

DEPARTMENT OF NATURAL RESOURCES

Human Resources Policy No.: 30

EFFECTIVE DATE: MARCH 23, 2015

SUBJECT: EMPLOYEE GRIEVANCES

AUTHORIZATION: STEPHEN CHUSTZ, SECRETARY

I. POLICY

It is the policy of the Department of Natural Resources (DNR) to encourage employees to express their concerns, informally and formally, without fear of harassment, reprisal or retaliation. To accomplish this, a fair, efficient and objective grievance procedure allows our employees to express those concerns which are not appealable to the State Civil Service Commission or the Director of the Department of State Civil Service.

II. PURPOSE

In any organization, public and private, employment conditions, practices and decisions create dissatisfaction and misunderstandings amongst employees. By affording employees an effective procedure for expressing their concerns, employee morale and productivity will increase. Additionally, the free expression of employee concerns affords management an opportunity to review and modify decisions, practices, policies and workplace decisions, as warranted.

III. APPLICABILITY

This policy applies to all DNR employees, regardless of status or position, but does not apply to all concerns, incidents or actions occurring in the workplace. Employees are encouraged to contact the Human Resources Division to resolve any uncertainty as to the procedure to be used or for assistance in processing a grievance.

IV. NON-GRIEVABLE ISSUES

This grievance procedure does not apply to those actions directly appealable to the State Civil Service Commission or the Director of the Department of State Civil Service. Employees should review Chapters 10 and 13 of the Civil Service Rules to determine those actions appealable directly to the Commission/Director. In general, non-grievable issues include:

- Disciplinary actions (dismissal, suspension without pay, reduction in pay and involuntary demotion)

- Performance evaluations
- Non-disciplinary removals
- Layoffs
- Letters of Instruction (warnings, cautions, concerns, counselings, reprimands, etc.).

NOTE: There are fixed time limits within which either an internal grievance or an appeal to Civil Service may be filed. If an employee chooses the incorrect procedure, he/she may find that the time limit for the proper procedure has expired. A grievance must be processed in accordance with the timeline set forth herein. An appeal to the Commission/Director generally must be filed within thirty days of notice or knowledge of the action being appealed.

The filing of a grievance does not extend the time within which an appeal must be filed with the Commission/Director.

V. DEFINITIONS

The term "grievance" means any claim, concern, problem or complaint by an-employee or group of employees that:

- 1) An employee has been treated unfairly, inequitably or in a manner which is arbitrary, unjust or unreasonable; or
- 2) There is a violation in the implementation, enforcement, administration, application and/or interpretation of any law, regulation, directive, policy, procedure or practice which adversely affects the employee; or
- 3) There exists a condition, situation or circumstance which jeopardizes the health or safety of the employee or otherwise adversely affects the welfare or interest of the employee.

VI. PROCEDURE

The Human Resources Director has responsibility for administering the grievance procedure. Therefore, at each Step of the process, the grievant and reviewing officials are required to consult the Human Resources Director.

The grievance process consists of three formal Steps:

Step 1:

A grievance shall be presented within 7 calendar days of the date the grievant first became aware of or should have become aware of the cause of such grievance.

The initial grievance shall be submitted to the grievant's immediate supervisor. The immediate supervisor, in collaboration with the Human Resources Director, shall review the information provided, afford the grievant an opportunity to present his/her concern and render a written decision within 7 calendar days of receipt of the grievance.

Step 2:

If the grievant is not satisfied with the supervisor's decision, he/she should check the appropriate box on the grievance form and, within 7 calendar days, present the grievance to his/her Appointing Authority.

The Appointing Authority shall review the information provided, afford the grievant an opportunity to present his/her concerns, conduct an investigation, if warranted, and render a written decision within 14 calendar days of receipt of the Step 2 grievance.

Step 3:

If the grievant is not satisfied with the Appointing Authority's decision, he/she should check the appropriate box on the grievance form and, within 7 calendar days, present the grievance to the Secretary.

The Secretary (or designee) shall review the information provided and take whatever action is necessary to meaningfully review the grievance. A written decision will be provided to the grievant within 21 calendar days of receipt of the Step 3 grievance.

NOTE: A Step in the grievance process may be bypassed if the grievance concerns action by the grievant's immediate supervisor or Appointing Authority. Similarly, a Step in the grievance procedure may be bypassed if the relief sought cannot be granted at the Step 1 or Step 2 levels.

VII. REQUIREMENTS

- 1) The grievance must be in writing;
- 2) The Secretary and Appointing Authority immediately shall be notified by the Human Resources Director of the filing of a grievance;
- 3) The grievance and decisions at each Step must be on the designated grievance form (additional pages may be attached);
- 4) A copy of the grievance at each Step must be timely submitted by the grievant to the Human Resources Director;
- 5) A copy of the decision at each Step must be timely submitted by the reviewing official to the Human Resources Director;

- 6) Extensions for responding to the grievance at each Step may be granted by the Human Resources Director for good cause; and
- 7) The Secretary's decision at Step 3 shall be final on all issues subject to review through the grievance procedure.

VIII. SUMMARY DISPOSITION OF GRIEVANCE

At any time after receiving a grievance and prior to the Secretary's final decision at Step 3, the Human Resources Director, in consultation with the Secretary, may summarily dispose of the grievance on any of the following grounds:

- 1) DNR lacks jurisdiction over the subject matter of the grievance;
- 2) DNR lacks jurisdiction over the person against whom relief is sought;
- 3) DNR has no legal authority nor ability to grant the relief requested;
- 4) The grievant has no legal right to grievance consideration;
- 5) The grievance has not been processed timely or in the required manner;
- 6) A decision on the grievance would be moot;
- 7) The grievant has withdrawn or abandoned the grievance;
- 8) The grievant failed to appear at the time and place designated for hearing; or
- 9) The grievance is determined to be wholly without merit.

IX. RETALIATION

Since DNR encourages its employees to express their concerns, no employee will be harassed, discriminated against or penalized for exercising the right to meaningfully and in good faith utilize the grievance process. Similarly, no employee called upon to participate in the grievance process will be harassed, discriminated against or penalized in any fashion.

X. VIOLATIONS

DNR considers the grievance process to be an invaluable means by which employees are free to express their concerns and seek redress regarding workplace decisions and conditions. To facilitate and maintain the integrity of the grievance process, any employee found, after investigation, to have engaged in the following behavior, will be subject to corrective action as authorized by the Civil Service Rules:

- 1) Harassing, discriminating or retaliating against any employee who files a grievance or participates in the grievance process;
- 2) Using his/her position to influence the grievance process or anyone involved therewith; or
- 3) Misusing or abusing the grievance procedure, including the filing of a frivolous grievance.

XI. QUESTIONS

Questions regarding the grievance process should be addressed to the Human Resources Director.



STEPHEN CHUSTZ, SECRETARY

3/23/15
DATE

INITIAL ISSUE DATE: 05/05

REVISION DATES: 09/14; 03/15

LOUISIANA DEPARTMENT OF NATURAL RESOURCES

GRIEVANCE

GRIEVANT'S NAME _____

POSITION _____

DATE GRIEVANT BECAME AWARE OF CAUSE FOR GRIEVANCE _____

DATE GRIEVANCE FILED _____

GRIEVANCE STATEMENT (Additional pages may be attached if more space is needed.)
Must be presented within 7 calendar days of the date the grievant first became aware of
the cause for the grievance.

RELIEF SOUGHT (Additional pages may be attached if more space is needed.)

Grievant's Signature

Date

Copy provided to Human Resources Director: Yes No

LOUISIANA DEPARTMENT OF NATURAL RESOURCES

GRIEVANCE

GRIEVANT'S NAME _____

STEP ONE DECISION

DECISION OF IMMEDIATE SUPERVISOR (Additional pages may be attached if more space is needed.) Must render decision within 7 calendar days of receipt of the grievance.

Supervisor's Signature

Date

Supervisor's Name (Print)

Copy provided to Human Resources Director: Yes No

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EMPLOYEE RESPONSE

- I am satisfied with the Step One decision of my supervisor.
- I am not satisfied with the Step One decision of my supervisor and wish to proceed to Step Two.(Must present to the Appointing Authority within 7 calendar days of receipt of the Step One decision).

Grievant's Signature

Date

Copy provided to Human Resources Director: Yes No

LOUISIANA DEPARTMENT OF NATURAL RESOURCES

GRIEVANCE

GRIEVANT'S NAME _____

STEP TWO DECISION

DECISION OF APPOINTING AUTHORITY (Additional pages may be attached if more space is needed.) Must render decision within 14 calendar days of receipt of the Step Two grievance.

Appointing Authority's Signature

Date

Appointing Authority's Name (Print)

Copy provided to Human Resources Director: Yes No

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EMPLOYEE RESPONSE

- I am satisfied with the Step Two decision of the Appointing Authority.
- I am not satisfied with the Step Two decision of the Appointing Authority and wish to proceed to Step Three. (Must present to the Secretary within 7 calendar days of receipt of the Step Two decision).

Grievant's Signature

Date

Copy provided to Human Resources Director: Yes No

LOUISIANA DEPARTMENT OF NATURAL RESOURCES

GRIEVANCE

GRIEVANT'S NAME _____

STEP THREE DECISION

DECISION OF THE SECRETARY (Additional pages may be attached if more space is needed.) Must render decision within 21 calendar days of receipt of the Step Three grievance.

Secretary's Signature

Date

Secretary's Name (Print)

Copy provided to Human Resources Director: Yes No

THIS DECISION IS FINAL