

**PLEASE CHECK WITH CDLE'S HR OFFICE FOR THE MOST UP TO DATE COPY
OF CDLE'S GRIEVANCE POLICY**

**COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT
STANDARD POLICY AND PROCEDURE**

 Donald J. Mares Executive Director	SUPERSEDES: <u>SP-222</u> SPP NUMBER: <u>SPP-0023</u>
	DATE: <u>01/18/2000</u> DATE: <u>09/11/06</u>
EXECUTIVE DIRECTOR'S APPROVAL: Donald J. Mares <hr/>	
SUBJECT TITLE: Grievances	
CATEGORY/UNIT: Human Resources	AUTHOR: Mike Dawson
SUB-CATEGORY:	DISTRIBUTION: All Employees

PURPOSE:

To assist department employees in using the department's grievance process. The department's process follows the guidelines in chapter 8, Code of Colorado Regulations (the "Personnel Rules".)

DISCUSSION:

The grievance process is designed to address and resolve workplace problems in a non-adversarial manner. All employees are encouraged to be open to resolving grievable (and all other) issues at the lowest level and as informally as possible. The intent of the grievance process is resolve any grievance at the lowest management level possible that can provide the relief requested in the grievance. Employees are encouraged to use alternative dispute resolution methods to reach fair and unbiased solutions as quickly as possible. Toward this goal, employees may make use of the State Employee Mediation Program. Please contact the Office of Human Resources for assistance in making contact with the mediation program. Mediation is private, confidential, and privileged. It is conducted by trained, unbiased facilitators who will assist the parties in clarifying and understanding their different points of view, identifying common ground, generating and evaluating alternatives, and reaching a mutually acceptable resolution.

ACTION: (The following is excerpted from or paraphrases Chapter 8, Code of Colorado Regulations, 4CCR801, effective 7/1/2005, "Personnel Rules".) A permanent employee may grieve matters that are not subject to appeal or review by the Board or Director. Issues pertaining to leave sharing, discretionary pay differentials, granting or removal of 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. Use of the grievance process is not required prior to disciplining an employee based on sexual harassment.

Step 1 An employee must initiate a grievance within 10 days of the action or occurrence being grieved; or within 10 days after the employee has knowledge of, or reasonably should have knowledge of, the action or occurrence. To initiate the grievance process, the employee shall notify the immediate supervisor or the second level supervisor (in cases of grievances against the first level supervisor) or the lowest management level that can offer the relief requested in the grievance.

The employee should consult with his/her immediate supervisor or second level supervisor to determine which level would be most appropriate and/or have the authority to act on the situation. An informal discussion will be held within 7 days to attempt to resolve the grievance. Assuming the grievance has been initiated with the immediate supervisor, prior to final decision the supervisor is required to seek approval from management up to the level immediately below the appointing authority. The employee shall be informed in writing of the decision within 7 days after the discussion. If a timely decision is not issued, the employee may proceed to the next stage of the process.

Step 2 The decision reached at Step 1, the informal stage, shall be binding on the parties, unless the employee elects to proceed to Step 2, the formal written process (standard forms are available from the Office of Human Resources.) The employee has 5 days after receipt of the informal decision to initiate the formal process. The grievance must be put in writing and submitted to the appointing authority. Only the issues set forth in the written grievance shall be considered thereafter. The final department response to the grievance will typically be issued by the appointing authority. The appointing authority may appoint an objective person or panel to make recommendations, or may delegate the decision. If the grievance concerns the actions of the appointing authority the employee will submit the grievance to the next higher level of management in the management chain who will process the grievance and issue the final department response. The final department decision will be in writing and issued within 30 days of the initiation of the written process. Any of the time frames for completion of the grievance process may be waived or modified if agreed to by both parties. Please forward copies of all written records concerning grievances which proceed to Step II, the formal written process, to the Office of Human Resources. These documents will be placed in the employee's personnel file. The final decision is binding unless the employee pursues it to the board in accordance with Chapter 8, Paragraph 8-40B ff, Code of Colorado Regulations, 4CCR801, effective 7/1/05.

An employee has 10 days to file a petition for hearing with the Board after receipt of the final decision by the highest level of relief in the Department of Labor & Employment or after expiration of 30 days or any extension period granted by the Board. The original written grievance and the Department's final decision should be attached to the petition for hearing. A copy must be provided to the person who made the Department's final decision. All time frames represented are in calendar days.

An employee may be represented by any person of the employee's choice at any step of the grievance process. That person may participate and speak for the employee. However, the employee is expected to participate in the discussion during the grievance process.

The Board may use its discretion to grant a hearing for actions that do not adversely affect a certified employee's current base pay, status or tenure, and where the employee does not have a right to a hearing, appeal, or review by law or rule. (paragraph 8-46B)

REPORTING CHAIN

Name of supervisor/ manager conducting step 1 discussion:

Date of informal discussion with supervisor/ manager conducting step 1:

Date of written
decision: _____

Name of Appointing
Authority: _____

Date written grievance and written response from step I were submitted to
Appointing Authority: _____

Date of written decision from Appointing Authority (or
designee) _____

Date Petition for Hearing was filed with the State Personnel
Board: _____

Signature of grieving party
