

GRIEVANCE POLICY/PROCESS DMVA

1. Any issue that does not affect pay, status or tenure may be grieved. Matters that affect pay, status or tenure may be appealed through the appropriate channels. The basis for this grievance process is outlined in State Personnel Rules and Procedures R-8-8.
2. It is the intent of the Department of Military & Veterans Affairs that all grievances be resolved at the lowest level possible. When appropriate, and when all parties agree, the State's mediation program will be utilized prior to the filing of a formal grievance. This will not, however, preclude the employee from continuing with the grievance process as outlined below. Any matters regarding Pay for Performance will be resolved through the Dispute Resolution Process contained in the Department's Implementation Plan, and will not be addressed through the grievance process.
3. Grievance steps are as follows:
 - a. A grievance must be initiated within 10 (ten) calendar days of the action or occurrence being grieved; or within 10 (ten) calendar days after the employee has knowledge of, or reasonably should have knowledge of, the action or occurrence; or if a continuing matter, at any time.
 - b. The employee should first discuss the issue with his/her immediate supervisor. If the issue regards that supervisor and the employee is not comfortable discussing it at that level, then the employee may go directly to the 2nd level supervisor. In either case, a written decision must be issued within 7 (seven) calendar days after said discussion.
 - c. The employee can either accept that decision as final and binding or proceed on up the chain of command. The employee should put the grievance in writing within five (5) calendar days of receipt of the written decision noted above. Only those issues set forth in the written grievance will be considered thereafter throughout the process. The written grievance should be given to the 2nd level supervisor unless that is the individual whose written decision is being formally grieved. The 2nd level supervisor has five (5) calendar days to provide a written determination. In the event said supervisor is on leave or otherwise in training and out of the office for more than three (3) of those calendar days, an automatic extension shall be granted until two (2) calendar days after the return of said supervisor. Or the employee can proceed directly to level three.
 - d. The decision is final and binding unless the employee decides to proceed to the third level, The Appointing Authority. The employee's original written grievance, together with the supervisors' written decisions should be presented to the Appointing Authority within three (3) working days of the 2nd level supervisor's final written decision.
 - e. The Appointing Authority may appoint another individual or panel to review/investigate the grievance and make a recommendation. In any case, the Appointing Authority, or delagee, must issue a final written decision on behalf of the Department no later than 30 days after the initiation of the grievance process. The final decision is binding unless the employee chooses to proceed to the Personnel Board.
 - f. The employee has 10 (ten) calendar days to file a petition for hearing with the board after receipt of the Department's final decision, or after expiration of 30 (thirty) calendar days or any extension period. 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 Appointing authority.
 - g. At any step of the process the employee may be represented by any person of the employee's choice. That person may participate and speak for the employee; however, the employee is expected to participate in the discussion. Any timelines may be waived if agreed to by all parties concerned.