

STATE OF COLORADO

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

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John W. Hickenlooper
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Major General Michael A. Loh
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Policy Title: Grievance Procedure

Effective Date: 01 June 2018

Summary: Provides Procedure on Filing Grievances

Applicability: All State Employees of DMVA

Staff Proponent: Human Resources

Supersedes: 01 April 2009

A. Purpose: To provide a mechanism for employees to follow in which to address concerns and/or problems in a systematic and formalized manner. The Department of Military and Veterans Affairs encourages employees and supervisors to resolve their issues as informally and at the lowest possible level. In an attempt to reach early solutions either party may request mediation with the other party at any time, keeping Human Resources apprised of such agreements.

B. Background: A grievance is an avenue to address problems and involves a step-by-step process in which the employee describes the grievance so it may be reviewed at various levels in the organization if needed.

C. Definitions: A grievance process is designed to address and resolve problems.

D. Policy:

Employees who intend to initiate a grievance must notify the Human Resources office no later than 10 calendar days after the employee reasonably should have knowledge of the action/practice. The Human Resources office will be responsible for monitoring the grievance process at each step. General rules apply to each stage of this process and include the following:

- employees must be certified in the State system to file a grievance;
- issues pertaining to leave sharing, discretionary pay differentials, granting or removal of in-range salary movement, or the performance management system that do not result in corrective or disciplinary action are not subject to grievance or appeal;

- an employee may be represented by any person of the employee's choice at Steps 2(a) and 2(b) of this grievance process but employee will be expected to participate in any and all discussions;
- employee may not add additional grievances at any step of the grievance process after initiated;
- copies of all grievance materials must be sent to the Human Resources Office;
- timeframes may be waived by mutual agreement of all parties;
- referral of an issue to mediation stops the clock at any step in the process, and an employee may be represented by any person of the employee's choice at any step(s) of the grievance process.

Accordingly, the following procedures shall be followed by all State Employees at the Department of Military & Veterans Affairs:

Step 1 Informal Process

- A. Employee shall notify the supervisor within 10 calendar days of knowledge of action/practice. If discrimination is alleged, the employee should also file a complaint with the State Personnel Board, 1525 Sherman Street, 4th Floor, Denver, CO 80203, phone number 303-866-3300, fax number 303-866-5038.
- B. An informal discussion between grieving party(ies) and their supervisor(s) will be held to attempt to resolve the grievance. The employee shall be informed in writing of the decision within 7 calendar days after the grievance is initiated. If a timely decision is not issued, the employee must initiate the formal grievance process no later than 12 days after the informal discussion. The decision reached at this Step shall be binding on the parties, unless the employee elects to proceed to Step 2(a) Formal Process of the grievance process.

Step 2(a) Formal Process

- A. If resolution at Step 1 does not resolve the matter to the employee's satisfaction, the employee may file a written grievance within 5 calendar days after receipt of the informal decision of Step 1.
- B. The written grievance shall be sent to the employee's supervisor or the next level of supervision (if not involved in Step 1 or if the grievance is about the immediate supervisor). A copy of the written grievance must also be sent to the Human Resources office by the grieving employee.
- C. The written grievance shall state the original complaint, a copy of the decision made at Step 1, and the relief requested. An employee may not add additional grievances.
- D. The next level of supervision shall schedule a meeting, investigate the issues, and provide a written decision within 14 calendar days of receipt of the written grievance.

Step 2(b) Formal Process

- A. If resolution at Step 2(a) does not resolve the matter to the employee's satisfaction, the employee may present the original written grievance and a copy of the decisions from Steps 1 and 2(a) to the Deputy Executive Director (Appointing Authority) within three working days after receipt of Step 2(a) decision. A copy of the written grievance and decision must also be sent to the Human Resources office by the grieving employee. Only the issues set forth in the original written grievance shall be considered. An employee may not add additional grievances.

- B. The Deputy Executive Director shall schedule a meeting, investigate the issues, and review the information with The Adjutant General and render the department's final decision within 09 calendar days after receipt of the employee's written grievance. The Deputy Executive Director and/or The Adjutant General may appoint an objective person or panel to review and investigate the grievance, to make recommendations, or to delegate the decision. The Deputy Executive Director and/or The Adjutant General may provide a process by which a different individual issues the final department response at their discretion. The final decision is binding unless the employee pursues the grievance with the Board.

Step 3

- A. If the employee is not satisfied with the decision rendered at Step 2(b), the employee may appeal DMVA's final decision with the State Personnel Board, 1525 Sherman Street, 4th Floor, Denver, CO 80203, telephone number 303-866-3300, fax number 303-866-5038. The employee must state their original grievance in writing and include copies of all decisions rendered at Steps 1, 2(a), and 2(b) within 10 calendar days after receipt of the Department of Military and Veterans Affairs' formal Step 2(b) grievance process decision. A copy must be provided to Human Resources and the person who made DMVA's final decision.

Official:

Major General Michael A. Loh
The Adjutant General of Colorado
Executive Director, Colorado Department of Military and Veterans Affairs

Distribution: DMVA Staff Proponents
DMVA Staff Supervisors
DMVA Website

**DEPARTMENT OF MILITARY & VETERANS AFFAIR'S
STATE EMPLOYEE GRIEVANCE PROCEDURE**

Personnel Rules, Chapter 8

Step	Method	Timeframe	Employee	To	Management
1 Informal Process	Verbal	Within 10 calendar days of knowledge of action/practice.	Discusses problem and, if discrimination is alleged, files in writing with the Board	Immediate Supervisor.	Attempts to resolve and inform employee of decision in writing within 7 calendar days after grievance is initiated.
2(a) Formal Process	Written	Within 5 calendar days after conclusion of Step 1 or 12 days after notifying supervisor and no timely decision was issued.	States original complaint from Step 1, providing copy of written decision from Step 1, and resolution requested.	Next level of supervision if not involved at Step 1. If next level was involved in Step 1, then proceed up to the next level of command.	Schedules a meeting, investigates issues, and provides a written decision within 14 calendar days of receipt of written grievance.
2(b)	Written	Within 3 working days after conclusion of Step 2(a).	States complaint providing copy of original grievance and copy of written decisions from Steps 1 and 2(a).	Deputy Executive Director who may appoint another individual, panel, or process to maintain neutrality.	Schedules a meeting, investigates issues, discusses with The Adjutant General, and provides a written decision within 09 calendar days of receipt of written grievance.
3 Board Review	Written	Within 10 calendar days after receipt of DMVA's formal decision or after expiration of response deadline.	Files appeal with original grievance and final decisions. Copy of appeal sent to Human Resources and Deputy Executive Director.	State Personnel Board 1525 Sherman Street 4 th Floor Denver, CO 80203 Phone: 303-866-3300 Fax: 303-866-5038	Review of the appeal by the Board; hearing is discretionary.

***Copies of all written grievance materials and decisions must be sent to the Human Resource's Office by grieving party.**

***Timeframes may be waived or modified by mutual agreement of all parties and must be documented in writing.**

***Referral of an issue to mediation stops the clock in this procedure and must be documented in writing.**

***An employee may be represented by any person of the employee's choice at the formal step(s) of the grievance process, but will be expected to participate on their own behalf in all formal grievance procedure steps.**