

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
<b>Policy Name:</b> Written Reprimand Review Process (Classified Employees)		
<b>Policy Number:</b> 104.44	<b>Effective Date:</b> 1/23/2020	<b>Page Number:</b> 1 of 6
<b>Authority:</b> Commissioner	<b>Originating Division:</b> Administration and Finance Division (Human Resources)	<b>Access Listing:</b> Level I: All Access

**I. Introduction and Summary:**

This procedure provides an orderly process for reviewing a **classified** employee's complaint regarding the receipt of a written reprimand or written confirmation of an oral reprimand.

**II. Authority:**

- A. State Personnel Board Rule 478-1-.20, Employee Complaint Resolution Procedure; and
- B. GDC Standard Operating Procedures (SOPs): 104.01, Delegation of Authority; 104.45, Employee Complaint Resolution Procedure; 104.27, Suspension With Pay and 104.63, Privacy of Personnel Records (Classified Employees).

**III. Definitions:**

- A. **Appointing Authority (AA)** - The person authorized by state law to take employment actions (such as hiring or dismissals) within a state agency. In this Department, that individual is the Commissioner and any person designated by the Commissioner pursuant to GDC SOP 104.01 Delegation of Authority.
- B. **Classified Employee** - Means an employee who was in the classified service as of June 30, 1996, and who has remained in a classified position without a break in service since that date.
- C. **Employee Record** - The official personnel file (located in the GDC Central Personnel Office) and the local personnel file (located at the facility).
- D. **Field Appointing Authority (FAA)** - Wardens and individuals specifically designated by the Commissioner.
- E. **Receipt** - The date and time a document is delivered to the addressee by mail, facsimile or personal delivery.
- F. **Work Day** - For the purposes of this procedure, a Monday through Friday business day exclusive of dates designated as State holidays.

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**G. Written Reprimand** - A written memorandum, letter, or statement issued to an employee resulting from inappropriate behavior or performance deficiencies. For purposes of this procedure, this term shall include both written reprimands and written confirmations of oral reprimands. Attached to every written reprimand shall be the "Notice of Written Reprimand" (Attachment 1) advising the employee of their right, upon written request, to a formal review by a WRRO.

**H. Written Reprimand Reviewing Official (WRRO)** - An individual designated by the Director, Human Resources to consider classified employees' requests for review of a written reprimand. This official shall not be a supervisor of the employee and shall have the authority to order written reprimands upheld, modified or removed from employee records upon the Director, Human Resources' approval.

#### **IV. Statement of Policy and Applicable Procedures:**

##### **A. Issuing a Reprimand:**

1. A written reprimand is a disciplinary action permanently imposed on an employee. It is not an adverse action although it requires the same burden of proof;
2. An AA/Designee and/or a FAA shall issue a reprimand. This helps ensure continuity and consistency of disciplinary actions. Additionally, an inappropriately imposed reprimand can interfere with the imposition of an adverse action for the offense or infraction;
3. A classified employee who receives a written reprimand has the right to a review by the WRRO. To ensure that all classified employees are aware of this right, a "Notice of Written Reprimand" (Attachment 1) will be attached to every reprimand at the time the letter is delivered to the employee; and
4. After a written reprimand is served on a classified employee, it shall be permanently filed in the Employee's Record. The Director, Human Resources may approve a request to remove a properly imposed letter of reprimand from an employee's official personnel file, only in exceptional circumstances.

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**B. Informal Resolution:**

1. If possible, resolution of disputes regarding written reprimands should take place at the local level.
2. Classified employees and their respective supervisors are encouraged to make reasonable attempts to identify the issues/contentions involved and find ways to resolve disputes before the classified employee makes a “Formal Request for Review” of the written reprimand.

**NOTE:** No action taken by any party to the reprimand should prevent the classified employee from meeting any procedural deadlines.

**C. Formal Request for Review:**

1. Classified employees may formally request review of a reprimand. The employee must request a review in writing to the local HR representative within five (5) work days of receipt of the written reprimand;

**NOTE:** There is no review process for unclassified employees.

2. Once notified by the employee that a review is requested, the local HR representative will send an e-mail message to the Agency Complaint Resolution Coordinator that includes the employee name, work location, daytime telephone number, and the date that the written reprimand was served. Within three (3) work days of notification, the Agency Complaint Resolution Coordinator will provide the name, work address and fax number (not voice) for the appointed WRRO by return e-mail message to the local HR representative;
3. Immediately upon receipt of the information, the local HR representative will complete a “Designation of Reviewing Official” form (Attachment 2) for the employee and provide a blank “Request for Review of Written Reprimand” form (Attachment 3) to the employee;

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4. The local HR representative will immediately e-mail or fax a copy of the Written Reprimand and the signed “Notice of Written Reprimand” (Attachment 1) to the WRRO;
5. The employee must submit the “Request for Review of Written Reprimand” form (Attachment 3) and supporting documentation to the WRRO within five (5) work days of receipt of the “Designation of Reviewing Official” form (Attachment 2);

**NOTE:** Employees are prohibited from using work/duty time for the purpose of preparing requests for review of reprimands, or gathering supporting documents, unless such time has been specifically approved by the appropriate Appointing Authority. Under no circumstances shall any department staff member be assigned to assist in the preparation of a request for review, especially if that person is also a party to the events surrounding the written reprimand or serving as a designated WRRO. Assistance given may not include accessing confidential data or providing clerical support.

6. When several classified employees are being reprimanded for actions stemming from the same incident, infractions, event, or series of the forgoing, the same WRRO will be appointed for all those reprimanded;
7. The WRRO shall have the authority to resolve any dispute regarding the determination of reasonable and necessary time for completing the processing of any official Written Reprimand Review; and
8. A review request may be withdrawn by the employee at any time in the process.

**D. Appointment of Reviewing Official:**

1. The Director, Human Resources shall maintain responsibility for the designation/assignment of WRROs;

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2. WRROs shall not be assigned to review reprimands issued by officials who are in their chain of command; and
3. After the WRRO has been identified and assigned to the request, the local HR Representative will be provided (within three work days) with the name, fax number, and mailing address of the appointed Reviewing Official.

**E. Reviewing Official's Response:**

1. Upon receipt of an employee's "Request for Review of Written Reprimand" (Attachment 3), the WRRO shall review the request and supporting documentation. The WRRO may also contact the employee and/or supervisor to secure additional information, as deemed necessary and appropriate;
2. After reviewing the pertinent information and giving appropriate consideration to the request for review, the WRRO shall either uphold the reprimand, direct that the reprimand be modified, or direct that the reprimand be removed from the employee's records;

**NOTE:** When overturning or modifying a reprimand, the WRRO will advise the Appointing Authority.

3. The WRRO shall notify the employee of the final determination via the WRRO Response form (Attachment 4); and
4. The WRRO's written response shall be provided to the employee within five (5) work days of receipt of the employee's "Request for Review of Written Reprimand." The decision of the WRRO is final.

**F. Distribution of WRRO's Response:**

1. The WRRO shall mail the original final determination to the employee. A copy of the final determination and all corresponding documentation shall be forwarded to the local HR representative;

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2. If the WRRO directs a modification to the reprimand or removal of the reprimand from the employee's records, the local HR representative shall immediately initiate the actions required by the WRRO's determination;
3. The local HR representative shall place a copy of the WRRO's final determination and corresponding documents in the Employee Record; and
4. The local HR representative shall also forward a copy of the WRRO's final determination to the appropriate Regional Director (if applicable).

**V. Attachments:**

Attachment 1: Notice of Written Reprimand  
Attachment 2: Designation of Reviewing Official  
Attachment 3: Request for Review of Written Reprimand  
Attachment 4: Reviewing Official Response

**VI. Record Retention of Forms Relevant to this Policy:**

Upon completion, Attachments 1, 3 and 4, if reprimand is upheld, shall be retained permanently in the official and local personnel files, or if relief is granted, retain permanently in the local personnel file. Attachment 2 shall be retained in the local personnel file for 45 days.