

PPM #18

Policy Name: *Employee Grievances*

Effective Date: *July 1, 1995*

Revision Date: *April 2, 2007; December 1, 2011; March 3, 2014; October 12, 2018;
January 4, 2021; July 26, 2022*

Authorization: 
Nancy Watkins, Undersecretary

I. POLICY

It is the policy of the Office of Lieutenant Governor (OLG) and Department of Culture, Recreation and Tourism (DCRT) to encourage our 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 decisions, practices and policies, as warranted.

III. APPLICABILITY

This policy applies to all OLG and DCRT employees, regardless of status or position. This policy does not, however, apply to all concerns, incidents or actions occurring within the workplace, certain of which must be appealed directly to the State Civil Service Commission or the Director of the Department of State Civil Service. Employees are encouraged to contact Human Resources to resolve any uncertainty as to the procedure to be used or for assistance in processing a grievance.

IV. NON-GRIEVABLE ISSUES

This grievance procedure does not include those actions 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 which are appealable directly to the Commission/Director. In general, non-grievable issues include:

- 1) Disciplinary actions (dismissal, suspension without pay, reduction in pay and involuntary demotion);
- 2) Performance evaluations;
- 3) Non-disciplinary removals;
- 4) Layoffs; and
- 5) Letters of warning, caution, concern, instruction, counseling or reprimand.

NOTE: There are fixed time limits within which either a grievance or an appeal may be filed. If an employee chooses the incorrect procedure, he/she may find that the time limit for the proper procedure has expired. The filing of a grievance does not extend the time limit within which an appeal must be filed with the Commission/Director. Actions appealable to the Commission/Director must be filed within thirty days of knowledge or notice of the action being appealed.

V. DEFINITION

The term “grievance” means any claim, concern, problem or complaint by any employee and/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 interests of the employee.

VI. PROCEDURE

The grievance process consists of three formal steps:

Step 1:

All grievances shall be presented within seven (7) calendar days of the date the grievant first became aware of or should have become aware of the cause for such grievance. The initial grievance shall be submitted to the grievant’s immediate supervisor with a copy submitted to the Human Resources Director. The immediate supervisor shall render a written decision within seven (7) calendar days of receipt of the grievance, providing a copy of this decision to both the grievant and to the Human Resources Director.

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 seven (7) calendar days, present

the grievance to the appropriate Appointing Authority with a copy submitted to the Human Resources Director.

The Appointing Authority shall review the information provided, afford the grievant an opportunity to present his or her concern, and render a written decision within fourteen (14) calendar days of receipt of the Step 2 grievance, providing a copy of this decision to both the grievant and to the Human Resources Director.

Step 3:

If the grievant is not satisfied with the Appointing Authority's decision, he or she should check the appropriate box on the grievance form and, within seven (7) calendar days, present the grievance to the Secretary (or designee) with a copy submitted to the Human Resources Director.

The Secretary (or designee) shall review the information provided and afford the grievant an opportunity to present his or her concern. And, the Secretary (or designee) may also conduct an investigation or take whatever action is necessary to meaningfully review the grievance. A written decision will be provided to the grievant within twenty-one (21) calendar days of receipt of the Step 3 grievance, and a copy of this decision will be provided to the Human Resources Director.

NOTE: A Step in the grievance procedure may be bypassed if the grievance is in regard to actions by the grievant's immediate supervisor or Appointing Authority. Similarly, a Step in the grievance procedure may be bypassed if the relief sought cannot be granted at the Step 1 or Step 2 level.

VII. SUMMARY DISPOSITION OF GRIEVANCE

At any time after receiving a grievance, the Secretary (or designee) or the Appointing Authority in consultation with the Human Resources Director, may summarily dispose of the grievance on any of the following grounds:

- 1) The OLG/DCRT lacks jurisdiction over the subject matter of the grievance;
- 2) The OLG/DCRT lacks jurisdiction over the person against whom relief is sought;
- 3) The OLG/DCRT has no authority or 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 hearing; or
- 9) The grievance is determined to be frivolous.

VIII. REQUIREMENTS

- 1) The grievance must be in writing;
- 2) The grievance and decisions at each Step must be on the designated grievance form, which is included herein and may also be located on OLG/DCRT's intranet, Channel Z, at <https://www.crt.state.la.us/management-andfinance/human-resources/policies/index>;
- 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 level may be granted for good reason; and
- 6) The Secretary's (or designee's) decision shall be final on all issues subject to review through the grievance procedure.

IX. RETALIATION

Since the OLG/DCRT encourages its employees to express their concerns, no employee will be harassed, discriminated against or penalized in any fashion for exercising the right to express his/her concerns through the grievance process. Similarly, no employee called upon to participate in the grievance process will be harassed, discriminated against or penalized in any fashion. Additionally, any employee or supervisor who uses his/her position to influence the grievance procedure or anyone involved therewith will be subject to disciplinary action.

X. VIOLATIONS

An employee may be disciplined for:

1. Harassing, discriminating or retaliating against any employee who files a grievance or participates in the grievance process;
2. Using his/her position to influence the grievance process or anyone involved therewith; or
3. Abusing or misusing the grievance procedure, as determined by the Secretary (or designee), including the filing of a frivolous grievance.

XI. QUESTIONS

Questions regarding this policy should be addressed to the Human Resources Director.

Summary of Changes: Revised policy number (December 1, 2011); revised to reflect current practice, removed outdated text from Civil Service Handbook (March 3, 2014). Secretary or designee is now final approver (January 04, 2021). Appointing Authority now 2nd level approver (July 26, 2022).