

§7083. Procedure for settlement

A grievance or dispute between a state employee and the agency of the State by whom the state employee is employed must be entertained by the board upon the application of the employee, as long as there has been compliance with the following requirements: [RR 2023, c. 2, Pt. B, §73 (COR).]

1. Adjust dispute. That the employee aggrieved or the employee's representative, or both, have attempted to adjust the dispute through oral communication with the employee's immediate supervisor within 7 working days of the time that the employee is aware of the grievable incident. The immediate supervisor is then required to render an oral decision to the employee within 3 working days; [RR 2023, c. 2, Pt. B, §74 (COR).]

2. Grievance in writing. If the employee is dissatisfied with the oral decision of the employee's immediate supervisor, the employee or the employee's representative, or both, may, before the end of the 10th working day following the day of the oral decision, present the grievance to the employee's supervisor again, this time in written form. The supervisor is then required to make a decision in writing and present it to the employee within 10 working days; [RR 2023, c. 2, Pt. B, §75 (COR).]

3. Appeal to department head. If the employee is dissatisfied with the supervisor's written decision, the employee or the employee's representative, or both, then may, before the end of the 20th working day following receipt of the decision, appeal in writing to the department head. The department head shall meet with the employee or the employee's designated representative, or both, within 20 working days of receipt of the employee's notice of dissatisfaction and attempt to adjust the dispute. Within 5 working days, the department head shall render a decision in writing to the aggrieved employee and the employee's representative; [RR 2023, c. 2, Pt. B, §76 (COR).]

4. Appeal to State Human Resources Officer. If the classified employee is dissatisfied with the written decision following the meeting with the department head, the employee may appeal in writing to the State Human Resources Officer within 7 working days of meeting with the department head. The officer shall within 10 working days reply in writing to the aggrieved employee, the employee's representative and the department head involved stating the officer's decision, based on the Civil Service Law and rules; [RR 2023, c. 1, Pt. B, §48 (COR); RR 2023, c. 1, Pt. B, §50 (AFF).]

5. Submission to board. In the event the grievance is not satisfactorily adjusted under subsections 1 to 4, within the time limits in those subsections, the dispute may be submitted to the appeals board within 10 working days following receipt of the officer's written decision. The appeals board shall investigate the matters in controversy, shall hear all interested persons who come before it and shall make a written decision, which is binding on the parties involved. The appeals board's written decision must be issued within 30 working days after the hearing on the dispute is concluded, unless both parties agree that an extension of the time limit should be allowed; and [RR 2023, c. 1, Pt. B, §49 (COR); RR 2023, c. 1, Pt. B, §50 (AFF).]

6. Procedure. Any member of the appeals board may administer oaths and subpoena and require the attendance of witnesses and the production of books, papers, public records and other relevant documentary evidence or certified copies of the evidence by the department head pertinent to the dispute and shall do so if requested in writing by any party to the dispute or the party's representative. A witness summonsed by subpoena is entitled to witness fees and travel allowance in the amount allowed for appearance in District Court, the costs of which must be advanced by the party requesting the subpoena prior to issuance of the subpoena. A state employee subpoenaed under this subsection may not lose pay to which the employee would otherwise be entitled. [RR 2013, c. 2, §4 (COR).]

SECTION HISTORY

PL 1985, c. 785, §B38 (NEW). RR 2013, c. 2, §4 (COR). RR 2023, c. 1, Pt. B, §§48, 49 (COR).
RR 2023, c. 1, Pt. B, §50 (AFF). RR 2023, c. 2, Pt. B, §§73-76 (COR).

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