



Missouri Department of Labor and Industrial Relations
ADMINISTRATIVE POLICY MANUAL



POLICY TITLE EQUAL OPPORTUNITY (EO) – Grievances – Grant-In-Aid Positions		
POLICY ID: B07-22100	AUTHORIZED BY: Anna S. Hui	PAGE: 1 of 5
ISSUED: February 23, 2009	REVISED: June 16, 2021	REVIEWED:

This grievance policy provides employees of the Department of Labor & Industrial Relations (Department) with a means for discussion and resolution of work-related grievances without fear of retaliation. This procedure is designed to address issues that hinder work conditions or performance and is not an outlet for petty disagreements.

A grievant shall be defined as a current employee in a grant-in-aid position within the classified service. A grievance will terminate if the grievant leaves Department employment.

As of the revised date of this policy, the only grant-in-aid positions within the Department are located within the Division of Employment Security, Division of Labor Standards, and Administration. Contact Human Resources for questions related to grant-in-aid positions.

General Provisions

A grievance is an avenue to settle differences between management and employees regarding specific work related events or circumstances that affect conditions of employment or have a negative impact on the employee’s ability to perform his or her job. All grievances must fall within the jurisdiction of the Department. A grievance may be filed individually or by a group of employees who are covered by this policy.

Non-grievable issues include: 1) personnel transactions or administrative decisions for which personnel law or rule provides a specific appeal process (such as the Administrative Hearing Commission or review by the Department Director, Human Resources, Office of Administration); 2) disciplinary actions for which the Department has an internal review process (such as reprimand, suspension, demotion, or notice of unacceptable conduct); 3) conditional employment; 4) leave denial; 5) transfers; 6) shift changes; 7) furloughs; or 8) any employment action that could be alleged to have an adverse financial impact on a Department employee.

To file internal complaints of discrimination, sexual harassment, or retaliation, employees must follow the procedures in the [Non-Discrimination and Anti-Harassment Policy B07-22400](#).

Grievance Procedure

All team members, supervisors, and managers should strive to resolve differences in a timely and informal manner. To that end, grievances shall be submitted in writing within five working days of the incident. The grievance shall contain the alleged cause(s) for the grievance, as well as the desired remedy. The time frames specified in the grievance steps may be extended only when mutually agreed upon by the employee and management. The following steps are to be followed:



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POLICY TITLE EQUAL OPPORTUNITY (EO) – Grievances – Grant-In-Aid Positions		
POLICY ID: B07-22100	AUTHORIZED BY: Anna S. Hui	PAGE: 2 of 5
ISSUED: February 23, 2009	REVISED: June 16, 2021	REVIEWED:

Step One

There are two options available to attempt to resolve a grievance in this first step: a) alternative dispute resolution (ADR) involving a neutral mediator; or b) discussion with the immediate supervisor.

Grievant Responsibility

The grievant should submit the [Grievance Form](#) to his/her immediate supervisor within five (5) working days of the incident and forward a copy to Human Resources. The grievant indicates whether he/she prefers ADR with a neutral mediator or a discussion with the supervisor. If mediation is requested, and agreed to by both parties, the grievance process and resulting time frames shall be suspended. If the mediation is unsuccessful, the grievance process may resume at the point where it ceased prior to mediation.

If ADR or discussion with the supervisor is unsuccessful, the grievant may proceed to Step Two.

Supervisor Responsibility

Within five (5) working days of receipt of the grievance, the immediate supervisor, in consultation with management, shall: a) schedule a meeting with the grievant to discuss the grievance and review the facts and documentation; or b) contact Human Resources to discuss ADR. If ADR is selected, Human Resources will contact the supervisor and employee to discuss the matter and schedule an appointment.

If a meeting is held, the supervisor shall respond in writing to the grievant within five (5) working days of the meeting, with a copy sent to Human Resources.

The supervisor may contact Human Resources for advice in proceeding with or resolving the grievance.

Step Two

Grievant Responsibility

If resolution does not occur at Step One, the grievant may initiate Step Two of the grievance process. The grievant submits the Grievance Form to his/her Section Chief/Manager within five (5) working days of receipt of the Step One decision, and includes a copy of all documentation and evidence gathered/presented in Step One. The grievant will also send a copy of the Step Two Grievance Form to Human Resources and his/her immediate supervisor.

The grievant should set out in writing the reasons why the response at Step One did not resolve the grievance. This may be completed in an email, memo, etc. The grievant cannot submit new information that changes the content of the grievance, add new grievance issues, or change the requested remedy.



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POLICY TITLE EQUAL OPPORTUNITY (EO) – Grievances – Grant-In-Aid Positions		
POLICY ID: B07-22100	AUTHORIZED BY: Anna S. Hui	PAGE: 3 of 5
ISSUED: February 23, 2009	REVISED: June 16, 2021	REVIEWED:

Section Chief/Manager Responsibility

Upon receipt of the Step Two grievance, the Section Chief/Manager will review the facts and a) decide if a meeting with the grievant for further discussion is needed; or b) determine that the assistance of Human Resources is needed. The grievance time frames may be suspended while grievant meetings are being held or while documentation is under review by Human Resources.

A written response will be sent to the grievant within five (5) working days of receipt of the grievance, unless a review by Human Resources is requested. If a meeting between the Section Chief/Manager and grievant takes place, a response will be sent within five (5) working days of the meeting. The Section Chief/Manager will forward copies of the response to the supervisor at the preceding level and Human Resources. If a Human Resources review is necessary, the response from the Section Chief/Manager will be sent to the grievant within five (5) working days of Human Resources' completion of the review.

Step Three

Grievant Responsibility

If resolution does not occur with Steps One or Two, the grievant may proceed to Step Three and submit the grievance within five (5) working days of the decision at Step Two to the Division Director.

The grievant shall set out specifically why the grievance response at Step Two is unsatisfactory and shall include a copy of all documents and evidence gathered and presented at Step Two. The grievant will send a copy of the Step Three Grievance Form to Human Resources, the Section Chief/Manager, and the immediate supervisor.

Division Director Responsibility

Upon receipt of the grievance, the Division Director or designee will review the information provided. The Division Director/designee may meet with the grievant and/or managers or may determine that the assistance of Human Resources is needed. The grievance time frames may be suspended while grievant meetings are being held or while documentation is under review by the Division Director.

The Division Director/designee will respond in writing to the grievant within 30 days and forward a copy of the response to Human Resources and to each supervisor or manager involved in addressing the grievance at earlier steps.

As the Appointing Authority, the decision of the Division Director is final.

Other Provisions

Any of the time frames specified in this policy may be extended by mutual agreement of the parties. If parties cannot agree to an extension of timelines, the Department's Human Resources Office should be



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ADMINISTRATIVE POLICY MANUAL



POLICY TITLE EQUAL OPPORTUNITY (EO) – Grievances – Grant-In-Aid Positions		
POLICY ID: B07-22100	AUTHORIZED BY: Anna S. Hui	PAGE: 4 of 5
ISSUED: February 23, 2009	REVISED: June 16, 2021	REVIEWED:

consulted to assist so that no party is unreasonably delaying the process or hindering resolution. Time frames shall not become an obstacle in resolving the grievance.

If the grievant is on extended leave during the processing of the grievance, the process suspends while the grievant is away. It is the grievant’s responsibility to notify the supervisor processing the grievance of his/her absence in writing, with a copy forwarded to Human Resources. If a supervisor is away for an extended period of time during the processing of a grievance, the supervisor or Human Resources may select a designee to act on the supervisor’s behalf.

If the grievant fails to proceed to the next level within the appropriate time frame, the grievance will be considered closed. If management fails to respond within the appropriate time frame, the grievant shall not be penalized. The grievant may either wait for the response or proceed to the next level.

At any step, one or both parties may make a formal request to Human Resources for a neutral mediator. If mediation is agreed to by both parties, the grievance process and resulting time frames shall be suspended. If the mediation is unsuccessful, the grievance process may resume at the point where it ceased prior to mediation. A record of the events which transpired during the mediation, and any agreement made between the parties, shall be maintained in the grievance file.

A reasonable time shall be allowed for the grievant to attend formal grievance meetings with the appropriate management or Human Resources.

The grievance process may be condensed to fewer than three steps. Grievants who desire an accelerated review should discuss this request with Human Resources. Human Resources, in consultation with the Division Director, will determine if accelerating the grievance is appropriate. Collapsing of the process will be done to expedite the solution and is not to be viewed as intent to circumvent the process. Human Resources will make the final decision relative to the appropriate number of steps.

The employee may have Human Resources present at any grievance meeting for assistance of a general nature; as to rights, responsibilities, and procedures. Human Resources will not appear in a representative capacity on behalf of any grievant.

Confidentiality

Confidentiality is expected of all parties who are actual participants in the grievance proceedings; except that Department attorneys will not in any way be restricted from performing their duties to the Department. This expectation applies to the content of documents and all discussions. If it is found that participants of grievant proceedings are disclosing confidential information, disrupting the working activities of others, or spreading false information, they may be subject to disciplinary action, up to and including dismissal.



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POLICY ID: B07-22100	AUTHORIZED BY: Anna S. Hui	PAGE: 5 of 5
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Grievances shall not be maintained in any personnel file or performance file. Supervisors who maintain copies of grievances should do so in a separate file.

Retaliation, Coercion, and Falsification

Retaliation or coercion as a result of use of the grievance process will not be tolerated. Any employee who believes s/he is experiencing coercion or retaliation due to considering, initiating, participating, or declining to participate in a grievance proceeding should immediately contact Human Resources for appropriate action.

Intentional falsification of grievances shall be grounds for disciplinary action, up to and including dismissal.

Questions regarding this policy should be directed to Human Resources at 573-751-3588.