

Colorado Department of Public Health and Environment Policy Manual		Part: 10.15	
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Date: DECEMBER 31, 2000	<input checked="" type="checkbox"/>	Replacement Page(s)	Of Part <u>10.15</u>
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Approved by Douglas H. Benevento, Executive Director, June 3, 2005

SUMMARY

The purpose of this policy is to establish a grievance process allowing for a fair and unbiased avenue for employees of the Colorado Department of Public Health and Environment to resolve grievances.

POLICY

It is the policy of the Colorado Department of Public Health and Environment to provide an atmosphere in which employees may grieve any employment decision he or she believes has an adverse impact on his or her employment rights, without fear of retaliation.

The department adopted the grievance procedure as outlined in Chapter 8 of the [State Personnel Board Rules and Personnel Director’s Administrative Procedures](#).

PROCEDURE

I. NATURE OF GRIEVANCE

- A. Issues subject to the grievance process
 - 1. Although grievances that are unresolved internally may be adjudicated by the State Personnel Board or the state personnel director, a permanent employee may grieve matters that are NOT subject to appeal or review by the State Personnel Board or state personnel director.
 - 2. Corrective actions.
 - 3. Other work situations that impact the employee.
- B. Issues not subject to the grievance process
 - 1. Issues pertaining to leave sharing, discretionary pay differentials, in-range salary movements or the performance pay system that do not result in corrective or disciplinary action are not subject to grievance or appeal.
 - 2. Disciplinary actions.
 - 3. Other actions that affect pay, status or tenure, because these matters can be appealed directly to the State Personnel Board or reviewed by the state personnel director.

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II. EMPLOYEE'S RESPONSIBILITY

- A. The employee shall try to resolve the grievance on an informal basis within ten (10) calendar days of knowledge of the action or practice by notifying his/her supervisor and/or second-level supervisor that he or she wants to have an informal discussion. An informal discussion shall occur within ten (10) calendar days of the supervisor's notification.
1. If the grievance is not resolved during the informal discussion, the employee may request the assistance of a mediator. Although mediation is optional, it is strongly encouraged.
 - a. The role of the mediator is to serve as a neutral third party to facilitate a discussion of issues between the supervisor and employee. The mediator's role is to facilitate discussion and to assist the supervisor and employee in clarifying, narrowing and settling issues. The mediator is not to make any judgements or recommendations regarding issues being grieved.
 - b. If an employee requests the assistance of a mediator to resolve a grievance, the supervisor shall attend at least one joint mediation session.
 2. The timeframe for the supervisor's response is suspended during the time the parties are in mediation.
- B. If the grievance is not resolved during the informal discussion and/or mediation, the employee may initiate the formal written process of the grievance process pursuant to State Personnel Board Rule 8-8.
1. The employee shall put his or her grievance in writing utilizing the Grievance/Dispute Form and supporting documentation. Further, the employee shall submit the form to the appointing authority within five (5) calendar days of being notified of the supervisor's decision regarding the informal discussion or the conclusion of mediation.
 2. The employee shall submit a copy of the grievance to the Human Resources Section and supervisor.
- C. Employees using this procedure shall complete the informal and formal processes prior to petitioning the State Personnel Board.
- D. At the discretion of the supervisor, employees may be granted up to two (2) hours of administrative leave to prepare their grievances, in addition to time required to attend informal and formal discussions.

III. RESPONDENT'S OR SUPERVISOR'S RESPONSIBILITY

- A. Respondents, supervisors and/or appointing authorities shall review employee grievances submitted to them and take the appropriate action to resolve the grievance at the lowest possible level. The employee shall be informed of the decision within seven (7) calendar days of the informal discussion.
- B. If a supervisor wants to informally resolve the grievance prior to the employee filing a formal written grievance, the supervisor may request the assistance of a mediator.
- C. If a supervisor requests the assistance of a mediator to resolve a grievance, the employee shall attend at least one joint mediation session.

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- D. Delegation of authority to render a final determination of a grievance shall be in writing and approved by the appointing authority.
- E. Although State Personnel Board Rule 8-8 allows the appointing authority to delegate or to appoint an objective person or panel to make recommendations, the department does not adopt such a practice.
- F. The department’s executive director may delegate final authority on any grievance matter that he or she may review.
- G. The appointing authority shall render a final decision within thirty (30) days of receipt of the formal written grievance, unless waived or modified by all parties.
- H. Supervisors may grant up to two (2) hours of administrative leave for an employee to meet and to confer with the employee’s representative concerning a pending grievance.

IV. GRIEVANCES NOT RESOLVED INTERNALLY

- A. Unresolved grievances may be forwarded to the State Personnel Board within ten (10) calendar days from the date of the agency’s final decision.
 - 1. Employees petitioning the State Personnel Board also shall provide a copy of the appeal to the department’s Human Resources Section at the time they petition the State Personnel Board.
 - 2. Subsequent to filing an appeal or petition for a hearing, any party may ask the board staff to facilitate the settlement process. This is a private process conducted by the State Personnel Board.
- B. If the complaining employee is no longer employed at the department or is separated from employment and does not appeal that separation to the State Personnel Board, any grievance in progress at the department- or board-level is considered concluded.

V. ALLEGATIONS OF DISCRIMINATION

- A. Employees alleging discrimination under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 or the Americans with Disabilities Act may petition the State Personnel Board at the same time they initiate the grievance process. The employee shall forward a copy of the appeal to the Human Resources Section as well.
- B. The Human Resources Director or delegee may conduct an investigation if a grievance alleges discrimination, harassment or retaliation.
 - 1. If an investigation is initiated, the investigator may waive the time frames of the grievance process until the investigation is complete.

REFERENCES

Colorado Revised Statutes (C.R.S.), “Grievances – review,” Title 24, Article 50, Part 123
 C.R.S., “Discriminatory or unfair employment practices,” Title 24, Article 34, Part 402, Paragraph (1)
[State Personnel Board Rules](#), Chapter 8, “Dispute Resolution”