Office of Human Resources
State of Louisiana
Division of Administration

JOHN BEL EDWARDS
GOVERNOR

JAY DARDENNE
COMMISSIONER OF ADMINISTRATION

DIVISION OF ADMINISTRATION

PERSONNEL POLICY NO. 2

EFFECTIVE DATE: **June 11, 1985**

REVISED DATE: **January 24, 1994; February 20, 2009; May 1, 2016**

SUBJECT: **Grievance Procedure**

AUTHORIZATION: **Barbara Goodson, Deputy Commissioner**

I. POLICY:

The policy of the Division of Administration (DOA) is to encourage employees to express their concerns, informally and formally, without fear of harassment, reprisal or retaliation. To accomplish this, a fair, efficient and objective grievance procedure allows our employees to express those concerns which are not appealable to the State Civil Service Commission or the Director of the Department of State Civil Service.

II. PURPOSE:

In any organization, public and private, employment conditions, practices and decisions create dissatisfaction and misunderstandings amongst employees. By affording employees an effective procedure for expressing their concerns, employee morale and productivity will increase. Additionally, the free expression of employee concerns affords management an opportunity to review and modify practices, policies and workplace decisions, as warranted.

III. APPLICABILITY:

This policy applies to all DOA employees, regardless of status or position, but does not apply to all concerns, incidents or actions occurring in the workplace. Employees are encouraged to contact the Office of Human Resources to resolve any uncertainty as to the procedure to be used or for assistance in processing a grievance.

P. O. Box 94095 ⚜ Baton Rouge, Louisiana 70804-9095 ⚜ (225) 342-6060 ⚜ 1-800-354-9548 ⚜ Fax (225) 219-9558
An Equal Opportunity Employer

IV. NON-GRIEVABLE ISSUES:

This grievance procedure does not apply to those actions directly appealable to the State Civil Service Commission or the Director of the Department of State Civil Service. Employees should review Chapters 10 and 13 of the Civil Service Rules to determine those actions appealable directly to the Commission/Director. In general, non-grievable issues include:

- Disciplinary actions (dismissals, suspensions without pay, reductions in pay and involuntary demotions)
- Performance evaluations
- Non-disciplinary removals
- Layoffs
- Letters of Instruction (warnings, cautions, concerns, counselings, reprimands, etc.)

NOTE: There are fixed time limits within which either an internal grievance or an appeal to Civil Service may be filed. If an employee chooses the incorrect procedure, he/she may find that the time limit for the proper procedure has expired. A grievance must be processed in accordance with the timeline set forth herein. An appeal to the State Civil Service Commission/Director generally must be filed within thirty days of notice or knowledge of the action being appealed.

The filing of a grievance does not extend the time within which an appeal must be filed with the Commission/Director.

V. DEFINITIONS:

The term "grievance" means any claim, concern, problem or complaint by an employee or group of employees that:

1) An employee has been treated unfairly, inequitably or in a manner which is arbitrary, unjust or unreasonable; or

2) There is a violation in the implementation, enforcement, administration, application and/or interpretation of any law, regulation, directive, policy, procedure or practice which adversely affects the employee; or

3) There exists a condition, situation or circumstance which jeopardizes the health or safety of the employee or otherwise adversely affects the welfare or interest of the employee.

VI. PROCEDURE:

The Human Resources Director (or designee) has responsibility for administering the grievance procedure and maintaining all grievance records. Therefore, at each Step of the process, the grievant and reviewing official are required to consult the Human Resources Director.

The grievance process consists of three formal Steps:

Step 1

A grievance shall be presented within 7 calendar days of the date the grievant first became aware of or should have become aware of the cause of such grievance. The grievant should succinctly set forth all issues of concern since the Grievance Statement may not be revised nor expanded during the grievance process.

The initial grievance shall be submitted to the grievant's immediate supervisor. The immediate supervisor, in collaboration with the Human Resources Director, shall review the information provided, afford the grievant an opportunity to present his/her concern and render a written decision within 7 calendar days of receipt of the grievance.

Step 2

If the grievant is not satisfied with the supervisor's decision, he/she should check the appropriate box on the grievance form and, within 7 calendar days, present the grievance to the Assistant Commissioner for his/her organizational unit.

The Assistant Commissioner shall review the information provided, afford the grievant an opportunity to present his/her concern, conduct an investigation, if warranted, and render a written decision within 14 calendar days of receipt of the Step 2 grievance.

Step 3

If the grievant is not satisfied with the Assistant Commissioner's decision, he/she should check the appropriate box on the grievance form and, within 7 calendar days, present the grievance to the Deputy Commissioner.

The Deputy Commissioner (or designee) shall review the information provided and take whatever action is necessary to meaningfully review the grievance. A written decision will be provided to the grievant within 21 calendar days of receipt of the Step 3 grievance.

> **NOTE:** A Step in the grievance process may be bypassed if the grievance concerns a decision or action by supervisory personnel within the grievant's chain of command. Similarly, a Step in the grievance procedure may be

bypassed if the relief sought cannot be granted at the Step 1 or Step 2 levels. Additionally, grievances by the same employee or on the same issue(s) may be consolidated for review.

VII. REQUIREMENTS:

1) The grievance and decisions at each Step must be in writing on the designated grievance form (additional pages may be attached);
2) The Deputy Commissioner and Assistant Commissioner shall be notified by the Human Resources Director of the filing of a grievance;
3) A copy of the grievance at each Step must be timely submitted by the grievant to the Human Resources Director;
4) A copy of the decision at each Step must be timely submitted by the reviewing official to the Human Resources Director;
5) Extensions for responding to the grievance at each Step may be granted by the Human Resources Director for good cause; and
6) The Deputy Commissioner's decision at Step 3 shall be final on all issues subject to review through the grievance procedure.

VIII. SUMMARY DISPOSITION OF GRIEVANCE:

At any time after receiving a grievance and prior to the Deputy Commissioner's final decision at Step 3, the Human Resources Director, in consultation with the Deputy Commissioner, may summarily dispose of the grievance on any of the following grounds:

1) DOA lacks authority over the subject matter of the grievance;
2) DOA lacks authority over the person against whom relief is sought;
3) DOA has no legal authority nor ability to grant the relief requested;
4) The grievant has no legal right to grievance consideration;
5) The grievance has not been processed timely or in the required manner;
6) A decision on the grievance would be moot;
7) The grievant has withdrawn or abandoned the grievance;
8) The grievant failed to appear at the time and place designated for review;
9) The grievance is determined to be wholly without merit.

IX. RETALIATION:

Since DOA encourages its employees to express their concerns, no employee will be harassed, discriminated against or penalized for exercising the right to meaningfully and in good faith utilize the grievance process. Similarly, no employee called upon to participate in the grievance process will be harassed, discriminated against or penalized in any fashion.

X. VIOLATIONS:

DOA considers the grievance process to be an invaluable means by which employees are free to express their concerns and seek redress regarding workplace decisions and conditions. To facilitate and maintain the integrity of the grievance process, any employee found, after investigation, to have engaged in the following behavior will be subject to corrective action, up to and including dismissal, as authorized by the Civil Service Rules:

1) Harasses, discriminates or retaliates against any employee who files a grievance or participates in the grievance process;
2) Uses his/her position to influence the grievance process or anyone involved therewith; or
3) Misuses or abuses the grievance procedure, including the filing of a frivolous grievance.

XI. QUESTIONS:

Questions regarding the grievance process should be addressed to the Human Resources Director at 342-6060.

DIVISION OF ADMINISTRATION

GRIEVANCE

GRIEVANT'S NAME _____

POSITION _____ SECTION _____

DATE GRIEVANT BECAME AWARE OF CAUSE FOR GRIEVANCE_____

DATE GRIEVANCE FILED_____

GRIEVANCE STATEMENT (Additional pages may be attached if more space is needed.) Must be presented within 7 calendar days of the date the grievant first became aware of the cause for the grievance.

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RELIEF SOUGHT (Additional pages may be attached if more space is needed.)

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_____ _____

Grievant's Signature Date

Copy provided to Human Resources Director: ☐ Yes ☐ No

DIVISION OF ADMINISTRATION

GRIEVANCE

GRIEVANT'S NAME_____

STEP ONE DECISION

DECISION OF IMMEDIATE SUPERVISOR (Additional pages may be attached if more space is needed.) Must render decision within 7 calendar days of receipt of the grievance.

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_____ _____
Supervisor's Signature Date

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Supervisor's Name (Print)

Copy provided to Human Resources Director: ☐ Yes ☐ No

EMPLOYEE RESPONSE

☐ I am satisfied with the Step One decision of my supervisor.

☐ I am not satisfied with the Step One decision of my supervisor and wish to proceed to Step Two.(Must present to the Assistant Commissioner within 7 calendar days of receipt of the Step One decision).

_____ _____
Grievant's Signature Date

Copy provided to Human Resources Director: ☐ Yes ☐ No

DIVISION OF ADMINISTRATION

GRIEVANCE

GRIEVANT'S NAME_____

STEP TWO DECISION

DECISION OF ASSISTANT COMMISSIONER (Additional pages may be attached if more space is needed.) Must render decision within 14 calendar days of receipt of the Step Two grievance.

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Assistant Commissioner's Signature Date

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Assistant Commissioner's Name (Print)

Copy provided to Human Resources Director: ☐ Yes ☐ No

EMPLOYEE RESPONSE

☐ I am satisfied with the Step Two decision of the Assistant Commissioner.

☐ I am not satisfied with the Step Two decision of the Assistant Commissioner's and wish to proceed to Step Three. (Must present to the Deputy Commissioner within 7 calendar days of receipt of the Step Two decision).

_____ _____

Grievant's Signature Date

Copy provided to Human Resources Director: ☐ Yes ☐ No

DIVISION OF ADMINISTRATION

GRIEVANCE

GRIEVANT'S NAME_____

STEP THREE DECISION

DECISION OF DEPUTY COMMISSIONER (Additional pages may be attached if more space is needed.) Must render decision within 21 calendar days of receipt of the Step Three grievance.

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Deputy Commissioner's Signature Date

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Deputy Commissioner's Name (Print)

Copy provided to Human Resources Director: ☐ Yes ☐ No

THIS DECISION IS FINAL