall submit the findings and recommendations to the employee within fifteen (15) working days following the conclusion of the formal investigation.
 - g. In cases not requiring further investigation, the Departmental Grievance Officer shall submit the findings and recommendations to the employee within fifteen (15) working days following the meeting.
- C. If at any time during the grievance process, the employee decides to voluntarily discontinue the procedure, the employee shall complete ADOC Form 213-B, *Employee Grievance Withdrawal Waiver*. The employee shall immediately submit ADOC Form 213-B to the immediate supervisor, Warden / Division Director or Departmental Grievance Officer.
- D. The completed grievance shall be retained on file by the Departmental Grievance Officer and not placed in the employee's personnel file.
- E. Decisions rendered by the Departmental Grievance Officer are final within ADOC.
- G. **MISCELLANEOUS:**
- 1. Complaints of harassment or discrimination shall be made in accordance with AR 206, *Harassment and Discrimination Policy*.
 - 2. Issues pertaining to an ADOC's employee's performance evaluation and its components, including corrective action, both formal and informal, are not grievable.
 - 3. Employees are not permitted to skip any step of the grievance process. This should not be confused with the stipulation in AR

206, *Harassment and Discrimination Policy*, which allows an employee to skip a step because of the involvement of the supervisor.

VI. DISPOSITION

Any forms used will be disposed of and retained according to the Departmental Records Disposition Authority (RDA).

VII. FORMS

- A. ADOC Form 213-A, *Employee Grievance*.
- B. ADOC Form 213-B, *Employee Grievance Withdrawal Waiver*.
- C. ADOC Form 213-C, *Employee Grievance Acceptance Waiver*.

VIII. SUPERCEDES

This Administrative Regulation supercedes AR 213, *Grievances*, dated January 24, 2005, and any changes.

IX. PERFORMANCE

- A. Code of Alabama 1975, as amended, Title 1.
- B. Code of Alabama 1975, as amended, Title, 31.
- C. Code of Alabama 1975, as amended, Title 36.
- D. United States Code, Title 29.
- E. United States Code, Title 38.
- F. State of Alabama Personnel Department, Personnel Procedures Manual.
- G. State of Alabama Personnel Department, Rules of the State Personnel Board.
- H. Family and Medical Leave Act of 1993, State Personnel Department Policy and Procedure.
- I. State of Alabama Personnel Department, Training Division, Performance Appraisal Manual.
- J. Alabama Department of Corrections' Administrative Regulations (ARs).
- K. Alabama Department of Corrections' Standard Operating Procedures (SOPs).

L. ADOC AR 206, *Harassment and Discrimination Policy*.


Richard F. Allen, Commissioner

Alabama Department of Corrections

EMPLOYEE GRIEVANCE

Name: _____ Date: _____

Institution/Division: _____ Job Classification: _____

Supervisor's Name: _____ Section/Shift: _____

Nature of Grievance: _____

Remedy Sought: _____

Signature of Complainant

If applicable, reason for late filing of Grievance: _____

DATE FILED		DATE COMPLETED	
Step 1:		Step 1:	
Step 2:		Step 2:	
Step 3:		Step 3:	

Decision at Step: _____

Signature of Responder Date Title

EMPLOYEE GRIEVANCE WITHDRAWAL WAIVER

I, _____, do hereby waive further consideration in the matter of my grievance filed on _____. I voluntarily withdraw this grievance and all claims contained therein. This waiver is not made as a result of any coercion, duress, threat, or promise.

Name

Job Classification

Signature

Date

Witness: _____
Signature

Date

EMPLOYEE GRIEVANCE ACCEPTANCE WAIVER

I, _____, do hereby waive further consideration in the matter of my grievance filed on _____. I voluntarily accept the results of this grievance at Step _____ and all claims contained therein. This waiver is not made as a result of any coercion, duress, threat, or promise.

Name

Job Classification

Signature

Date

Witness: _____
Signature

Date