

DIRECTIVE NUMBER 300-07-12

DATE: February 14, 2013

TO: All Kansas Department of Labor Employees

FROM: Lana Gordon, Secretary of Labor

SUBJECT: Grievance Policy and Procedure

1.0 Purpose

To update policy.

2.0 Reference

K.A.R. 1-7-12; 1-10-6; 1-10-7; 1-12-1; 1-14-7 through 1-14-11; K.S.A. 75-2949.

3.0 Policy

- 3.1 All Kansas Department of Labor (KDOL) employees have a right to file a grievance about working conditions or work relationships with other employees.
- 3.2 All grievances must be filed in writing with the appropriate Director. It is expected, however, that all employees will make good faith efforts to resolve disagreements or conflicts prior to filing a grievance by taking advantage of dispute resolution resources and by talking to their supervisors.
- 3.3 It is recognized there may be circumstances so unique or serious that an employee feels compelled to file a grievance without first working to resolve the issue. If, upon receipt of the grievance, the Director does not agree with the employee's decision not to try to resolve the issue, the grievance will be returned to the employee with guidance concerning appropriate alternatives.
- 3.4 The KDOL grievance process shall be responsive, timely and impartial. Employees who file grievances are to be free from restraint, coercion or reprisal and the filing of a grievance shall in no way reflect on an employee's standing with the agency.

4.0 Definitions

- 4.1 The following matters will not be addressed through the grievance procedure:
 - 4.1.1 Personnel actions which may be appealed to the Civil Service Board.
 - 4.1.2 Performance reviews/ratings which may be appealed under K.A.R. 1-7-12.
 - 4.1.3 Management's prerogative to assign duties and responsibilities within the scope of the employee's classification.

- 4.1.4 Situations which are more appropriately handled in a different manner; i.e., an independent investigation.
- 4.1.5 Lay-offs as provided for in K.A.R. 1-14-7 through 1-14-11.
- 4.1.6 Situations involving alleged sexual harassment or other discriminatory practices as addressed by [Directive 300-08-12](#) Policy on Harassment.

5.0 Procedure

- 5.1 All grievances must be filed in writing with the employee's Director within 10 working days after efforts to resolve the conflict informally have been unsuccessful. Dated documentation should be included on efforts taken to resolve the conflict informally.
- 5.2 Immediately upon receipt and acceptance of the grievance, the Director shall forward a copy of the grievance to the Human Resources Office.
- 5.3 The employee's Director must respond to the employee in writing within 20 working days upon receipt of the grievance. The Director may delegate investigation of a grievance to a designee, but remains solely responsible for decisions made based on the investigation.
- 5.4 An employee who remains dissatisfied following the Director's decision may file an appeal with the Secretary of Kansas Department of Labor within 5 working days from the date the decision was received. A copy of all documentation related to the grievance and the reasons for the appeal must be included. The Secretary may talk to the employee or designate someone to review the grievance and make recommendations.
- 5.5 The Secretary shall respond to the employee within 20 working days from the date the appeal was received. The Secretary's decision is final and not subject to further appeal.

6.0 Responsibilities

- 6.1 A copy of this grievance procedure shall be posted on all agency bulletin boards.

7.0 Inquiries

- 7.1 Contact HR by email at human.resources@dol.ks.gov or at 785-296-5000 ext. 2565

8.0 Revision History

- 8.1 April 2016

Signature on file
Lana Gordon, Secretary of Labor

Rescissions: 300-03-08

Expiration Date: Continuous