Maryland
DEPARTMENT OF JUVENILE SERVICES

POLICY

SUBJECT: Employee Grievance
NUMBER: HR-416-26
APPLICABLE TO: All DJS Employees

APPROVED: _____
Betsy Fox Tolentino, Secretary

DATE: 09/23/2026

I. POLICY

The Maryland Department of Juvenile Services (DJS or Department) will not impede its employees' ability to avail themselves of remedies potentially afforded to them under the State's grievance procedures.

II. AUTHORITY

A. Md. Code Ann., Human Services, §9-203 and §9-204.
B. Md. Code Ann., State Personnel and Pensions, Title 12
C. COMAR 17.04.06
D. American Correctional Association (ACA) Standards, 5-JCF-7D-01 and 5-JCF-7D-04

III. DIRECTIVES/POLICIES RESCINDED

Employee Grievance, HR-416-18

IV. FAILURE TO COMPLY

Failure to comply with the Department's Policy and Procedures shall be grounds for disciplinary action up to and including termination of employment.

V. STANDARD OPERATING PROCEDURES

Standard operating procedures have been developed and are attached to this policy.

VI. TRAINING

N/A

VII. MEASURABLE OUTCOMES

N/A

VIII. AUDIT TOOL

N/A

IX. UNION NEGOTIATED POLICY

Yes

X. REVISION HISTORY

DESCRIPTION OF REVISION	DATE OF REVISION
New policy issued.	8/1/18
Updated Policy Number Revised Procedures: ● Rescinded MGT-416-18 ● Authority Revised ● Standard Operating Procedures language revised to reflect new template ● Procedures Revised to reflect new state guidelines and realignment of the HR processes ● Added a section on non-retaliation ● Appendices Revised	September 23, 2026

Maryland
DEPARTMENT OF
JUVENILE SERVICES

PROCEDURES

SUBJECT: **Employee Grievance**
NUMBER: **HR-416-26**
APPLICABLE TO: **All DJS Employees**

APPROVED: Cory Fink
Cory Fink
Deputy Secretary of Support Services

DATE: September 23, 2026

I. PURPOSE

To provide guidelines for the implementation of State law and regulations regarding employee grievance procedures.

II. DEFINITIONS

A. *Appointing Authority* means the Secretary of the Department of Juvenile Services (DJS) or their designee that has the power to make appointments. For purposes of this policy, Appointing Authority refers to the list of designees that the Secretary sends to the Department of Budget and Management (DBM) each year, which includes, but is not limited to: the Assistant Secretary/Chief of Staff, Deputy Secretaries, Executive Directors, JSEP Superintendent, and Chief of the Office of Human Resources (OHR). However, only the Secretary has the ability to terminate an employee.

B. *Day(s)* means calendar day(s) unless otherwise specified.

C. *Employer* means an employee's appointing authority, an employee's principal unit, or the Department of Budget and Management.

D. *Grievance* means a dispute between an employee and the employee's employer about the interpretation of and application to the employee of: (1) a personnel policy or regulation adopted by the Secretary of the Department of Budget and Management, or (2) any other policy or regulation over which management has control.

E. *Grievance Representative* means a person the grievant has selected to assist or represent them at any time during the grievance process. If a representative is chosen, the employer is to be notified in writing in advance of the conference.

F. *Grievant* means the employee who has filed a grievance against the employer.

III. PROCEDURES

A. General

1. An employee in the State Personnel Management System may seek relief under the state's grievance procedures for any dispute encompassed by those procedures. Employees seeking redress for alleged violations of any equal employment opportunity laws are advised to review the DJS *Equal Employment Opportunity Policy,* MGT-05-12*,* and any other potentially applicable law or policy.
2. An employee may choose any person to be their grievance representative to assist or represent them at any time during the grievance process and shall notify their supervisor of that choice.
3. The Department encourages employees to attempt to resolve workplace concerns at the lowest possible level. Therefore, employees must present the matter orally to their supervisor for an informal discussion prior to beginning the formal grievance process. This approach allows for direct communication and provides the best opportunity for immediate resolution.

B. Grievance Process

1. Three steps are available to an employee in the grievance procedure, and an attempt to resolve the issue should be made at each step in the process.
   a. Step One: the initiation of a grievance procedure with the designated Appointing Authority,
   b. Step Two: an appeal to the Head of the Principal Unit (for purposes of this policy, the Secretary of DJS or their designee, which is typically the OHR Employee Relations Manager), and
   c. Step Three: an appeal to the DBM Secretary.
2. **STEP ONE: Initiation of a grievance with the Appointing Authority**
   An employee initiates a grievance by filing a written grievance with the appropriate appointing authority within twenty (20) days after the occurrence of the alleged act that is the basis of the grievance or when the employee first knew of or reasonably should have known of the alleged act that is the basis of the grievance. For purposes of Step One, the appointing authority is the Deputy Secretary, Executive Director, or Unit Head for the division where the employee reports, noted on the list of designated appointing authorities provided by the secretary to DBM.
   a. Employees shall provide a copy of the grievance to the supervisor when the written grievance is filed. To be considered timely, the grievance must be received by the appointing authority within the prescribed twenty (20) days. A grievance may be dismissed if it is not filed in a timely manner.
   b. The grievant shall use the **State Personnel Management System Appeal and Grievance form DBM-ELRD-1 (Appendix 1)** to file

their written grievance. Forms may be obtained through the Office of Human Resources (OHR). The grievance form includes the basis for the grievance, the date the grievance was discussed with the supervisor, the issues of fact or law which support the grievance, and the requested remedy.

c. Within ten (10) days of receiving the written grievance, the employee's appointing authority shall hold a conference with the grievant. The employee may represent themself or may choose at any stage in the grievance process to be represented by someone else. If a grievant representative is chosen, the employer is to be notified in writing in advance of the conference.

d. At the conference, the appointing authority may attempt to settle the grievance and/or hear both sides of the issue. Participants will include the employee, a grievant representative if applicable, and the supervisor or appropriate members of management. Either side may present witnesses or evidence.

e. Within ten (10) days of the conference, the appointing authority shall issue a written decision. Copies of the decision are distributed to the conference participants and to the OHR Employee Relations Manager.

3. **STEP TWO- Appeal to the Head of the Principal Unit/ DJS Secretary.**

Within ten (10) days of receipt of the Step One decision, the employee or their designated grievant representative may appeal the decision in writing to the Head of the Principal Unit, namely the DJS Secretary or their designee, which is typically the OHR Employee Relations Manager. The appeal shall include a copy of the grievance and the decision being appealed.

a. Within ten (10) days of receiving the appeal, the Head of the Principal Unit or their designee shall hold a conference with the employee. Participants shall include the employee, a grievant representative if applicable, the supervisor and/or the appropriate member of management. Either side may present witnesses or evidence.

b. Within ten (10) days of holding the conference, the Head of the Principal Unit or their designee shall issue a written decision and distribute it to conference participants.

4. **STEP THREE- Appeal to Secretary of DBM**

Within ten (10) days of receiving the Step Two decision, the employee or their designated grievant representative may appeal the decision in writing to the Department of Budget and Management (DBM).

a. Appeals may be filed with DBM as follows: by email to appeals.dbm@maryland.gov, by fax to 410-333-7603, or by US Mail to DBM, Office of Personnel Services and Benefits (OPSB), Employee & Labor Relations Division, 301 West Preston Street, Ste. 607, Baltimore, MD 21201. The appeal shall include a copy of the grievance and the decision being appealed.

b. Within thirty (30) days of receiving the appeal, OPSB may attempt to resolve the grievance by conducting a settlement conference.
   (1) Decisions reached at the settlement conference are binding on all parties.
   (2) Staff of OHR Employee Relations will represent management at the settlement conference.
   (3) If the grievance is not settled, then OPSB will refer the issue to the Office of Administrative Hearings (OAH) who will dispose of the grievance or conduct an administrative hearing. OAH will provide a hearing date in accordance with their internal procedures.
      (a) The DJS Office of the Attorney General (OAG) will determine the appropriate witnesses and documentation to present and will represent management at the OAH hearing.

c. Within forty-five days (45) of the close of the hearing record, OAH shall issue a written decision. The decision of OAH is the final administrative decision. However, the employee or the agency may appeal the decision to the appropriate Circuit Court within thirty (30) days of the OAH decision.

5. If a grievance is based on a performance rating of satisfactory or better:
   a. the employee may appeal the grievance only at Steps One and Two of the grievance procedure; and
   b. a decision at Step Two of the grievance procedure is final.
6. When an employee's appointing authority is also the head of the principal unit, the employee shall appeal the Step One decision directly to Step Three of the grievance procedure.
7. If the basis of a grievance is an action taken by the principal unit or by the Department, the parties may agree to proceed to Step Two or Step Three of the grievance procedure as appropriate.
8. To every extent possible, the timelines shall be followed. The parties, however, may agree to waive any time limitations.
9. A failure to decide a grievance at any step in the grievance process is considered a denial of the grievance, and the grievant can appeal the denial in accordance with this policy.
10. A grievant and the grievant’s representative shall be given reasonable time during work hours to investigate and process the grievance, and to participate at any conference or hearing relating to the grievance. The grievant should seek their supervisor’s approval before scheduling any of the preparation meetings and provide adequate notice to the supervisor of conference dates.
11. Expenses incurred in connection with attendance by an employee at grievance conferences or hearings, whether as a grievant, as a grievant’s representative, or as a witness, shall be paid by DJS.

C. **Non-Retaliation**

1. DJS prohibits retaliation against an employee for presenting or filing a grievance, serving as a grievance representative or witness, providing information, or otherwise participating in the grievance process. No supervisor, manager, or other employee may engage in coercion, discrimination, interference, reprisal, or restraint because of an employee's participation in protected activity.
2. All employees participating in EEO-protected activity shall be given a **Notice of Non-Retaliation (Appendix 2)**. These employees must read and acknowledge receipt of the notice, and a copy of the signed document shall be placed in the employee's EEO file. The employee shall also be provided a copy of the signed notice.
3. Conduct that may constitute retaliation includes, but is not limited to:
   a. Isolating the employee who made the complaint or an employee who participated in the investigation process;
   b. Reprimanding an employee or issuing a performance evaluation that is lower than it should be;
   c. Transferring the employee to a less desirable position or assignment;
   d. Subjecting an employee to unjustified increased scrutiny;
   e. Engaging in verbal or physical abuse;
   f. Increased scrutiny that is not justified; or
   g. Spreading false rumors about the employee.
4. Retaliation concerns should be reported promptly to the Office of Human Resources. Nothing in this provision prevents DJS from addressing legitimate performance or conduct concerns when its actions are supported by appropriate, documented, and non-retaliatory reasons.

IV. RESPONSIBILITY

Supervisors, Administrators, and Superintendents are responsible for implementation and compliance with this procedure.

V. INTERPRETATION

The Deputy Secretary for Support Services, with the concurrence of the Secretary, shall be responsible for interpreting and granting any exceptions to these procedures, consistent with the requirements of applicable Federal and State laws, regulations, and guidelines.

VI. LOCAL OPERATING PROCEDURES REQUIRED

No

VII. FACILITY OPERATING PROCEDURES OR POST ORDERS REQUIRED

No

VIII. DIRECTIVES/POLICIES REFERENCED

Equal Employment Opportunity Policy, MGT-05-12

IX. APPENDICES

1. State Personnel Management System Appeal and Grievance form (DBM-ELRD-1)
2. Notice of Non-Retaliation form

Maryland
DEPARTMENT OF
JUVENILE SERVICES

DJS POLICY AND STANDARD OPERATING PROCEDURES

Statement of Receipt and Acknowledgment of Review and Understanding

SUBJECT: **Employee Grievance**
NUMBER: **HR-416-26**
APPLICABLE TO: **All DJS Employees**
REVISION DATE: **9/23/2026**

I have received and reviewed a copy (electronic or paper) of the above titled policy and procedures. I understand the contents of the policy and procedures.

I understand that failure to sign this acknowledgment form within five (5) working days of receipt of the policy shall be grounds for disciplinary action up to and including termination of employment.

I understand that I will be held accountable for implementing this policy even if I fail to sign this acknowledgment form.

SIGNATURE _____ PRINT FULL NAME _____

DATE _____ WORK LOCATION _____

PLEASE SEND COPIES OF THE SIGNED ACKNOWLEDGMENT FORM TO YOUR SUPERVISOR AND TO THE OFFICE OF HUMAN RESOURCES, FOR PLACEMENT IN YOUR PERSONNEL FILE

STATE PERSONNEL MANAGEMENT SYSTEM
APPEAL AND GRIEVANCE FORM

(Attach copies of any earlier agency decisions. If appealing a disciplinary action, the notice of discipline must be attached.)

EMPLOYEE'S NAME:	
EMPLOYING AGENCY:	**DIV. or UNIT**:
EMPLOYEE'S CLASSIFICATION:	
HOME ADDRESS:	**PHONE #:**
	EMAIL:
Issue of employee's grievance or reason given by agency for taking disciplinary action (attach additional pages as necessary):	
Date grievance or discipline was discussed with appointing authority:	
State the issues of fact and law, to the extent possible, that support the employee's action (attach additional pages as necessary):	
Employee's Requested Remedy:	
EMPLOYEE REPRESENTED BY:	
Address:	
Phone Number:	

EMPLOYEE'S SIGNATURE: _____ **DATE SIGNED**: _____

Please Circle Appeal Category:

- **10 Termination**
- **11 Termination on Probation**
- **20 Suspension Without Pay**
- **22 Emergency Suspension With Pay**
- **30 Grievance (If complaint involves a denied reclass, give date of last audit:)**
- **40 Forfeiture of Annual Leave**
- **42 Written Reprimand**
- **50 Involuntary Demotion**
- **60 Denial of Pay Increase**
- **80 Retaliation for "Whistleblower" Disclosure**

FAILURE TO FULLY COMPLETE THIS FORM WILL DELAY THE PROCESSING OF THIS APPEAL OR IT MAY RESULT IN ADVERSE ACTION ON THIS APPEAL.

See reverse side for process to file your appeal

PROCESSES FOR FILING APPEALS

Appeal of Disciplinary Action (appeal categories 10; 11; 20; 22; 40; 42; 50 and 60)

An employee (or former employee) in the Skilled or Professional Service (other than an employee under a Special Appointment) who is disciplined according to Title 11 of the State Personnel and Pensions Article (SPP) may appeal the discipline as follows:

(1) Within 15 calendar days of notice of the appointing authority's disciplinary action, file a written appeal with the head of the principal unit. The head of the principal unit shall issue a written decision on the appeal within 15 days of its receipt (SPP § 11-109(e)); however, the failure of the head of the principal unit to issue a written decision within 15 days constitutes a denial of the appeal from which the employee may appeal further, as noted below. SPP § 11-108(b).

(2) Within 10 calendar days of receipt of the decision of the head of the principal unit, either in writing or by action of law as noted above, appeal to the Department of Budget and Management (DBM) as follows: by email to appeals.dbm@maryland.gov; by fax to 410-333-7603; or by US Mail to the address at the bottom of this page. An appeal to the Department shall include a copy of the decision being appealed. The DBM has 30 days in which to attempt to resolve the appeal. If the appeal is not resolved, DBM will forward the appeal to the Office of Administrative Hearings (OAH) for a hearing and advise the employee of this action. The disposition of the appeal by the OAH is the final administrative decision.

For employees under a Special Appointment or in the Management or Executive Service, an employee (or former employee) who is disciplined according to SPP Title 11 may appeal the discipline within 15 calendar days to the head of the principal unit. Within 15 calendar days after receiving the appeal, the head of the principal unit will issue a written decision, which is the final administrative decision.

Each party shall make every effort to resolve a disciplinary matter at the lowest possible level.

Appeal of Grievance (appeal category 30)

A covered employee (see SPP § 12-102) may file a grievance in the following manner:

(1) Step One. Before initiating the grievance procedure the employee must first discuss the grievance with the employee's supervisor. Within 20 calendar days after the alleged cause of complaint, or within 20 calendar days after the employee reasonably became aware of the alleged cause of complaint, the employee may present the grievance in writing to the appointing authority. A copy of the grievance shall be given to the employee's supervisor. The appointing authority shall hold a conference with the employee within 10 calendar days after receipt of the written grievance and shall issue a written decision within 10 calendar days after the conference. If the employee is not satisfied with the decision, the employee or employee's designated representative may appeal to the head of the principal unit or designee within10 calendar days after receipt of the written decision.

(2) Step Two. The head of the principal unit or a designated representative shall hold a conference with the employee within 10 calendar days after receipt of the written appeal, and shall issue a written decision to the employee within 10 calendar days after the conference. If the employee is not satisfied with the decision, the employee or the employee's representative may appeal to the Department of Budget and Management (DBM) within 10 calendar days after receipt to the written decision. An appeal may be filed with DBM as follows: by email to appeals.dbm@maryland.gov; by fax to 410-333-7603; or by US Mail to the address at the bottom of this page. An appeal shall include a copy of the decision being appealed and any other prior decisions.

(3) Step Three. Within 30 days of receipt of the employee's appeal, DBM may confer with the parties and attempt to resolve the grievance. If a settlement is not reached, DBM will forward the appeal to the Office of Administrative Hearings. The disposition of the appeal by the Office of Administrative Hearings is the final administrative decision.

The parties are obligated to attempt to resolve the grievance at the lowest possible step.

Appeal of Whistleblower Complaint (appeal category 80)

An employee may appeal to the Office of Administrative Hearings for a hearing either:

(1) Within 10 days after receiving a decision on the complaint from the Department of Budget and Management's Office of Personnel Services and Benefits; or

(2) When a decision is not issued within 60 days after the complaint is filed and the complainant requests a hearing.

Department of Budget and Management, Office of Personnel Services and Benefits, Employee & Labor Relations Division, 301 West Preston Street, Suite 607, Baltimore, Maryland 21201

Maryland Department of Budget and Management
Office of the Statewide EEO Coordinator

NOTICE OF NON- RETALIATION

Maryland law prohibits employment discrimination and harassment by State managers, supervisors, and other employees. In addition, Maryland law prohibits retaliation. Individuals protected from retaliation include an employee or job applicant who in good faith, reports a concern or engages in EEO protected activity in any capacity, including but not limited to participation as a *Complainant*, *Witness*, *Respondent* (Accused), or *Subject Matter Expert*, in an investigation involving allegations of discrimination, harassment and or bullying based on a protected status, requesting a reasonable accommodation, or participating in the interactive process. Protected statuses include age, ancestry, color, creed, gender identity, marital status, mental or physical disability, national origin, race, religious affiliation, belief or opinion, sex, sexual orientation or military status.

All personnel actions concerning a State employee or applicant for employment in State government shall be made without regard to their participation in EEO protected activity.

Depending on the facts, retaliation may include, but is not limited to, the following actions if taken because of an employee's EEO protected activity:

- isolating the employee who made the complaint or an employee who participated in the investigation process;
- reprimanding an employee or issuing a performance evaluation that is lower than it should be;
- transferring the employee to a less desirable position;
- engaging in verbal or physical abuse;
- increased scrutiny that is not justified;
- spreading false rumors.

Participating in EEO protected activity does not prevent an employee from being subjected to a personnel action when there is a legitimate business reason and/or evidence that the personnel action would have been taken in the absence of the protected activity.

I acknowledge that I received a copy of the enclosed information about retaliation and understand that Maryland law prohibits retaliatory activity.

Name: _____

Signature: _____ **Date:** _____

If you have any questions, please contact your agency's EEO Office or the DBM-OSEEOC team at oseeoc.dbm@maryland.gov.