

DEPARTMENT OF NATURAL RESOURCES

HUMAN RESOURCE POLICY NO. 30
EFFECTIVE DATE: May 3, 2005
SUBJECT: Employee Grievance Policy
AUTHORIZATION: Civil Service Rule 3.1(m)

I. Philosophy

It is the policy of the Department of Natural Resources (DNR) to encourage our 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 will allow our employees to express those concerns which are not appealable to the State Civil Service Commission.

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 will afford management an opportunity to review and modify decisions, practices and policies, as warranted.

III. Applicability

This policy applies to all DNR employees, regardless of status or position. However, the concerns addressed via this procedure do not include those actions 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 which are appealable directly to the Commission/Director. Performance ratings and re-ratings cannot be challenged through the grievance procedure. Complaints or concerns about letters of warning, caution, counseling, reprimand and the like are handled by written response and cannot be challenged through the grievance procedure. Employees are encouraged to contact the Human Resources Director to resolve any uncertainty as to the procedure to be used or for assistance in processing a grievance.

NOTE:

There are fixed time limits within which either a grievance or an appeal may be filed. If an employee chooses the incorrect procedure, he/she may find that the time limit for the proper procedure may have expired. The filing of a grievance does not extend the time within which an appeal must be filed with the Commission/Director.

IV. Definition

The term “grievance” shall mean any claim, concern, problem or complaint by any employee and/or group of employees that:

- A. An employee has been treated unfairly, inequitably or in a manner which is arbitrary, unjust or unreasonable; or
- B. 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
- C. 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.

V. Procedure

The Grievance Procedure consists of three formal steps:

Step 1:

All grievances shall be presented within 14 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 shall render a written decision within 7 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 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 concern, and render a written decision within 14 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 working days, present the grievance to the Secretary.

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

The Human Resources Director has responsibility for administering the grievance procedure. Therefore, at each step of the procedure, the grievant and reviewing official should consult the Human Resources Director.

A Step in the grievance procedure may be bypassed if the grievance concerns harassment by a supervisor or appointing authority.

VI. 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, after consulting the Secretary, may summarily dispose of the grievance on any of the following grounds:

- 1) The Secretary lacks jurisdiction over the subject matter of the grievance;
- 2) The Secretary lacks jurisdiction over the person against whom relief is sought;
- 3) The grievant has no legal right to grievance consideration;
- 4) The grievance has not been processed in the required manner or within the prescribed delays;
- 5) A decision on the grievance would be moot;
- 6) The Secretary has no authority nor ability to grant the relief requested;
- 7) The grievant has withdrawn or abandoned the grievance;
- 8) The grievant failed to appear at the time and place designated for hearing of the grievance; or
- 9) The Secretary has determined the grievance to be frivolous.

VII. Requirements

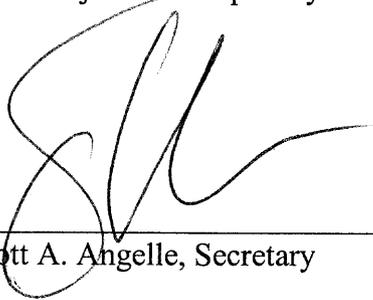
- 1) The grievance must be in writing;
- 2) The grievance and decisions at each step must be on the designated grievance form (additional pages may be attached);
- 3) A copy of the grievance at each step must be timely submitted by the grievant to the Human Resources Director;
- 4) A copy of the decision at each step must be timely submitted by the reviewing official to the Human Resources Director;
- 5) Extensions for responding to the grievance at each level may be granted by the Human Resources Director for good reason; and
- 6) The Secretary's decision shall be final on all issues subject to review through the grievance procedure.

VIII. Questions

Questions regarding this policy should be directed to the Human Resources Director.

IX. Violations

No employee will be harassed, discriminated against or penalized in any fashion for exercising the right to express his/her concerns through the grievance process. Any employee or supervisor who harasses, discriminates or retaliates against any individual who files a grievance or participates in the grievance procedure will be subject to disciplinary action. Similarly, any employee or supervisor who uses his/her position to influence the grievance procedure or anyone involved therewith will be subject to disciplinary action.



Scott A. Angelle, Secretary

5/2/05

Date

GRIEVANCE FORM

GRIEVANT'S NAME _____

TITLE _____

DIVISION _____

DATE GRIEVANT BECAME AWARE OF CAUSE FOR GRIEVANCE _____

DATE GRIEVANCE FILED _____

STEP ONE

GRIEVANCE STATEMENT (Additional pages may be attached if more space is needed.) Must be presented within 14 days from the date the grievant first became aware of cause for the grievance.

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

Grievant's Signature

Date

c: Human Resources Director

GRIEVANCE FORM

GRIEVANT'S NAME _____

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

Supervisor's Signature

Date

EMPLOYEE RESPONSE

_____ I am satisfied with the Step One decision of my supervisor.

_____ I am not satisfied with the decision of my supervisor and wish to proceed to Step Two.
(Must present to appointing authority within 7 days of receipt of the Step One decision).

Grievant's Signature

Date

c: Human Resources Director

GRIEVANCE FORM

GRIEVANT'S NAME _____

STEP TWO

DECISION OF APPOINTING AUTHORITY (Additional pages may be attached if more space is needed.)

Must render decision within 14 days of receipt of the Step Two grievance.

Appointing Authority's Signature

Date

EMPLOYEE ANSWER

___ I am satisfied with the Step Two decision of my appointing authority.

___ I am not satisfied with the decision of my appointing authority and wish to proceed to Step 3.

(Must present to Secretary within 7 days of receipt of the Step Two decision).

Grievant's Signature

Date

c: Human Resources Director

GRIEVANCE FORM

GRIEVANT'S NAME _____

STEP THREE

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

Secretary's Signature

Date

c: Human Resources Director