

**DEPARTMENT OF REGULATORY AGENCIES**  
**Human Resources Section**  
**Grievance Policy**

**SUMMARY AND PURPOSE**

This policy is written in accordance with State Personnel Board Rules, and specifies the grievance policy (including time lines, procedures and guidance) regarding the grievance process and the various roles, rights and responsibilities in the Department of Regulatory Agencies (DORA).

Disputes should be resolved at the lowest level and as informally as possible. Fair and unbiased resolutions should be reached as quickly as possible. The grievance process is designed to address and resolve problems, not to be an adversarial process. Parties engaged in any dispute or grievance are encouraged to utilize alternative dispute resolution techniques in an attempt to reach early solutions.

**Issues Subject to the Grievance Process:**

- Corrective actions;
- Other work situations that impact an employee; and/or
- Matters that are not subject to appeal or review by the State Personnel Board or State Personnel Director.

Although corrective actions are subject to the grievance process, grieving a corrective action does not waive or in any way alter the expectations set forth in, or provisions of, the corrective action. Unless modification to or revocation of a corrective action is the specific outcome or decision of the grievance process, corrective actions are considered final, as issued.

**Issues NOT Subject to the Grievance Process:**

- Issues pertaining to discretionary pay differentials, in-range salary movements, leave sharing or the performance pay system that do not result in corrective or disciplinary action;
- Disciplinary actions; and/or
- Actions that affect pay, status or tenure.

**Mediation**

At the option of either party, mediation may be used in an attempt to resolve disputes. If mediation is requested by either party in a grievance, the other party must participate and time limits governing the grievance process are suspended, pending the outcome or discontinuance of mediation. Although mediation is optional, it is strongly encouraged.

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 judgments or recommendations regarding issues being grieved.

**THE GRIEVANCE PROCESS**

Any of the time frames for completion of the grievance process may be waived or modified if agreed to by both parties, including deferral of action to allow the parties a chance to resolve the issue.

## **EMPLOYEE'S RESPONSIBILITY**

### **Informal Stage:**

An employee must initiate the grievance process within ten (10) days of the action or occurrence being grieved; or within ten (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 his/her supervisor and/or second level supervisor, and Director of Human Resources, that the grievance process is being initiated, and that the employee wants to have an informal discussion with the supervisor and/or second level supervisor to attempt to resolve the grievance on an informal basis.
- An informal discussion shall occur within ten (10) calendar days of the supervisors' notification.
- If an employee requests the assistance of a mediator to resolve the grievance, the supervisor shall attend at least one joint mediation session. The timeframe for the supervisor's response is suspended during the time the parties are in mediation.
- An employee may be represented by any person of the employee's choice at any step(s) of the grievance process; however, the employee is expected to participate in all discussions and meetings throughout the grievance process.

### **Formal Stage:**

If the grievance process is not resolved during the informal discussion (and/or mediation), the employee may initiate the formal written process pursuant to State Personnel Board Rule 8-8. The formal stage must be initiated within five (5) calendar days of being notified of the supervisor's decision regarding the informal discussion or the conclusion of mediation.

- To initiate the formal stage, the employee shall put the grievance in writing utilizing the Grievance Form (and supporting documentation).
- The employee shall submit the written grievance to the appointing authority of the division (e.g., Division Director) with copy to the supervisor and the Director of Human Resources.
- Only the issues set forth in the written grievance shall be considered thereafter.

## **SUPERVISOR'S OR RESPONDENT'S RESPONSIBILITY**

Supervisors, respondents and/or appointing authorities shall review employee grievances submitted, and take the appropriate action to resolve the grievance at the lowest possible level.

### **Informal Stage:**

- An informal discussion must be held with the employee within ten (10) calendar days of initiation of the grievance process.
- The employee shall be informed in writing (with copy to the Director of Human Resources) of the decision within seven (7) calendar days of the informal discussion.
- The decision reached at the informal stage shall be binding on the parties unless the employee elects to proceed to the formal written process.
- If the supervisor requests the assistance of a mediator to resolve the grievance, the employee shall attend at least one joint mediation session. The timeframe for the supervisor's response is suspended during the time the parties are in mediation.

### **Formal Stage:**

The formal stage of the grievance process immediately elevates to the appointing authority (e.g., Division Director). If the grievance concerns the actions of the appointing authority, the department may provide a process whereby a different individual issues the final department response.

- 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.
- The appointing authority may schedule a resolution meeting (to include the appointing authority, the supervisor and the employee), and/or may choose to meet with the parties individually prior to rendering a final decision.
- The final decision must be issued in writing, with copy to the employee, supervisor and Director of Human Resources.
- The departmental grievance process is deemed complete upon issuance of the decision by the appointing authority.

## **GRIEVANCES NOT RESOLVED INTERNALLY**

The State Personnel Board may adjudicate grievances that are unresolved internally/within the department. The final department decision must include notification that the employee has ten (10) days (after receipt of the final decision) to file a petition for hearing with the Personnel Board. The petition for hearing must be submitted on the Colorado State Personnel, Consolidated Appeal/Dispute Form, and include the original written grievance and the department's final decision. An employee petitioning the Personnel Board shall also simultaneously provide a copy of the submission to the person who made the department's final decision and the department's Human Resources Section.

If the grieving 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.

## **ALLEGATIONS OF DISCRIMINATION**

An employee 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 the grievance process is initiated. Copy of all documentation submitted to the Personnel Board must also be simultaneously forwarded to the Human Resources Section.