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COMMISSIONER OF ADMINISTRATION

**State of Louisiana**  
Division of Administration  
Office of Human Resources

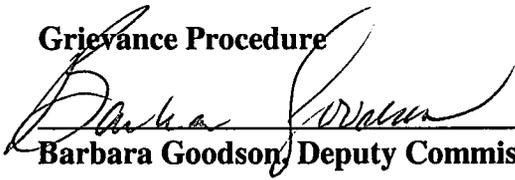
**DIVISION OF ADMINISTRATION**

**PERSONNEL POLICY NO. 2**

**EFFECTIVE DATE:** June 11, 1985

**REVISED DATE:** January 24, 1994; February 20, 2009

**SUBJECT:** Grievance Procedure

**AUTHORIZATION:**   
Barbara Goodson, Deputy Commissioner

This grievance procedure is issued under the authority contained in Article X, Part I, Section 10, Paragraph (A) (1) of the Constitution of the State of Louisiana and Civil Service Rule 3.1(m).

**I. POLICY:**

The policy of the Division of Administration (DOA) is that problems shall be resolved at the lowest possible supervisory level and at the earliest possible opportunity after such problems are recognized. Each employee in the DOA shall have access to the grievance procedure described herein, without fear of reprisal, for the resolution of problems.

If it is necessary to hold a grievance hearing as allowed during Step 3 of the process, the party against whom the grievance complaint is made shall have the right to appear and testify at the hearing. An employee who files a grievance has no right to representation. However, the grievant may select another classified employee to assist him in the processing of a grievance and that employee may, at such times as his section head approves, be granted necessary time during work hours to investigate the grievance and assist such other employee. Such time shall be without loss of pay and without charge to annual or compensatory leave balances. The employee selected shall be identified by the grievant to the Office of Human Resources. Neither the grievant nor the employee selected to assist have the right to use excessive amounts of work time on the grievance. Any work time spent must be approved in advance by the appropriate section head.

The appointing authority's decision *shall be final* in all cases that are properly processed through this grievance procedure.

## II. PURPOSE:

In any organization, conditions leading to dissatisfaction and misunderstanding may arise on occasion among employees.

Every effort shall be made to afford all employees a means to resolve grievances. It is important for employees to have a process by which grievance resolution can be addressed, to maintain employee morale and efficiency.

Problems that are discovered and resolved through utilization of this grievance procedure *may* serve as a basis for review and change of policies and procedures.

## III. APPLICABILITY:

This policy applies to all employees within all sections of the Division of Administration, both general and ancillary appropriations.

## IV. SCOPE:

The decision to utilize this grievance procedure, **although encouraged, shall be the voluntary decision of the individual employee.** This procedure is designed to deal with those problems and dissatisfactions that are not appealable to the Civil Service Commission.

The Office of Human Resources has staff members available to consult with employees freely and informally to help determine whether they need to file an appeal to the Civil Service Commission or use this Grievance Procedure. **Please note that the Office of Human Resources cannot serve as an employee's representative, but can offer guidance only.**

**Employees should take note of the following important information:**

Some issues are appropriately handled through an appeal to the Civil Service Commission, rather than through the use of this Grievance Procedure. Chapter 13 of the Civil Service Rules describes various situations that are appealable to the Commission for which this Grievance Procedure should not be used. An employee who has received notice of an action that includes his/her right to appeal that action to the Civil Service Commission should not use this Grievance Procedure. **Because there are time limits**

**for each process, and use of the incorrect process will not alter or extend the time limits for the correct process, employees who do not know which process to use are urged to contact the Office of Human Resources for guidance, or consult an attorney.**

**V. DEFINITIONS:**

The term "grievance" shall mean any claim or allegation by any employee and/or group of employees, hereinafter referred to as "grievant", that:

- A. An employee has been treated unfairly, inequitably or in a manner which is arbitrary, capricious, unjust or unreasonable, and such action is not appealable to the Civil Service Commission; or
- B. There is a violation of the implementation, enforcement, administration, application and/or interpretation of any applicable law or any rule, regulation, administrative directive, policy or practice of the agency or its agent(s) and such violation is not one that is appealable to the Civil Service Commission; or
- C. A condition, situation or circumstance exists which jeopardizes the health or safety of any employee or otherwise adversely affects the welfare and interest of any such person, and the condition, situation or circumstance is not one that is appealable to the Civil Service Commission.

**NOTE:** Reports of harassment should be made through the procedures outlined in the Division of Administration policies on Sexual Harassment in the Workplace (Personnel Policy # 11) and Workplace Violence (DOA Policy # 9).

**VI. PROCEDURE:**

The Office of Human Resources has the responsibility for administering the grievance procedure. Therefore, at each step of the grievance procedure, the grievant and the individual responsible for the response must forward a copy to the Office of Human Resources. The grievance **must** be filed on the official forms which may be obtained from the OHR website at: <http://www.doa.louisiana.gov/ohr/forms/forms1.htm>

The Grievance Procedure consists of three formal steps. The grievance can be settled at any step. A brief description of these three steps is as follows:

#### First Step

All grievances shall be presented within 14 working days from the date the grievant first became aware of, or should have become aware of, the cause of such grievance.

The grievance shall be in writing on the appropriate form and submitted to the grievant's immediate supervisor.

The supervisor shall render a written decision within 7 working days. However, if the supervisor is unable to meet the deadline, additional time may be allowed with the employee's agreement.

#### Second Step

If the grievant is not satisfied with the supervisor's decision, he/she shall check the appropriate box on the form and within 7 working days present his/her grievance in writing to the section head.

The section head shall investigate; consider the employee's viewpoint; and furnish the employee a written statement of his findings and recommendations within 14 working days of receipt of the written grievance.

#### Third Step

In the event the decision of the section head does not satisfy the employee, he/she shall check the appropriate box on the form and may present his/her grievance to the appointing authority, or his/her designated representative, within 5 working days. If the grievant is not aware of who is the appointing authority, he/she should contact the Office of Human Resources at 342-6060 for guidance.

Correspondence to the appointing authority may be addressed to P. O. Box 94095, Baton Rouge, LA 70804-9095. Correspondence may be hand-delivered to the Office of Human Resources, Claiborne Building, 1201 North Third Street, Suite 3-130.

The appointing authority may conduct a hearing or whatever investigation is deemed appropriate, and will issue a written decision notifying all interested parties within 21 working days following the date the grievance entered the Third Step.

**VII. RESPONSIBILITY:**

Appointing Authority is responsible for:

Holding accountable the assistant commissioners and section heads under his/her supervision for adhering to all aspects of this policy.

Responding to the grievant at the Third Step in a timely, fair and consistent manner.

Assuring the grievant freedom from restraint, interference, coercion, discrimination or reprisals of any type.

Adhering to all aspects of this policy.

Section Heads are responsible for:

Holding accountable the supervisors/managers under his/her supervision for adhering to all aspects of this policy.

Responding to the grievant at the Second Step in a timely, fair and consistent manner.

Assuring the grievant freedom from restraint, interference, coercion, discrimination or reprisals of any type.

Adhering to all aspects of this policy.

Assuring that each employee under his/her supervision, current and new:

1. Is made aware of this policy and its contents as well as any forthcoming revisions, and
2. Is informed that he/she must abide by the terms of the policy, and
3. Is informed of the consequences of any violation of this policy.

Bringing violations to the attention of the appointing authority and dealing with the violation in a fair and consistent manner.

Monitoring the effectiveness of and assuring compliance with the grievance procedures.

Manager/Supervisors are responsible for:

Responding to the grievant at the First Step in a timely, fair and consistent manner.

Assuring the grievant freedom from restraint, interference, coercion, discrimination or reprisals of any type.

Adhering to all aspects of this policy.

Monitoring the effectiveness of and assuring compliance with the grievance procedures.

Immediately bringing violations to the attention of the section head.

Employees are responsible for:

Forwarding grievances to the appropriate places in a timely manner.

Complying with the provisions and guidelines of this policy.

Reporting known violations of this policy to the supervisor, section head, or Appointing Authority.

Complying with all aspects of this policy.

#### **VIII. EXCLUSIONS:**

Exceptions to this policy may be granted on a case by case basis.

#### **IX. QUESTIONS:**

Questions regarding this policy should be directed to staff of the Office of Human Resources at 342-6060.

**X. VIOLATIONS:**

Any classified employee who uses his official position to coerce, attempt to coerce, or influence in any improper manner any person involved in the grievance process shall be subject to administrative disciplinary action.

Employees found to have violated this policy in any way may be subject to disciplinary action.

**DIVISION OF ADMINISTRATION**

**GRIEVANCE FORM**

Grievant's Name: \_\_\_\_\_

Date grievant became aware of action complained of: \_\_\_\_\_

Date Grievance Filed: \_\_\_\_\_ Section: \_\_\_\_\_

**FIRST STEP**

*At each step of the Grievance process, the grievant is responsible for providing a copy of all documents to the Office of Human Resources.*

Grievance Statement: (If additional space is needed, please attach a statement.)

Relief Sought: (If additional space is needed, please attach a statement.)

Grievant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Decision of Immediate Supervisor: (If additional space is needed, please attach a statement.)

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**EMPLOYEE'S ANSWER**

\_\_\_\_\_ I am satisfied with the answer to my grievance.

\_\_\_\_\_ I am not satisfied with the answer to my grievance and wish to have it referred to the Second Step.

Grievant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**DIVISION OF ADMINISTRATION**

**GRIEVANCE FORM**

**SECOND STEP**

*At each step of the Grievance process, the grievant is responsible for providing a copy of all documents to the Office of Human Resources.*

Decision of Section Head: (If additional space is needed, please attach a statement.)

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**EMPLOYEE'S ANSWER**

\_\_\_\_\_ I am satisfied with the answer to my grievance.

\_\_\_\_\_ I am not satisfied with the answer to my grievance and wish to have it referred to the Third Step.

Grievant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

c: Office of Human Resources

**DIVISION OF ADMINISTRATION**

**GRIEVANCE FORM**

**THIRD STEP**

*At each step of the Grievance process, the grievant is responsible for providing a copy of all documents to the Office of Human Resources.*

Decision of the Appointing Authority: (If additional space is needed, please attach a statement.)

Appointing Authority's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

c: Office of Human Resources