



Rule 3.1(m) requires each agency to establish an internal grievance procedure to handle employee complaints.

A sample Grievance Form that may be used or adapted by any agency is provided [here](#).

What is a grievance?

A grievance is an official, internal agency procedure used to resolve employee complaints and any personnel actions that are not appealable to the Civil Service Director or to the Civil Service Commission. Each agency must establish a grievance procedure for its classified employees to settle employee problems in an equitable manner. Every classified employee must be made aware of and have access to the grievance procedure for the resolution of problems without fear of reprisal.

Purpose

In any organization, dissatisfaction and misunderstanding may arise among employees. Employee problems should be resolved at the lowest possible supervisory level and at the earliest possible opportunity. The grievance procedure is one means of addressing employee complaints. Such a procedure should never be denied an employee; however, it is often beneficial to both the grievant and the agency to try to resolve problems unofficially before resorting to this official complaint forum. This procedure is a method of determining the specific cause for a grievance and finding the best way to handle it. An employee who files a grievance shall not be retaliated against. This procedure applies only to employees currently employed at the pertinent agency.

Responsibilities of the agency Human Resources Office

1. The agency must have a grievance procedure in accordance with Civil Service Rule 3.1(m). An agency that does not have an established and published grievance procedure shall be bound by the procedure and form contained herein.
2. The agency grievance procedure shall include steps and provisions consistent with those outlined in this document. The final decision of the procedure must rest with the agency's appointing authority or his/her designated representative. The agency may establish its own time guidelines, as long as the time guidelines are reasonable. Smaller agencies may need to establish a procedure with fewer than three steps. This is acceptable; however, as indicated above, the final decision in the procedure must rest with the appointing authority or designee.
3. The agency's grievance procedure should make it clear that if an employee claims harassment by anyone in the employee's chain of command, the employee may skip the grievance step that would directly involve that individual and may proceed to the next step.
4. The agency's grievance procedure should make it clear that PES reviews are handled through [Chapter 10](#) rules and not through the grievance process.
5. The agency's grievance procedure should make it clear that complaints about letters of warning, reprimand or counseling are handled by written response and not through the grievance process.
6. The Human Resources Office must ensure all employees are made aware of the grievance procedure and have access to it.

7. The agency's grievance procedure must include the name of the division or section responsible for administering the grievance procedure. In most cases, this will be the Human Resources Office.
8. All documents related to any grievance must be maintained in the Human Resources Office. This includes copies submitted to the Human Resources Office at each step of the procedure. THESE DOCUMENTS ARE NOT NECESSARILY ACCESSIBLE TO THE GENERAL PUBLIC. Involve your legal counsel if there are questions about what documents must be publicly accessible.
9. The agency should keep track of the number and nature of its grievances to help define and address internal problems and complaints.

Authority

Provisions of a grievance procedure are based on the authority contained in the Louisiana State Constitution, Article X, Section 10, Paragraph (A) (1), as well as Civil Service Rule 3.1(m). This rule reads as follows:

It shall be the duty of the Director of Personnel...to establish mandatory grievance procedures within each department to provide the means to resolve employee complaints and other personnel problems not appealable to the Director or Commission under the Civil Service Article. (Note: "Director of Personnel" as used here means the Director of State Civil Service.)

Choosing the Right Process

It is extremely important that employees know what situations should be handled through an agency grievance and what situations should be handled by a Civil Service appeal, because there are respective time limits to file either a grievance or an appeal. If an employee chooses the wrong method, the employee may find that the time limit for the correct venue has expired by the time the mistake is discovered.

There is NO LINKAGE between an agency grievance procedure and an appeal to the Civil Service Commission. A grievance is handled entirely within an agency, and the appointing authority's decision is final. That decision is not appealable either to the Civil Service Director or to the Civil Service Commission.

What is appealable to the Director of Civil Service?

1. An allocation or reallocation decision – [Rule 5.3](#)
2. The rejection of an application – [Rule 22.5](#)
3. A determination that an applicant lacks the minimum qualifications – [Rule 22.5](#)
4. A Reviewer's decision concerning a PES given to a permanent employee – [Rule 10.14](#)

What is appealable to the Civil Service Commission?

1. A suspension without pay; reduction in pay; involuntary demotion; or dismissal of a permanent employee
2. A non-disciplinary removal of a permanent employee
3. An employment action/decision that discriminates against an employee because of his or her political or religious beliefs, sex, or race
4. A layoff of a permanent employee
5. An employment action/decision that violates a Civil Service Rule other than a rule in Chapter 10 or the Civil Service Article (Article X, Part 1 of the state constitution)

What is grievable to the agency?

Just about everything else. For example, the following types of complaints are grievable: health and safety concerns; disputes between supervisor and subordinates or among workers; perceived unfair treatment that does not rise to the level of discrimination; changes in work location or hours; requirements of supervisory plans. This list is for illustration only and is not exclusive. For many actions, the difference between whether the action is appealable or grievable is WHY the employee is challenging the action or sometimes WHO the employee is. The chart on the following page contains some examples:

Agency Action	Reason	Grievance vs. Appeal
Denial of Performance Adjustment	because of race	Appeal to Commission
	“unfair” attendance policy	Agency Grievance
Denial of Promotion	because of gender	Appeal to Commission
	employee believes he/she is better qualified	Agency Grievance
No overtime compensation	non-exempt employee	Appeal to Commission
	exempt employee	Agency Grievance
Suspension with pay	permanent employee	Appeal to Commission
	non-permanent employee	Agency Grievance

General provisions of a Grievance Procedure

- Each classified employee shall be furnished a copy of the grievance procedure currently approved by the appointing authority.
- The appointing authority may designate a hearing officer or a grievance committee to hear a grievance.
- Grievances may be consolidated for the following reasons:
 - Multiple grievances filed by an employee that involve similar or related circumstances
 - Separate grievances filed by two or more employees regarding the same issues
- The agency has the right to collect evidence in a manner that is least disruptive to agency operations, and most cost-effective. If travel is necessary, the travel expenses of witnesses called to give a statement in a grievance shall be paid by the agency.
- Upon receipt of a grievance, the appointing authority or his/her designee is responsible for immediately providing a copy of the grievance form to the Human Resources Office.
- In a grievance procedure, the person against whom the grievance complaint is made shall have the right to give a statement at the hearing.
- An employee who files a grievance may be granted appropriate time during work hours to be involved with the procedure; however, employees have no right to use excessive amounts of work time for their grievances. The employer has a responsibility to ensure that the effective and efficient operations of the work unit continue without disruption. Grievance rights do not relieve an employee of the responsibility to do the assigned job.
- An employee who files a grievance has no right to representation. The Department of Civil Service cautions against granting such rights in an agency grievance procedure, as a grievance procedure is not designed to be an adversarial process.
- The grievant shall be given notice at least five (5) calendar days in advance of the hearing, unless this is waived by the grievant.

- The time and place of the hearing shall be specified by the appointing authority. The hearing is to take place during regular business hours at a place accessible to the grievant.
- No employee may use his or her position to coerce, attempt to coerce or influence in any improper manner, any hearing officer or member of a grievance committee. Any classified employee who uses his or her official position to coerce, or influence in any improper manner any person involved in the grievance process shall be subject to disciplinary action.

Steps of a grievance procedure

First Step

1. All grievances should be presented within fourteen (14) calendar days from the date the employee first became aware of, or should have become aware of, the cause of such grievance.
2. The grievant will present the grievance to the immediate supervisor; and if possible, it should be settled at that level.
3. The immediate supervisor must provide a written response to the employee on the complaint within seven (7) calendar days.

Second Step

1. If the grievant is not satisfied with the first step response, or if a response is not provided within the prescribed time limit, the grievant may present the grievance in writing to the appropriate section, division, or unit head. This shall occur:
 - a. Within seven (7) calendar days following the date the employee received the supervisor's response, or
 - b. Within seven (7) calendar days following the date the supervisor's response was due, if the supervisor fails to respond within the prescribed time limit.
2. The section, division, or unit head must investigate, afford the grievant an opportunity to present his or her viewpoint, and provide the grievant a written response containing findings and recommendations within fourteen (14) calendar days of receipt of the written grievance.

Third Step

1. If the grievant is not satisfied with the second step response, or if the second step response is not provided within the prescribed time limit, the grievant may present the grievance to the appointing authority or the designated third step representative for the agency. If the grievant does not know who this is, the Human Resources Office can provide guidance. This shall occur:
 - a. Within seven (7) calendar days following the date the employee received the second step response, or
 - b. Within seven (7) calendar days following the date the second step response was due, if the second step response is not made within the prescribed time limit.
2. The appointing authority or designee must conduct a hearing, an investigation if deemed appropriate, OR a review of the first and second step responses, and must issue a written decision within 21 calendar days following the date the grievance entered the third step.

Summary disposition of a grievance

At any time after the filing of a written grievance, an appointing authority may dismiss the grievance on any of the following grounds:

1. The action is appealable to the Director of Civil Service or to the Civil Service Commission.
2. The grievant does not work for the agency.
3. The person against whom the grievance is filed does not work for the agency.

4. The grievance has not been made in the required manner or within the prescribed period.
5. A decision on the grievance would be ineffective or moot.
6. The remedy requested cannot be granted.
7. The appointing authority has determined the grievance to be frivolous.
8. The grievance is being used to impede the efficient operation of the agency.
9. The grievant did not appear for the grievance hearing.

When an appointing authority dismisses a grievance, he or she shall notify the grievant and any supervisor or section head who received the grievance.

Agency analysis of grievances

Agencies should keep records of all grievances. Agencies should conduct an analysis of their grievances to determine if there are recurring problems, particularly if they are occurring in a given unit or relating to a particular supervisor.

Questions regarding grievances

Questions regarding the administration of a grievance procedure may be directed to State Civil Service at (225) 342-8274.