



GRIEVANCE PLAN

I. Purpose

The purpose of this Plan is to provide an orderly and fair system for employees to resolve problems or complaints in a timely and organized manner.

These procedures are separate from those adopted by the Southern District of Ohio in its Employment Dispute Resolution Plan (EDR) and Adverse Action Plan. All of the conduct prohibited by the EDR Plan may also be the subject of the grievance process established in this Plan.

Our employment relationship is terminable at will with the exception of Probation Officers who are appointed by the Court and who may, for cause, be removed by the Court (18 U.S.C. § 3602). This means that either you or the Court Unit are free to terminate this relationship at any time, for any reason, with or without cause or notice, and with or without any pre-termination process or warning. You may resign to pursue other opportunities or for any reason, or the Court Unit may terminate your employment at any time.

II. Scope

This Plan applies to all current and former Southern District Court of Ohio (SDOH) employees (i.e., Chambers, the Office of Probation, the Office of Pretrial Services, and the Clerk's Office). For Chambers staff (law clerks and judicial assistants), grievances shall be handled as delineated in Section V.B.3 of this Plan. Former SDOH employees are eligible to file grievances within a period of 180 calendar days after the date of separation from the Court.

Any employee may initiate a grievance. Court Unit Executives (CUE) are prohibited from denying an employee the opportunity to present a grievance and from subjecting an employee who has filed or is about to file a grievance to threats, duress, harassment, or overt or covert acts of retaliation.

III. Policy

The Southern District of Ohio promotes a culture of employees working cooperatively to meet the overall objectives and mission of the District. It is the expectation that this Plan should only be utilized when any complaint(s) or problem(s) cannot be addressed or resolved informally

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and attempts to do so have been unsuccessful. If an informal discussion is unsuccessful in resolving the situation, a formal grievance may be filed in accordance with this Plan.

IV. Guidelines

Grievances are generally employee complaints involving problems in day-to-day interactions with colleagues that may include, but are not limited to:

- Employee-Supervisor Interactions;
- Employee-Employee Interactions;
- Duty Assignments;
- Working Facilities and Conditions;
- Policies and Procedures that Affect Conditions of Employment; or
- Complaints that Policies and Procedures are not being applied to or are not affecting individual employees equally or fairly.

Non-grievable matters, which are not actionable by an employee in accordance with this Plan, include:

- Any Adverse Action or Classification Decision;
- Extension of a Probationary Period;
- Duty Assignments that are Clearly Within the Scope of, or Not Affecting, the Employee's Job Classification; or,
- Claims or Complaints that are Frivolous or Repetitive of Previous Matters.

At any step of the grievance process, established time limits may be waived or extended in writing by mutual agreement of the involved parties. In addition, the employee may discontinue the formal grievance process at any time upon written notification to the Grievance

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Review Manager (GRM) or Court Unit Executive (CUE). The GRM for each respective Court Unit will be designated by each CUE.

An employee may be represented during the formal grievance procedure by an individual of his or her choosing, and at his or her own personal cost, as applicable. Also, another employee may accept the responsibilities of representation if it will not unduly interfere with his or her duties or constitute a conflict of interest, as determined by the CUE. The GRM and CUE must be informed of the designation of any representative at least three (3) business days prior to any meeting scheduled under Section V.B.

A business day is defined as Monday through Friday, excluding federal holidays.

At any level of review, established time limits may be waived or extended by mutual agreement of the parties, for good reason, and confirmed in writing.

Grievance documents, memoranda, or other materials shall not be filed in an employee's local or official personnel file. Documents may be returned to Human Resources for confidential filing separate from personnel folders or files.

V. Grievance Procedures

A. Informal Process

Prior to the filing of a formal grievance in accordance with this Plan, informal efforts should be used to resolve the matter professionally, objectively, and with courtesy. Employees and supervisors are encouraged to make every reasonable effort to obtain an acceptable solution by informal means at the lowest level of supervision. An employee who has a problem or complaint should first attempt to resolve it through discussion with his or her immediate supervisor. If, after this discussion, the employee believes the problem has not been resolved, he or she may discuss the problem with the next higher authority or the respective CUE.

An employee's failure to initiate the informal discussion process with his or her immediate supervisor shall not preclude or be prejudicial to the filing of a formal grievance.



B. Formal Process

1. Grievance Review Manager (GRM) Review

If an employee disagrees with the decision rendered by the supervisor or CUE in the informal grievance process or if the informal process was not pursued, the employee may submit a formal grievance utilizing the Request for Grievance Form contained in this Plan. The completed grievance form shall be submitted to the GRM either within ten (10) business days from the date the decision is rendered in the informal process, or within ten (10) business days of the date the act or matter that is the subject of the grievance occurred. If there is more than one second in command or senior member of management within the unit, the grievance shall be assigned for review and processing to an individual who is not in the direct line of reporting authority for that employee or that employee's supervisor.

Employees filing grievances shall:

- Comply with relevant time frames;
- Ensure that the subject matter of the complaint is of a grievable nature;
- Furnish sufficient details to identify clearly the matter being grieved;
- State briefly whether the informal process was initiated and, if so, the parties involved and the date it concluded; and
- Specify the corrective action requested.

The assigned GRM will discuss the grievance with the employee, the employee's representative (if designated), and any other appropriate persons. The GRM will conduct such proceedings or investigation as the GRM deems appropriate and conduct any additional meetings as deemed necessary.

The GRM will render a decision in writing to the employee and appropriate parties within ten (10) business days after receiving the grievance. If the matter involves the employee's supervisor, the supervisor must receive a copy of the decision.

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2. Court Unit Executive Review

If the employee disagrees with the decision rendered by the GRM, the employee may appeal to the Court Unit Executive by submitting the Request for Appeal Grievance Form contained in this Plan and relevant documents that include the GRM's decision to his/her respective Court Unit Executive within ten (10) business days after receiving the GRM's decision.

The CUE may, at his/her discretion:

- Interview and discuss the matter with the employee and the employee's representative, if applicable;
- Review records pertaining to the grievance;
- Confer with any person(s) involved in the complaint; and/or
- Meet with the GRM to determine the factual basis or rationale for his/her decision.

The CUE shall render a decision to the employee within ten (10) business days after receiving the appeal form from the employee. The CUE's decision shall be final and non-appealable.

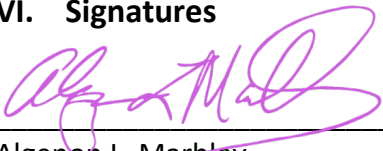
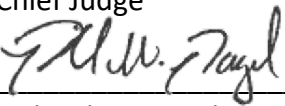


3. Grievances from Chambers Staff

In instance of grievances by or from chambers staff (law clerks and judicial assistants) as to internal, chambers-related matters, the Judge of the chambers, or his or her designee, shall handle any grievance provided that, if the Judge is alleged to have engaged in or otherwise been involved in the conduct complained of, the Clerk of Court shall instead handle the grievance in lieu of the Judge as to all other steps in the Plan. There shall be no intervening review by the GRM, and it shall be at the discretion of the Judge (or his/her designee) to determine what steps, investigation, or action shall be taken as deemed appropriate. Any decision as to chambers staff by the Judge or his/her designee shall be final and non-appealable.

Grievances between non-chambers staff and chambers staff shall be handled through the normal grievance process contained herein and the Court Unit Executive (CUE) will make the final decision regarding the grievance.



VI. Signatures

	06/30/2020
Algenon L. Marbley	Date
Chief Judge	
	06/30/2020
Richard W. Nagel	Date
Clerk of Court	
	06/30/2020
Mark R. Grawe	Date
Chief U.S. Probation Officer	
	06/30/2020
Melanie Furry	Date
Chief U. S. Pretrial Services Officer	
Chief U.S. Pretrial Services Officer	



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Appendix 1

Request for Informal Grievance Resolution

Grievant's Name: _____

Court Unit: _____

1. Describe the issue or event giving rise to the grievance. (Attach any relevant supporting documentation to this form.)
2. When did the issue arise or event occur?
3. What relief are you asking for?

Grievant's Signature

Date

Resolution:

Informal Grievance Reviewer Signature:

Date

Grievant's Signature

Date



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Appendix 2

Formal Grievance Form

Grievant's Name: _____

Court Unit: _____

1. Describe the issue or event giving rise to the grievance.
2. Describe the steps previously taken to informally resolve the grievance.
3. What relief, in addition to or different from the Resolution reached through the Informal Grievance Resolution process, are you asking for?

Signature

Date Submitted

Please attach any relevant documents supporting your complaint, including a copy of the Request for Informal Grievance Resolution indicating Resolution, to this form.



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Appendix 3

Formal Grievance Resolution Report

Grievant's Name: _____

Date Formal Grievance Form Filed: _____

Summarize the nature of the grievance:

Describe the steps taken to investigate and research the claims presented:

List everyone interviewed in relation to the grievance:

List the unit executive's factual findings:

Describe the relief granted (if any):

Unit Executive's Signature

Date

Acknowledgement of Receipt:

Grievant

Other Interested Party (if applicable)

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Acknowledgement of Receipt and Agreement

I acknowledge receipt of the Grievance Plan of the Southern District of Ohio and agree to abide by the requirements contained therein.

(Printed Name)

(Signature)

(Date)