

RULE 10

GRIEVANCE PROCEDURE

(Adopted by the Judicial Council on 01/21/10 which replaces Rule 10 of the Judiciary's Personnel Rules & Regulations.)

10.00 STATEMENT OF POLICY

It shall be the policy of the Judiciary to promote favorable relations between all levels of management and its employees by resolving issues of complaints expeditiously, assuring fair and equitable treatment of all employees, and promoting harmonious working relationships among all levels of employees.

The purpose of this grievance procedure is to secure, at the lowest possible administrative level, a prompt and mutually acceptable solution to grievances that may arise periodically over issues involving personnel actions or employment conditions.

10.01 APPLICABILITY

- 10.01.01** This rule applies to full-time (classified and unclassified) employees of the Judiciary.
- 10.01.02** Two or more employees may file jointly **only if** the grievance issue and resolution requested is of the same nature.

10.02 DEFINITIONS

- 10.02.01** **Grievance:** A grievance is any question or complaint filed by an employee alleging that there has been a misinterpretation, misapplication or violation of a personnel statute, rule, regulation, or written policy which directly affects the employee in the performance of his official duties; or that he has received prejudicial, unfair, arbitrary, capricious, hostile, intimidating, or unprofessional treatment in his/her working conditions, or work relationships.
- 10.02.02** **Days:** "Days" as used in these procedures mean workdays. In counting the number of days for each step, if the last day falls on the employee's weekend, the filing time or receipt time will apply to the employee's next work day.

- 10.02.03 **Supervisor:** Supervisor as used in these procedures means the grievant's or another employee's immediate supervisor or anyone within their supervisory chain of command;
- 10.02.04 **Manager:** Manager as used in these procedures means a division head, regardless if the position title has the word "administrator".
- 10.02.05 **Management:** Management as used throughout these rules means a supervisor and/or a division head.
- 10.02.06 **Administrator:** Administrator as used in these procedures refers to the Administrator of the Courts.

10.03 **COVERAGE**

- 10.03.01 Grievances may involve, but are not limited to, such matters as a personnel action taken, employee-supervisor relations; duty assignments not related to job classification; assigned shift or job locations; hours worked; working facilities and conditions; policies for granting leave; employee conditions imposed that are alleged by an employee or by a group of employees to be contrary to personnel rule or personnel policy.
- 10.03.02 A written reprimand alleged by the employee to be unjustified to which the employee has not been previously been given an opportunity to respond is also covered in the grievance process because it is not an adverse action.

10.04 **EXCLUSIONS**

10.04.01 **General Exclusions**

The following actions are not covered by these grievance procedures:

- A. Disqualification or ineligibility of an applicant for employment (Covered by Rule 4, Personnel Rules & Regulations);
- B. Non-selection of an eligible applicant (Covered by Rule 4,

Personnel Rules & Regulations);

- C. Applicant examination ratings or results (Covered by Rule 4, Personnel Rules & Regulations);
- D. Removal or dismissal during probationary period (Covered by Rule 6, Personnel Rules & Regulations);
- E. Appeals from classification and pay determinations (Covered by Rule 9, Personnel Rules & Regulations and prevailing statute 4GCA, Chapter 6, §6101 Uniform Position Classification and Salary Administration Act of 1991);
- F. Appeals of adverse personnel actions (Covered by Rule 11, Personnel Rules & Regulations, Judicial Council of Guam Hearing Officer Procedures for the Hearing of Appeals of Adverse Actions and Grievances adopted 12/18/03, 4GCA §4406 sixty-day rule as adopted by the Judicial Council on 10/06/04);
- G. Allegations or complaints of EEO covered discrimination (Covered by the Judiciary's EEO Administrative Policy); and
- H. Appeals of performance evaluations (Covered by Rule 7, Personnel Rules & Regulations);

Employees may inquire with the Human Resources Office for proper guidance and direction on complaints or grievances of these actions which are excluded from the grievance procedure.

10.04.02 Equal Employment Opportunity Discrimination Complaint

When an aggrieved employee submits a written allegation of discrimination on grounds of race, color, religion, creed, sex, national origin, marital status, age, disability, or political affiliation in connection with a matter which is subject to the grievance procedures, as well as the EEO discrimination complaint procedures, that allegation shall be processed under the Judiciary's EEO discrimination complaint procedures.

10.05 GENERAL PROVISIONS

10.05.01 Freedom from Reprisal or Interference

- A. An employee and his/her representative shall be free to use the grievance system without restraint, denial, coercion, discrimination, or reprisal.
- B. No employee shall interfere or attempt to interfere with another employee's exercise of his/her rights under this grievance system.

10.05.02 Employee's Status and Work Time During Grievance Procedures

An employee shall be on regular work status during each procedural level unless the employee is on leave status.

10.05.03 Right to Seek Advice

All levels of management will provide an opportunity for an employee to communicate with and seek advice from:

- A. the court's Human Resources Office;
- B. the Equal Employment Opportunity Officer or other EEO officials, counselors; or
- C. a supervisor or management official of higher rank than the employee's immediate supervisor.

10.05.04 Representation

- A. An employee has the right to present a grievance with or without representation.
- B. An employee has the right to be accompanied, represented, and advised by a representative of his/her choice at any stage of the grievance proceedings.
- C. An employee must notify the respective management official in writing at least one (1) day prior to any hearing or meeting when he/she will be represented by an attorney or there is a change in representation. Failure of this notification may delay any meeting, hearing, or proceeding date.

- D. An employee who prevails on appeal to the Superior Court or a higher court in a grievance case shall be reimbursed for any legal fees incurred in the appeal to the Superior Court or a higher court.

10.05.05 Timeline for Presentation of the Grievance while on Leave Status

An employee must file his/her grievance within the ten (10) day time frame as provided for in Section 10.06.02

If the grievant is on approved leave during the 10 day presentation period, all time limits of the grievance procedure are suspended until the employee returns to non-leave work status.

10.05.06 Extension of Time Limits

Deadlines may be extended only if mutually agreed in writing which should indicate the reasons for the extension.

10.05.07 Termination of Grievance

- A. An employee who has filed a grievance may terminate or withdraw the grievance at any time.
- B. Failure on the part of the employee to proceed to a higher step of the grievance procedures within the time period specified, will automatically terminate the grievance.

10.05.08 Management's Responsibility

An employee's grievance may, or may not be objectively justified. What is important is that the grievance is real to the employee. When the grievance is well-founded, management has both a duty and a need to eliminate the cause. When the grievance is not well-founded, it is equally important to reach an understanding based on all the facts presented. Therefore, this procedure should assure consideration of every employee's grievance with a degree of promptness, sympathy, understanding, fairness, competence, and authority which convinces the employee that he/she has been treated fairly. Management shall allow the employee ample time during working hours to prepare the documentation necessary to file the grievance.

- A. It shall be the responsibility of management to attempt to settle grievances fairly and promptly at, or near the

organizational level where the grievance was brought to their attention by the employee.

- B. Failure by management to render a decision to the employee within the allotted time at any step constitutes denial, and the employee may then proceed to the next step or level of the grievance procedures.

10.05.09 Employee's Responsibility

- A. Each employee is expected to make a concerted effort to achieve settlement of their grievance. He/She should bring the grievance promptly to the attention of management.
- B. Each employee has the right to present matters to his/her supervisor, and every supervisor has the obligation to act promptly and fairly on such matters, seeking the advice and assistance of others when necessary.
- C. It is the responsibility of the employee to obtain reports of personnel interviews, statements of witnesses and copies of decisions in support of his/her grievance.
- D. It is known that some grievances may present issues the supervisor cannot mediate or resolve. Examples of these situations are when the employee is filing or presenting a grievance which involves an action or decision made by a management official who has authority above the employee's supervisory level such as a division head or Administrator of the Courts. Grievance Against Higher Authority, Section 10.09 of these procedures are applicable in these types of grievance cases.

10.05.10 Human Resources Office's Responsibility

The Human Resources Office shall be responsible for:

- A. training the employees appointed to the Grievance Review Committee;
- B. coordinating all logistics such as meeting room, equipment, supplies, time sheets, notifications and other needs for the Grievance Review Committee;
- C. serving as the facilitator in the event there is an offer from either parties to resolve the grievance at any level;

and

- D. providing guidance to the employee by monitoring the step processes and grievance forms to insure documentation is complete and timelines are met.

10.06 PROCEDURE - Step 1

10.06.01 Mandatory Use of the Procedure

An employee must complete the step by step process as outlined in the procedure.

10.06.02 Initial Filing of Grievance and Referral to Mediation

- A. An employee must present his/her grievance issue in writing on the form identified as Step 1, within **ten (10)** work days after the action, incident or occurrence which gave grounds for the grievance. Day 1 starts on the day after the incident, action, or cause of grievance. This initial presentation of grievance must be given directly to the grieving employee's supervisor. In the case of an employee filing a grievance against another employee, the grievance would be presented to the other employee's supervisor. In all cases, the employee is required to provide Human Resources Office a copy of the initial grievance.
- B. **Mediation:** Within 48 hours after the presentation of a grievance in writing, the supervisor, division head, or other authority must offer outside mediation by a non-profit mediator selected by the Human Resources Administrator. The choice shall be presented on the Grievance Complaint Form which shall contain the name of the grievant and all parties grieved against. The form will identify the parties involved and a checkbox to indicate an interest to proceed with mediation. If the Grievant does not wish to proceed with mediation, the case shall not proceed to Mediation.
 - 1. **If Mediation proceeds to resolution:** Since all time limits are suspended, it is the grievant's responsibility to ensure that the case proceeds to mediation. On written confirmation that the parties agree to voluntary mediation, the time lines set

forth in this grievance rule are immediately suspended.

If the case is resolved by Mediation, the parties must present a "Voluntary Mediated Resolution of Grievance," on which the terms of the resolution will be set forth, and must be signed by all parties to the mediation. This Form is considered a contract between the parties. Failure to observe the terms of this "Voluntary Mediated Resolution of Grievance" may form the basis of another grievance. A signed copy of this resolution must be given to the Human Resources Administrator for the grievance file.

2. **If Mediation is unsuccessful:** Upon written confirmation by the Mediator to the Human Resources Administrator and served on the party against whom the grievance is directed that the matter will not be resolved by mediation, the timelines are immediately reinstated and the process proceeds to Step 2 below.
 3. **Mediation at any level.** By mutual agreement, the parties may enter mediation at any point during the grievance procedure and such voluntary participation in mediation will immediately suspend the time lines.
- C. After the parties failed to resolve the grievance through mediation, the grievant's immediate supervisor shall render a written decision within five (5) days from the date he/she was notified by the mediator that no resolution can be reached, using the same form submitted by the employee in order to document the completion of Step 1.
- D. In the event an employee is filing a grievance against another employee from another division or section, the grievant shall present the grievance directly to the other employee's immediate supervisor who shall comply with the steps provided. The grievant is required to provide a copy to his/her immediate supervisor and the Human Resources Administrator.

10.06.03 Step 2: Submission to Division Head

A. Presentation of the Grievance to the Division Head

1. An employee is entitled to present a grievance under Step 2 within five (5) days of receipt of the decision in Step 1, or if no decision was rendered, within five (5) days of the date it was due.
2. The grievance presented in Step 2 must be in writing on the grievance form and must be submitted and acknowledged received by the division head.

B. Division Head's Response to Grievance

1. The division head must determine whether the grievance is timely, covered by the grievance procedures, and has been processed through Step 1.
2. The division head shall attempt to resolve the grievance. Upon receipt of the grievance, he/she shall render a decision, in writing, to the employee within five (5) days of receipt of the written grievance.
3. The division head shall be responsible for advising the employee on the next level of administrative remedies by proceeding to the formal grievance procedures if the employee is dissatisfied with the decision.

10.07 STEP 3 - FILING WITH THE ADMINISTRATOR OF THE COURTS (AOC)

10.07.01 Presentation of the Formal Grievance

An employee is entitled to present his/her grievance under Step 3, within five (5) days of receipt of the decision in Step 2 or, if no decision was rendered, within five (5) days of the date the decision was due.

The Administrator of the Courts (AOC) shall review the grievance case and determine if he/she can resolve the grievance at his/her level prior to referring the grievance to a Grievance Review Committee. The AOC must do one of two things no later than the 5th day of receiving the grievance, which is: 1) Attempt to resolve the grievance; or 2) Appoint the Grievance Review Committee.

10.07.02 GRIEVANCE REVIEW COMMITTEE (GRC)

A. Appointment of the Committee

In the event the AOC is unable to resolve the grievance case, the AOC shall appoint the Grievance Review Committee (GRC) within the five (5) days of receipt of the grievance case. The GRC will then be responsible to investigate the circumstances of the grievance, gather documentation and facts, hold hearings and make a recommendation to the AOC.

B. Committee Composition

The GRC shall normally consist of three (3) full-time employees for one single grievance case. In the event there is a grievance case filed by more than one employee whose issue and resolution is of the same nature, then five (5) employees will be appointed to serve on the GRC.

1. In the case of a non-management employee filing grievance, the committee composition will be one (1) management employee and two (2) non-management employees.
2. In the case of a management employee filing a grievance, the committee composition will be two (2) management employees and one (1) non-management employee.
3. In the case of two (2) or more employees filing a grievance case of the same nature, the committee composition will be a total of five (5) members. Two (2) management employees and three (3) non-management employees.

C. All three members (or five) of the GRC shall be empaneled by the fifth (5th) day after the grievance was received by the AOC. If a committee member recuses himself/herself, or if the grievant requests for a recusal of one of the appointed members, the AOC is allowed an additional three (3) days to appoint a new member.

D. When the grievant has been notified in writing as to the members of the GRC, the grievant has the right to submit a request for recusal of any member for the reasons specified in writing to the AOC within two (2) days after being notified.

E. Grievance Review Committee Inquiry

1. The GRC shall be expected to convene and initiate a grievance inquiry or investigation appropriate to the nature and scope of the issues presented in the grievance.
2. The inquiry must be completed no more than five (5) days from the date the GRC was officially empaneled by the AOC. The five (5) days is inclusive of the Committee's report of findings and recommendation. If the GRC needs additional time they must provide the reasons and get approval from the AOC. When the approval is granted, the HRA must advise the grieving employee regarding the extension.
3. The Committee's inquiry may include the securing of documentary evidence and personal interviews in an effort to fully understand the issues and obtain the maximum information available pertinent to the issues.
4. The Committee shall conduct meetings, hearings and interviews during working hours and any personnel called or summoned to appear before the Committee shall do so without loss of salary.
5. Hearings shall be informal and technical rules of evidence shall not apply. Proceedings of the investigation shall be recorded in summary form and shall contain all pertinent facts brought out during the investigation.
6. The Committee shall elect a "Chairperson" for purposes of signing requests for documents, summons to appear, time and attendance certification, and other needed documents for the Committee. The final recommendation to the AOC, however, must be signed by all appointed members of the Committee.
7. No confidential document may be released to the Committee without the consent of the document's author or approval of the Staff Attorney.

F. Grievance File

The Human Resources Administrator shall establish the

grievance file with an identifying case number once the grievance has been filed at the initial step. The file is independent, separate and distinct from the grievant's official personnel folder maintained by the Human Resources Office. The grievance file is the official record and must contain all documents pertaining to the grievance including:

1. completed forms for all the steps completed;
2. statement of facts and statement(s) of witness(es) if any;
3. records/copies of pertinent documents related to the grievance;
4. reports of personal interviews;
5. GRC's accumulated records of pertinent documentation; and
6. all decisions made relative to the step by step process.

The grievance file can be reviewed only by the grievant and/or his/her authorized representative. Information that is received by the committee but cannot be made available to the grievant in the form it was received must be included in the file in a form which the grievant can review or it must not be used.

G. Grievance Review Committee Report

The Committee shall complete their investigation and submit a written report on their findings and recommendation to the AOC within the five (5) days required by 10.07.02 (E) (2). Extension of the five (5) days is provided in this same section.

H. Administrator of the Courts' (AOC) Written Decision

The AOC shall render a written decision to the grievant within three (3) days of receipt of the written report from the GRC.

10.08 APPEAL TO THE JUDICIAL COUNCIL

10.08.01 Presentation of the Grievance Appeal

- A. An employee is entitled to appeal a grievance to the

Judicial Council if:

1. he/she is not satisfied with the decision, action or resolution offered by the AOC in Step 3; or
 2. the AOC failed to render a decision within the three (3) days he/she was in receipt of the written report from the Grievance Committee.
- B. The grievance appeal must:
1. be submitted in writing to the Chief Justice who serves as Chairman of the Judicial Council within five (5) days of the AOC's decision or inaction (no decision delivered to the grievant) at Step 3;
 2. contain sufficient detail to identify and clarify the basis for appealing the AOC's decision;
 3. specify the personal relief or resolution requested by the employee; and
 4. provide a copy of his/her Judicial Council appeal to the AOC & HRA.

10.08.02 Grievance Forwarded to the Administrative Hearing Officer (AHO)

At the next scheduled Judicial Council meeting, the Chairman of the Judicial Council will place the grievance appeal on the agenda and appoint an Administrative Hearing Officer (AHO) pursuant to the procedures on Hearing of Appeals on Adverse Actions and Grievances. This appeal is deemed the final administrative process for the Judiciary's Grievance Procedures.

10.08.03 Appeal to Superior Court

In the event the employee is not satisfied with the AHO's decision or did not receive a decision within the deadlines specified, the employee has thirty (30) days to file a petition for judicial review in the Superior Court.

10.09 GRIEVANCES FILED AGAINST HIGHER AUTHORITY

10.09.01 Grievance Against a Division Head:

- A. An employee may file a grievance complaint against a

division head for an action, inaction, decision, or incident which gave cause to grieve against the division head. In this event, the grievant may proceed to file the grievance directly with their division head within ten (10) days of the action, incident or occurrence. All forms required by Step 1 must be submitted in writing. (Note: The mediation process as outlined in Section 10.06.02 continues to apply in this type of grievance case)

- B. This provides a time period whereby the employee is requesting the division head to reconsider or rectify the issue or complaint at hand which gave cause to the grievance.
- C. The division head shall respond to the employee with his/her decision within five (5) days from the date of receipt of the grievance filed.
- D. If the grievant is not satisfied with the division head's decision he/she may proceed to file a formal grievance (Step 3) to the AOC within five (5) days upon receipt of response from the division head.
- E. The AOC will resolve the grievance or may empanel the GRC in accordance with the provisions and steps under section 10.07 of the Grievance Procedure.
- F. Timelines, Committee appointments, responsibilities and all other provisions found under 10.07 & 10.08 will continue to apply.

10.09.02 Grievance Against the Administrator of the Courts

- A. An employee may file a grievance complaint against the AOC for an action, inaction, decision, or incident which gave cause to grieve against the AOC. The employee would proceed to file the grievance complaint in writing to the AOC within ten (10) days of that action, incident or occurrence. Step 1 must be submitted in writing on the form prescribed. The AOC has five (5) days to respond from the date the grievance was received. (Note: The mediation process as outlined in Section 10.06.02 continues to apply in this type of grievance case.)
- B. In the event the employee is not satisfied with the AOC's response, decision or resolution being offered, the grievant may proceed to the next level which would refer

the grievance case to the GRC.

1. The employee must notify the HRA in writing, within five (5) days that he/she is not satisfied with the AOC's decision, response or inaction therefore, requests the HRA to empanel the Grievance Review Committee pursuant to section 10.07.02 of these procedures.
 - a. HRA will then notify the Chairman of the Judicial Council of the need to appoint an Administrative Hearing Officer (AHO) in preparation to receive and decide on the GRC's findings and recommendations.
 - b. Timelines, Committee appointments, responsibilities and all other provisions found under 10.07 & 10.08 will continue to apply.
2. After the GRC completes its inquiry, findings and recommendation, they will then forward their report or recommendation to the designated AHO, via the HRA within three (3) working days from the date the recommendation was received by the HRA.
 - a. The AHO will then have ten (10) work days to review the complete grievance case file and render a decision from the date the AHO received the grievance file from the HRA.
 - b. The AHO may hold a hearing at which the grievant and the AOC's representative, and the GRC if the AHO so requests, who provided the recommendation may make presentations on the evidence.
 - c. The AHO may request to meet with grievant and his/her representative and/or the GRC who provided the recommendation.
 - d. The AHO shall deliver his/her decision to the grievant, the AOC, HRA and the Chairman of the Judicial Council no later than the thirtieth (30th) day from the date the case was received by the AHO.
 - e. The AHO's decision is considered the final

administrative process of the Grievance Procedure.

10.09.03 Appeal to Superior Court

In the event the employee is not satisfied with the AHO's decision or did not receive a decision within the deadlines specified, the employee has thirty (30) days to file a petition for judicial review in the Superior Court.

10.10 GRIEVANCES FILED BY UNCLASSIFIED EMPLOYEES

10.10.01 Unclassified employees, defined as Judiciary employees occupying a full-time position, who did not compete under the merit system for their position, are permitted to file grievances in the same manner as classified employees with the following distinctions:

1. Rules 10.02, 10.03, 10.04, 10.05, 10.06 and 10.07 shall apply and be available to all unclassified employees.
2. Rule 10.08 (Appeal to Judicial Council) shall not be available to unclassified employees.
3. Rule 10.09.01 and 10.09.02 shall continue to apply to unclassified employees however appeal rights to the Judicial Council level or the AHO does not apply. The last administrative step applicable is the GR Committee's recommendation to the AOC and the final decision rendered by the AOC based on the GRC's report.



ADMINISTRATIVE OFFICE OF THE COURTS ADMINISTRATIVE POLICY #UJ10-01

Reference: Year Round Appointment - Grievance Review Committee

SECTION 1.00 BACKGROUND/ PURPOSE

This administrative policy is established to provide an orderly process of empaneling the Judiciary's Grievance Review Committee to serve on a 12 month basis. This policy complements the new Grievance Procedure adopted by the Judicial Council on January 21, 2010.

SECTION 2.00 STATEMENT OF POLICY

This administrative policy establishes an orderly process for the Administrator of the Courts (AOC) to appoint twelve (12) employees to the Annual Grievance Committee (AGC), consisting of 6 employees representing management and six (6) employees representing non-management from various divisions. These employees will serve on a running pool of names that will be readily activated to serve on the Grievance Review Committee (GRC) which will consist of 3 or 5 members, which applicable. This policy will provide expediency in activating members who will be trained and prepared to carry out the provisions of Rule 10.07.02 of the Judiciary's Grievance Procedures. The AOC and the HRA are responsible in appointing, qualifying, and providing training to the court employees selected to serve on a one year appointment

SECTION 3.00 GRIEVANCE COMMITTEE COMPOSITION

- 3.01 Pursuant to 10.07.02 (B) of the Grievance Procedure, the Grievance Review Committee (GRC) shall be composed of full-time status employees as required in the following categories:
- A. One (1) management employee and two (2) non-management employee in the case of a non-management employee filing the grievance.
 - B. Two (2) management employees and one (1) non-management employee in the case of a management employee filing the grievance.
 - C. In the event the grieving employees are a mixed group of management and non-management employees, two (2) management employees and three (3) non-management employees will be appointed.
- 3.02 Management employees are defined as those employees listed in the AO C's Management Team, HR's list of mid-managers and supervisors who have direct or indirect supervision of subordinates. Supervisors who conduct performance evaluation ratings of their subordinate employees also fall within the definition

of a management employee.

- 3.03 Non-Management employees are defined as those employees who are not management or mid-management employees.
- 3.04 Whenever there is a recusal, the AOC may select another management or non-management employee, whichever is applicable, from the list of employees appointed to serve for one (1) year.
- 3.05 The selection of employees to serve on the Grievance Review Committee shall be rotated from among the 12 members so that at least each appointed employee is given the opportunity to serve on a Grievance Review Committee.
- 3.06 The Human Resources Administrator shall have the responsibility to ensure appropriate representation for management and non-management employees regardless of classified or unclassified employees filing the grievance.

SECTION 4.00 POOL OF NAMES FOR YEARLY APPOINTMENT BY THE AOC

- 4.01 Grievant is a Non-Management Employee
Grievance Review Committee = 1 Management + 2 Non-Management Employees
Back-Up Alternates 1 Management + 2 Non-Management Employees
- 4.02 Grievant is a Management Employee
Grievance Review Committee = 2 Management + 1 Non-Management Employees
Back-Up Alternates 2 Management + 1 Non-Management Employees
- 4.03 Grievants are Management and Non-Management Employees
Grievance Review Committee = 2 Management + 3 Non-Management Employees
- 4.04 Total number of employees to be appointed on a yearly basis shall be a pool of twelve (12) names. Six (6) representing management and another six (6) representing non-management. These employees when appointed by the AOC will serve on an on-call basis in the event of the need for a Grievance Review Committee.
- 4.05 The selection of members in the event of a group of management and non-management employees filing a grievance will be selected from the pool of twelve employees appointed to the Annual Grievance Committee.

SECTION 5.00 ANNUAL APPOINTMENTS

- 5.01 The AOC will commence the one year appointment of the twelve (12) employees beginning the first work day of the next calendar month the policy is signed, and annually thereafter.
- 5.02 Committee members that were not activated during the entire twelve (12) month period may be extended or reappointed another year as requested by the AOC.
- 5.03 The AOC may appoint other employees, at any time to fill the term of any Committee vacancy caused by separations from employment with the Judiciary or for those on extended or indefinite periods of leave.

SECTION 6.00 TRAINING AND RESOURCES

- 6.01 The Human Resources Administrator will be tasked to provide training, equipment, supplies and meeting location for the Grievance Review Committee to commence their inquiry and findings.
- 6.02 The Human Resources Administrator will communicate and certify the time and attendance of committee members when activated for payroll coordinating purposes.
- 6.03 The Human Resources Administrator may conduct exit interviews with the committee members for purposes of soliciting recommendations on policy changes.

SECTION 7.00 IMPLEMENTATION DATE AND AMENDMENTS

This administrative policy is effective on the date of signature below. Any subsequent changes to the effective date shall require new signatures and a notation on when the amendments are made or effective.



PERRY C. TAITANO Date
Administrator of the Courts

JUDICIARY OF GUAM GRIEVANCE PROCEDURE - TIMELINE

FILING AGAINST SUPERVISOR (This flow chart may also be used in the case of filing a grievance against another employee from another division. The direction in this case will be filed with that employee's supervisor)

(POLICY SECTIONS)

STEP 1: INITIAL FILING OF GRIEVANCE

(10.06.02 A)				(10.06.02 B)		(10.06.02 C)		GRIEVANCE SETTLED?
Employee → Supervisor				Mediation	RESOLUTION	Supervisor → Employee		
10 days				48 hours	YES - STOP NO - CONTINUE TIMELINE	5 days		
Present Grievance				Mediation	IMMEDIATELY REINSTATED	Decision / Response		YES - Stop NO - Proceed

STEP 2: SUBMISSION TO DIVISION HEAD

(10.06.03 A1)		(10.06.03 B2)		GRIEVANCE SETTLED? YES - Stop NO - Proceed
Employee → Division Head 5 days	Division Head → Employee 5 days			
Grievance to Higher Authority	Decision / Response			

STEP 3: FILING WITH THE AOC

(10.07.01) Employee → AOC 5 days Grievance to AOC		(10.07.02 C) AOC → Resolve or Appoint Committee 5 days AOC: 1. Attempt to Resolve Grievance; or 2. Appoint the Grievance Review Committee		(IF APPLICABLE) (10.07.02 C) (10.07.02 D) Recusal of member(s) 3 days AOC to appoint new member Grievant is notified of GRC members 2 days Grievant's request to recuse member	

(10.07.02 G)	(10.07.02 H)	GRIEVANCE SETTLED
<div>Grievance Committee</div> <div> </div> <div>5 days</div> <div>Grievance Committee conducts investigation and submits report and recommendation to the AOC (10.07.02 E2 GRC may request extension)</div>	<div>AOC → Employee</div> <div> </div> <div>3 days</div> <div>render decision</div>	

APPEAL TO JUDICIAL COUNCIL

(10.08.01 B1) Employee → Chief Justice (Chairman of Judicial Council) 5 days Appeal	(10.08.02) REFER TO ADMINISTRATIVE HEARING OFFICER PROCEDURES ADOPTED 12/18/03
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RULE 10.03 APPEAL TO JUDICIAL COUNCIL SHALL NOT APPLY TO UNCLASSIFIED EMPLOYEES

JUDICIARY OF GUAM GRIEVANCE PROCEDURE - TIMELINE FILING AGAINST DIVISION HEAD

(POLICY SECTIONS)

(10.09.01 A)										(10.06.02 B)				(10.09.01 C)				GRIEVANCE SETTLED?
Employee → Division Head										Mediation		RESOLUTION		Division Head → Employee				
10 days										48 hours		YES - STOP NO - CONTINUE TIMELINE		5 days				
Present Grievance										Mediation		IMMEDIATELY REINSTATED		Decision / Response				YES - Stop NO - Proceed

STEP 3: FILING WITH THE AOC

(10.07.01) Employee → AOC 5 days Grievance to AOC	(10.07.02 A) AOC → Resolve or Appoint Committee 5 days AOC: 1. Attempt to Resolve Grievance; or 2. Appoint the Grievance Review Committee
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(IF APPLICABLE)

(10.07.02 C) Recusal of member(s) 3 days AOC to appoint new member	(10.07.02 D) Empanelling time after recusal 2 days Grievant's request to recuse member
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(10.07.02 G)	(10.07.02 H)	GRIEVANCE SETTLED? YES - Stop NO - Proceed
<div>Grievance Committee</div> <div><div></div><div></div><div></div><div></div><div></div></div> <div>5 days</div>	<div>AOC → Employee</div> <div><div></div><div></div><div></div></div> <div>3 days</div>	
Grievance Committee conducts investigation and submits report and recommendation to the AOC (10.07.02 E2 GRC may request	render decision	

APPEAL TO JUDICIAL COUNCIL

(10.08.01 B1) Employee → Chief Justice (Chairman of Judicial Council) 5 days Appeal	(10.08.02) REFER TO ADMINISTRATIVE HEARING OFFICER PROCEDURES ADOPTED 12/18/03
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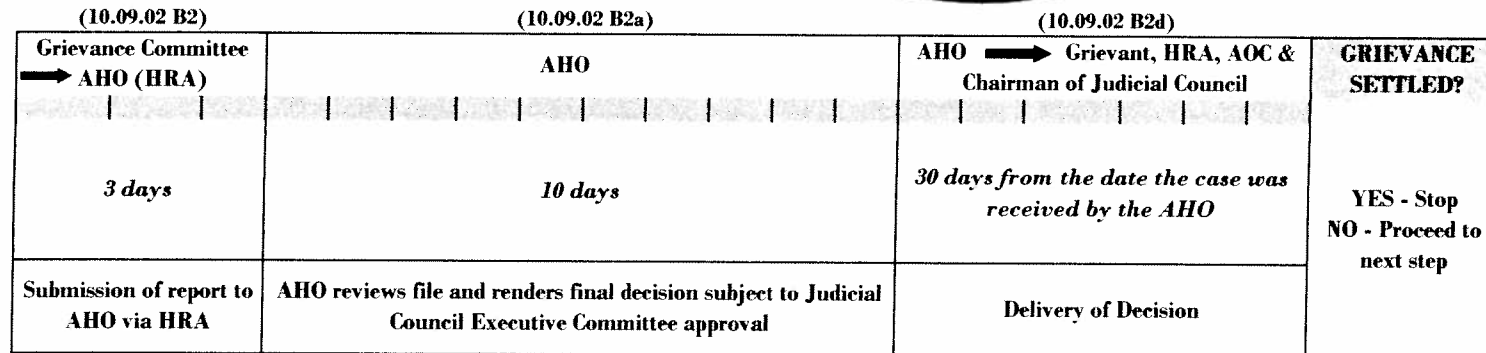
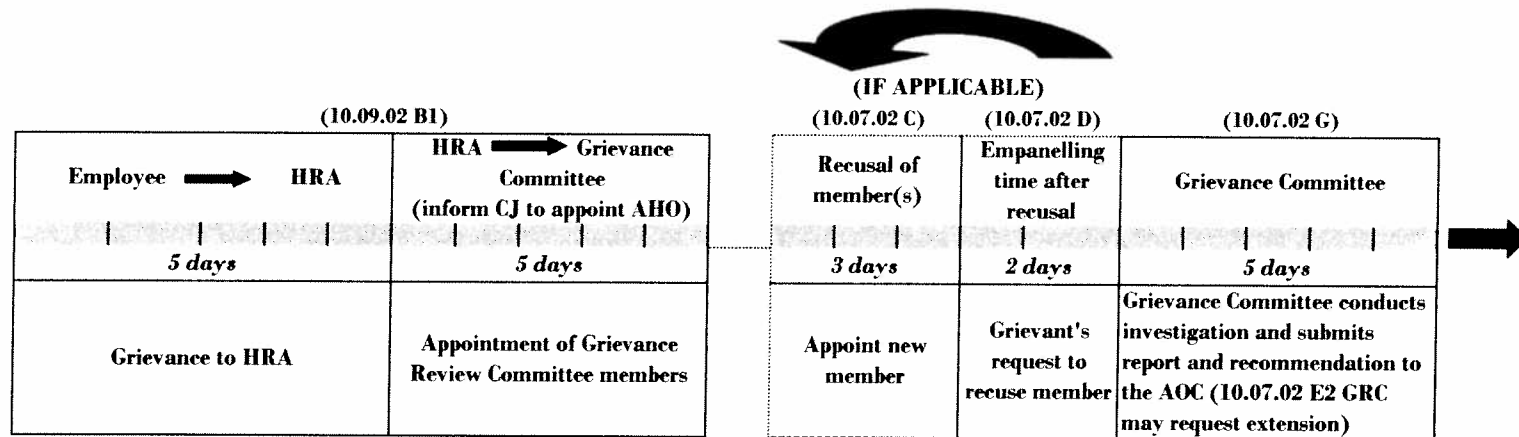
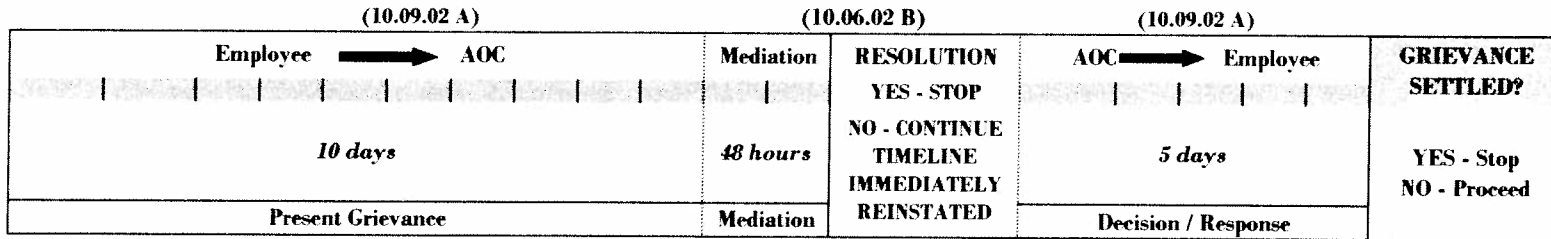
RULE 10.08 APPEAL TO JUDICIAL COUNCIL SHALL NOT APPLY TO UNCLASSIFIED EMPLOYEES

JUDICIARY OF GUAM

GRIEVANCE PROCEDURE - TIMELINE

FILING AGAINST THE ADMINISTRATOR OF THE COURTS

(POLICY SECTIONS)



(10.09.03)

FILE WITH SUPERIOR COURT WITHIN 30 DAYS

RULE 10.03 APPEAL TO JUDICIAL COUNCIL SHALL NOT APPLY TO UNCLASSIFIED EMPLOYEES



JUDICIARY OF GUAM

FILING OF GRIEVANCE COMPLAINT(S) FORM

SUBMISSION TO SUPERVISOR

(This form must be used throughout the processes. Original copy stays with grievant until it is submitted to the Administrator of the Courts. All other parties may make duplicate copies, as applicable. If the grievance is settled at any step level, please submit a copy of this form to the Human Resources Office)

Employee Name (Grievant): _____ Position Title: _____

Immediate Supervisor's Name: _____ Division: _____

STEP 1: INITIAL FILING OF GRIEVANCE - 10 days (Section 10.06.02 A)

Nature of Grievance: (Describe grievance briefly and concisely) _____ Date of Incident: _____

Employee's Signature: _____ Date: _____

ACKNOWLEDGE RECEIPT:

Name & Signature of Supervisor

Date Received

cc: Human Resources Office

MEDIATION WITHIN 48 HOURS (10.06.02 B)

Name of parties Involved: _____

Agree to Mediation:

☐ Yes ☐ No

Agree to Mediation:

☐ Yes ☐ No

Agree to Mediation:

☐ Yes ☐ No

Agree to Mediation:

☐ Yes ☐ No

If all parties agree to Mediation, timelines are immediately suspended.

Mediation Resolved _____ Yes _____ No

If resolved the Terms of Mediation are as follows (You may attach additional sheets for terms of resolution):

Date: _____

Name & Signature of all parties involved: _____

If mediation is unsuccessful timelines are immediately reinstated.

cc: Human Resources Office

Proceed with this step if the Grievance was not resolved through Mediation.

SUPERVISOR'S Response to Grievant - 5 days (Section 10.06.02 C)

Date Received: _____

Supervisor's Signature: _____ Date: _____

Has grievance issue(s) been settled? ☐ YES ☐ NO (If Yes, process ends. If No, proceed to next step)

Employee's (Grievant) Signature: _____ Date Response is Received: _____

cc: Human Resources Office

STEP 2 :SUBMISSION TO DIVISION HEAD - 5 days (Section 10.06.03 A1)

Employee's (Grievant) Reasons for proceeding to Step 2.

Employee's Signature: _____ Date: _____

cc: Human Resources Office

DIVISION HEAD'S Response to Grievant - 5 days: (Section 10.06.03 B2)

Date Received: _____

Division Head's Signature: _____ Date: _____

Has grievance issue(s) been settled? ☐ YES ☐ NO (If Yes, process ends. If No, proceed to Step 3)

Employee (Grievant) Signature: _____ Date Response is Received: _____

cc: Human Resources Office

STEP 3: SUBMISSION OF GRIEVANCE TO ADMINISTRATOR OF THE COURTS- 5 DAYS (Section 10.07.01)

Employee's (Grievant) Reasons for proceeding to Step 3.

Employee's Signature: _____ Date: _____

cc: Human Resources Office

ADMINISTRATOR OF THE COURTS

Receipt Date of Grievance: _____

Grievance Committee Appointment Date: _____

Receipt Date of Committee Report/Recommendation: _____

AOC'S DECISION: Date/Time Sent to Grievant: _____

(AOC's decision will be in a memo form to the Grievant and a copy is to be attached to this form for filing.)



JUDICIARY OF GUAM
FILING OF GRIEVANCE COMPLAINT(S) FORM
FILING AGAINST DIVISION HEAD

(This form must be used throughout the processes. Original copy stays with grievant until it is submitted to the Administrator of the Courts. All other parties may make duplicate copies, as applicable. At any step if the grievance is settled, please submit a copy to the Human Resources Office)

Employee Name (Grievant): _____ Position Title: _____

Immediate Supervisor's Name: _____ Division: _____

STEP 1: INITIAL FILING OF GRIEVANCE - 10 days (Section 10.09.01 A)

Nature of Grievance: (Describe grievance briefly and concisely) _____ Date of Incident: _____

(Attach additional sheets if necessary) [] Attached

Employee's Signature: _____ Date: _____

ACKNOWLEDGE RECEIPT:

Division Head's Name & Signature
cc: Human Resources Office

Date Received

MEDIATION WITHIN 48 HOURS (10.06.02 B)

Parties Involved: _____

Agree to Mediation:
☐ Yes ☐ No

Agree to Mediation:
☐ Yes ☐ No

Agree to Mediation:
☐ Yes ☐ No

Agree to Mediation:
☐ Yes ☐ No

If agreed to Mediation timelines are immediately suspended.

Mediation Resolved _____ Yes _____ No

If resolved the Terms of Mediation are as follows (You may attach additional sheets for terms of resolution):

Date: _____

Signature of all parties involved: _____

If mediation is unsuccessful timelines are immediately reinstated.
cc: Human Resources Office

Proceed with this step if the Grievance was not resolved through Mediation.

DIVISION HEAD'S Response to Grievant - 5 days (Section 10.06.02 B)

Date Received: _____

Division Head's Signature: _____ Date: _____

Has grievance issue(s) been settled? [] YES [] NO (If Yes, process ends. If No, proceed to next step)

Employee's (Grievant) Signature: _____ Date Response is Received: _____

cc: Human Resources Office

STEP 3: SUBMISSION OF GRIEVANCE TO ADMINISTRATOR OF THE COURTS- 5 DAYS (Section 10.07.01)

Employee's (Grievant) Reasons for proceeding to Step 3.

Employee's Signature: _____ Date: _____

cc: Human Resources Office

ADMINISTRATOR OF THE COURTS

Receipt Date of Grievance: _____

Grievance Committee Appointment Date: _____

Receipt Date of Committee Report/Recommendation: _____

AOC'S DECISION: Date/Time Sent to Grievant: _____

(AOC's decision will be in a memo form to the Grievant and a copy is to be attached to this form for filing.)



JUDICIARY OF GUAM
FILING OF GRIEVANCE COMPLAINT(S) FORM
FILING AGAINST THE ADMINISTRATOR OF THE COURTS

(This form must be used throughout the processes. Original copy stays with grievant until it is submitted to the Administrator of the Courts. All other parties may make duplicate copies, as applicable. If the grievance is settled at any step level, please submit a copy of this form to the Human Resources Office)

Employee Name (Grievant): _____ Position Title: _____

Immediate Supervisor's Name: _____ Division: _____

STEP 1: INITIAL FILING OF GRIEVANCE - 10 days (Section 10.09.02 A)

Nature of Grievance: (Describe grievance briefly and concisely) _____ Date of Incident: _____

Employee's Signature: _____ Date: _____

ACKNOWLEDGE RECEIPT:

Administrator of the Courts Signature
cc: Human Resources Office
Date Received

MEDIATION WITHIN 48 HOURS (10.06.02 B)

Parties Involved: _____

Agree to Mediation:
☐ Yes ☐ No
Agree to Mediation:
☐ Yes ☐ No
Agree to Mediation:
☐ Yes ☐ No
Agree to Mediation:
☐ Yes ☐ No

If agreed to Mediation timelines are immediately suspended.

Mediation Resolved _____ Yes _____ No

If resolved the Terms of Mediation are as follows (You may attach additional sheets for terms of resolution):

Date: _____

Signature of all parties involved: _____

If mediation is unsuccessful timelines are immediately reinstated.
cc: Human Resources Office

Proceed with this step if the Grievance was not resolved through Mediation.

AOC'S Response to Grievant - 5 days (Section 10.09.02 A)

Date Received: _____

AOC's Signature: _____ Date: _____

Has grievance issue(s) been settled? [] YES [] NO (If Yes, process ends. If No, proceed to next step)

Employee's (Grievant) Signature: _____ Date Response is Received: _____

cc: Human Resources Office

STEP 2 :SUBMISSION TO HR ADMINISTRATOR 5 days (Section 10.09.02 B1)

Employee's (Grievant) Reasons for proceeding to Step 2.

Employee's Signature: _____ Date: _____

cc: Human Resources Office

HR ADMINISTRATOR

Receipt Date of Grievance: _____

Grievance Committee Appointment Date: _____

Receipt Date of Committee Report/Recommendation: _____

Date recommendation submitted to AHO: _____

Date of AHO's final decision: _____

cc: Human Resources Office



JUDICIARY OF GUAM
GRIEVANCE APPEAL FORM
Filing to the Judicial Council

Grievance appeals must be submitted to the Chief Justice within five (5) days after receipt of the Administrator of the Courts' decision or inaction or the grievant is not satisfied with the decision of the Administrator of the Courts. This form may be used in lieu of a memorandum. (Section 10.08)

Employee Name (Grievant): _____ Position Title: _____

Immediate Supervisor's Name: _____ Division: _____

Reason for Appeal:

Employee's Signature: _____ Date: _____

cc: Human Resources Office

ADMINISTRATIVE HEARING OFFICER (AHO) _____ Date Received: _____

The Administrative Hearing Officer shall normally be expected to issue a written decision within 10 days after receipt of the Grievance Appeal.

ADMINISTRATIVE HEARING OFFICER'S SIGNATURE _____

Date: _____