



State of Oklahoma
Office of Management and Enterprise Services
Policies and Procedures

Internal Grievance Resolution

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Approved: Dana Webb, as Designee of OMES Director John Budd	Approval Date: 02/25/2019

Reference: 74 O.S. § 840-6.2; 455:10-19-1 et seq.

Policy

Problems, misunderstandings and frustrations may arise in the workplace. It is the intent of OMES to be responsive to our employees and their concerns. This policy provides standards and guidelines for the prompt and equitable resolution of conflicts at the lowest possible level within OMES. This policy applies to all employees with the exception of conflict related to the application of Merit Rules, which applies to classified employees only.

Definitions

“Commission” means the Oklahoma Merit Protection Commission.

"Grievance" means a request for relief in an employment matter made by an employee, or a group of employees, which affects them and which is subject to control of the appointing authority. For purposes of grievances, an employee may be a classified employee. Grievances for unclassified employees are limited to time and leave, PMP, discrimination, and whistleblower issues.

Procedures

The OMES internal grievance resolution procedure shall be a two-step procedure.

Step One – informal discussion between the employee and the immediate supervisor.

The purpose of the informal discussion shall be to provide the employee and his or her supervisor an opportunity to address and resolve concerns and complaints at the lowest level possible.

An employee who has a conflict shall promptly bring the dispute to the attention of his or her supervisor. The employee and the supervisor shall strive to informally resolve the dispute.

If the supervisor is unable to resolve the dispute because it is not within his or her control or authority, the supervisor shall attempt to determine who can resolve the dispute and give that person an opportunity to resolve the dispute informally or advise the employee to proceed to Step 2.

Step Two – the formal grievance

If the dispute is not resolved informally, the employee may file a formal grievance within twenty (20) calendar days of the date of the act or incident or within twenty (20) calendar days of the date the employee becomes aware of or, with reasonable effort, should have become aware of a grievable issue. If the last day of the count is a Saturday, Sunday or legal holiday as proclaimed by the Governor, the period shall continue to the next business day.

OMES may extend the time limit for filing a formal grievance if the employee shows he or she could not have otherwise timely filed or if the employee provides evidence he or she was making a good faith effort to resolve the dispute informally.

Formal grievances shall promptly and impartially be addressed and resolved at the lowest level possible.

A face-to-face meeting or telephone conversation is required between the resolution decision maker and the employee at this step.

An employee shall file a formal grievance with the OMES grievance manager on the form prescribed by the Commission or a written statement which shall include, as a minimum:

- The name, address and work telephone number of the employee.
- The classification of the employee.
- The work location, and division of the employee.
- The name of the supervisor with whom the employee discussed the dispute and the date of the discussion.
- The date of the alleged act or incident which is cause for the formal grievance or the date the employee became aware of the grievable issue.
- A brief statement of the dispute citing such information as the reason for the grievance, persons involved, etc.
- Any laws, merit rules, agency policy, practice or procedures the employee believes to have been violated.
- A requested remedy which the employee believes to be appropriate.
- The name, address and telephone number of the employee's representative, if any.
- The name, address and telephone number of the spokesperson if the grievance is from a group.

- The date and signature of the employee or the spokesperson.
- A list of the names of the employees if a group grievance.

[Link to the Commission grievance form](#)

Resolution time

A formal grievance shall be resolved by OMES within forty-five (45) calendar days after the filing of the grievance.

HCM may extend the resolution time up to an additional fifteen (15) days for good cause. The extension shall be made in writing to the employee before the expiration of the forty-five (45) calendar day resolution time and include reasons for the extension.

The employee and HCM may mutually extend the resolution time up to an additional thirty (30) calendar days for good cause. Any extension shall be agreed to in writing and include reasons for the extension.

In no case shall the resolution time of a formal grievance exceed ninety (90) calendar days.

Resolution decision

Resolution decisions shall address the issues raised in the formal grievance.

Resolution decisions shall be made in writing to the employee filing the formal grievance or if a group grievance, to the spokesperson. Resolution decisions shall be delivered personally or by mail.

Use of voluntary mediation

Employees, supervisors, HCM and OMES grievance managers may choose mediation as a means of resolution at any step of the internal grievance resolution process.

HCM responsibility

- Promote prompt resolution, quickly, informally and at the lowest level possible.
- Ensure resolutions deadlines.
- Guarantee rights to representation.
- Appoint and make the grievance manager known.
- Ensure grievance managers receive initial and continued training.
- Maintain a record of each formal grievance file and ensure grievance records are maintained separate from other individual employee personnel files.

Supervisor responsibility

- Inform their employees of the internal agency grievance resolution procedure.

- Be aware and informed of the names of employee(s) designated by the appointing authority to receive and process formal grievances.
- Ensure that applicable time limits pertaining to supervisory responsibility within the grievance procedure are met.
- Informally discuss, address and resolve disputes brought to their attention, when possible, at the lowest level possible.

Internal agency grievance manager responsibility

- Within six (6) months after designation to serve in this capacity, successfully complete the initial training programs required by the Commission.
- Maintain proficiency by successfully completing continuing training programs required by the Commission.
- Provide advice, assistance and technical direction to the appointing authority, supervisors and employees on the internal agency grievance resolution procedure.
- Review formal grievances and accept or reject them. If accepted, ensure the formal grievance is reviewed and addressed by a person within the employing agency with authority to resolve the dispute.
- Ensure time limits which apply to the processing and resolution of formal grievances are met.
- Facilitate the prompt, equitable and timely resolution of grievances at the lowest possible level.

Employee responsibility

Any employee, who has reason to believe his or her employment has been directly affected by unfair treatment, unsafe working conditions, or erroneous interpretation or application of agency policy, procedure, merit rule or law, has a duty and responsibility to attempt to resolve the dispute informally. Thereafter, the employee has the right to file a formal grievance.

Any employee filing a formal grievance has a duty and responsibility to provide accurate, timely information to support his or her assertions and to make a good faith effort to resolve the dispute.

Employees should refrain from idle talk and should treat information about formal grievances with discretion.

Grievance preparation and processing

An employee may request approval from his or her supervisor for necessary and reasonable absence from work to gather information in preparation to file and process a formal grievance. The request for the time needed should be made in advance. The supervisor may approve such absence if the time away will not cause undue hardship or upset any employee's work place operation. Any approved absence shall not result in a loss of pay or leave.

Leave and travel

An employee who has filed a formal grievance, or witnesses whose attendance is required, shall not be charged leave to attend meetings held to decide the grievance.

Approved travel and other expenses incurred to resolve a formal grievance shall be reimbursed by the employing agency in accordance with the State Travel Reimbursement Act.

Employee representation

An employee has the right to be represented by a person of his or her own choosing at each step of the internal agency grievance resolution procedure, except the initial informal discussion with his or her immediate supervisor.

The representative must be willing and available to serve and have authority to negotiate settlement.

The employee is responsible for all costs and expenses of his or her representation. A representative who is a state employee shall be on approved leave or leave without pay while working on the grievance.

Filing an appeal after a formal grievance

After filing a formal grievance, an employee may file an appeal with the Commission within twenty (20) calendar days after:

- Expiration of the resolution time, including any extension and a resolution decision has not been received.
- Receiving a resolution decision and the employee can provide evidence the resolution decision was not correct, did not address the issues of the grievance or that violations occurred during the processing of the formal grievance.

An employee may file an appeal before the agency grievance procedure is concluded if the employee can provide evidence that violations of the agency grievance procedure are occurring or if the employee can provide evidence the alleged violations are continuing.

The issues of the appeal shall be limited to those raised in the formal grievance or discovered during the internal agency grievance process over which the Commission has jurisdiction.

Grievance and appeal – separate filings

The filing of formal grievances with the employing agency and appeals with the Commission are separate actions. Each is the responsibility of the employee. The filing of one does not substitute for the filing of the other.

Retaliation – prohibited

No employee shall be disciplined or otherwise prejudiced in his or her employment for exercising his or her rights under the internal agency grievance resolution procedure [74:840-6.2(C)].

Any employee who has reason to believe his or her employment has been directly affected by unfair treatment, unsafe working conditions, or erroneous interpretation or application of agency policy, procedure, (merit rule/classified employees only) or law may file a petition for appeal with the Commission. The petition for appeal shall identify the name of the person alleged to have violated this section and shall be specific as to who did what, when, where, how and why.

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