

CF OPERATING PROCEDURE
NO. 60-55, Chapter 2

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, June 26, 2017

Human Resources

CAREER SERVICE GRIEVANCE PROCEDURE

2-1. Purpose. This operating procedure establishes a uniform policy for processing Career Service grievances filed by Career Service employees within the Department of Children and Families.

2-2. Scope. This operating procedure applies to all Career Service employees who have satisfactorily completed a one (1) year probationary period in their current position. For Career Service employees who have not completed a one (1) year probationary period in their current position, the management should review informally any issues raised by such employees in an effort to resolve the issues. However, the formal grievance procedure is only available to permanent Career Service employees.

2-3. Reference.

- a. Chapter 110.227(4), Florida Statutes (F.S.).
- b. General Records Schedule GS1-SL for State and Local Government Agencies.

2-4. Terms Defined.

a. Grievance. A grievance is defined as the dissatisfaction that occurs when an employee believes that any condition affecting the employee is unjust, inequitable, or a hindrance to effective operation. Claims of discrimination and sexual harassment or claims related to suspensions, reductions in pay, demotions, and dismissals are not subject to the Career Service grievance process.

b. Business Days. Any calendar day except Saturday, Sunday or a state holiday.

c. Employee. A Career Service employee of the Department of Children and Families who has satisfactorily completed a one (1) year probationary period in his or her current position.

d. Step 1 Representative. The employee's immediate supervisor.

e. Step 2 Representative. The delegated authority authorized to render the final written agency decision for Career Service grievances of employees within their respective organizational unit, to include: the Secretary, Deputy Secretary, Assistant Secretaries, Chief of Staff, General Counsel, Inspector General, Regional Directors, Circuit Administrators and Hospital Administrators, or their designee.

2-5. General.

- a. A Career Service employee may submit a signed written grievance as prescribed herein.
- b. A grievance must involve a matter over which the agency has control. However, the following are not subject to the Career Service grievance process:

- (1) Claims of discrimination and/or sexual harassment;

This operating procedure supersedes CFOP 60-55, Chapter 2, dated June 1, 2010.

OPR: ASHR

DISTRIBUTION: A

- (2) Claims related to suspensions, reductions in pay, demotions, and dismissals;
 - (3) Investigations and written reports by the Office of the Inspector General;
 - (4) Issues that are the subject of another administrative action or appeal before a governmental board or agency or court; or,
 - (5) Issues that have previously been reviewed through a union grievance procedure, Public Employees Relations Commission (PERC) hearing or any other administrative proceedings.
- c. Employees and supervisors are expected to work together in an effort to resolve grievances.
 - d. Failure by an employee to initiate a grievance within the time limits specified at each step of the procedure shall be deemed a waiver of the grievance.
 - e. Employees shall not use state materials, equipment, the telephone system or work time to prepare or process grievances. However, any required participation at the Step 1 or Step 2 grievance meeting shall be considered work time for the required participants.
 - f. An employee who separates from the Department or moves to a position outside of the Career Service system shall forfeit the right to any further review of a pending grievance.
 - g. The local employee relations representative shall be responsible for:
 - (1) Maintaining a log of all grievances that includes dates and decisions at each step of the grievance;
 - (2) Maintaining records of grievances, in the local employee relations representative office administrative file, for a minimum of three (3) fiscal years after the grievance is finalized; and,
 - (3) Advising the immediate supervisor and Step 2 Representative on matters relating to whether the grievance is an issue over which the Department has control, timeliness of the grievance, or the processing of a grievance under this operating procedure.

2-6. Procedure. The following procedures shall apply to the processing of a grievance filed by an employee.

a. **Step 1: Filing with the Immediate Supervisor.**

- (1) An employee having a grievance may submit a signed, written grievance form to his or her immediate supervisor within 14 calendar days following the occurrence of the event giving rise to the grievance.
- (2) The written grievance shall be on the Department's Career Service Employee Grievance form (form CF 0007, available in DCF Forms), incorporated herein by reference, specifying the issues and clearly stating what action is requested to resolve the grievance.
- (3) The immediate supervisor shall be responsible for:
 - (a) Providing the employee with a signed dated copy of the grievance form acknowledging receipt, and date stamping the form;
 - (b) Providing a copy of the grievance form to the local employee relations representative by the close of business on the following business day after receipt of the grievance;

(c) Discussing and resolving any issues with the grievance including timeliness and agency control of the grievance subject matter, with the local employee relations representative; and,

(d) Meeting with the employee to discuss the grievance and providing a written response to the employee seven (7) business days following receipt of the grievance.

(4) If the grievance arises out of an action taken by someone other than the employee's immediate supervisor, such as non-selection in hiring, the immediate supervisor shall without delay forward the grievance to the person who took the action and that person shall respond to the grievance, following consultation with the immediate supervisor, and their local employee relations representative.

(5) If the grievance arises out of an action taken under the jurisdiction of another Step 2 Representative, the immediate supervisor shall without delay forward the grievance for processing to the appropriate local employee relations representative, who shall coordinate the reply to the written grievance in accordance with this operating procedure.

(6) The time limits for responding at Step 1 may be extended in writing by mutual agreement up to seven (7) business days. Failure to respond within the specified time limit shall permit the employee to proceed to Step 2.

b. **Step 2: Review by the Step 2 Representative.**

(1) An employee who is dissatisfied with the response from Step 1 may submit the written grievance to the Step 2 Representative within seven (7) business days following receipt of the Step 1 response.

(2) The Step 2 Representative must meet with the employee to discuss the grievance within five (5) business days following receipt of the grievance.

(3) The Step 2 Representative must respond in writing to the employee within five (5) business days following the meeting. The time limits for responding at Step 2 may be extended in writing by mutual agreement up to seven (7) business days. A copy of the response shall be forwarded to the local employee relations representative.

(4) The written decision of the agency head or his/her designee shall be the final authority for all grievances filed under this operating procedure. Such grievances may not be appealed beyond Step 2.

BY DIRECTION OF THE SECRETARY:

(Signed original copy on file)

DENNISE G. PARKER
Human Resources Director

SUMMARY OF REVISED, DELETED, OR ADDED MATERIAL

This revision updates this operating procedure, including, but not limited to, the following:

1. Adds new sentence in paragraph 2-2 regarding probationary employees.
2. Deletes obsolete references to Servicing Human Resources Manager.
3. Clarifies that required participation at Step 1 or Step 2 grievance meeting is work time.
4. Includes reference to “agency head or his/her designee” in paragraph 2-6b(4).



CAREER SERVICE EMPLOYEE GRIEVANCE

Name: _____ Title: _____

Employee ID: _____

Region/Circuit/
Institution/Headquarters Office: _____ Telephone: _____

Section/Unit: _____ Shift: _____ Work Location (City): _____

Immediate
Supervisor: _____ Title: _____

STEP 1

TO BE COMPLETED BY CAREER SERVICE EMPLOYEE: A Career Service employee having a grievance may submit a signed, written grievance to his or her immediate supervisor within 14 calendar days following the event giving rise to the grievance.

The event giving rise to this grievance occurred on: _____
Date

MY GRIEVANCE IS AS FOLLOWS: (attach additional material if necessary)

PROPOSED SOLUTION: State specifically what action is requested to resolve the grievance. (attach additional material if necessary)

Employee's Signature

Date

Immediate Supervisor's Signature

Date Received

STEP 1

INSTRUCTIONS TO THE IMMEDIATE SUPERVISOR: The immediate supervisor must meet with the employee to discuss the grievance, and provide a written response to the employee within seven (7) business days following receipt of the grievance.

Date of Step 1 Meeting: _____

Immediate Supervisor's Response: (attach additional material if necessary)

Immediate Supervisor's Signature

Date

Employee's Signature

Date Received

STEP 2

TO BE COMPLETED BY THE EMPLOYEE: If the employee is dissatisfied with the response from Step 1, the employee may submit the written grievance to the Step 2 Representative within seven (7) business days following receipt of the Step 1 written response.

The grievance has not been resolved to my satisfaction and I request a review by the Step 2 Representative.

Employee's Signature_____
Date_____
Step 2 Representative's Signature_____
Date Received**STEP 2**

INSTRUCTIONS FOR THE STEP 2 REPRESENTATIVE: The Step 2 Representative must meet with the employee to discuss the grievance within five (5) business days following receipt of the grievance, and must respond in writing to the employee within five (5) business days following the meeting.

Date of Step 2 Meeting: _____

Step 2 Representative's Response: (attach additional material if necessary)

Step 2 Representative's Signature_____
Date_____
Employee's Signature_____
Date Received