



State of Oklahoma
Oklahoma Department of Agriculture, Food, and Forestry

Policies and Procedures
Grievance Process

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Approved: Jim Reese	Approval Date: 1/2/2015

Reference: [74 O.S. § 840-6.1 et seq.](#), [Merit System of Personnel Administration](#) and [Merit Rules](#).

A. Grievance Process

Any dispute, complaint, or concern relating to employment at ODAFF may be brought to the attention of a grievance manager and resolved using the grievance process. The grievance process is an internal agency process that permits classified and unclassified employees to seek resolution of disputes. The grievance process is not available to temporary or contract employees. ODAFF strictly adheres to the grievance process described in [OAC 455:10-19](#). The descriptive text provided below is informational in nature and neither expands or diminishes the rights or responsibilities of any party under the merit rules.

ODAFF fosters an environment where employees and applicants for employment may raise discrimination complaints without fear of reprisal. ODAFF shall promptly investigate and resolve claims of discrimination, harassment, or workplace violence. It is a violation of state and federal law and ODAFF policy to retaliate against any person for asserting his or her civil rights, which includes filing a claim of discrimination or participating as a witness in an investigation.

B. Definitions

"Accept" means a determination by an agency grievance manager that issue(s) meet jurisdictional requirements.

"Deny" means to refuse to grant a remedy requested, to determine an issue to be without merit or to end a grievance without further consideration.

"Grant" means to find an issue to have merit and to give an appropriate remedy.

"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 probationary or permanent classified or unclassified employee.

"Jurisdiction" means the authority to decide an issue within the agency grievance procedure. The time limit to file a grievance, an employee's eligibility to use the agency grievance procedure, and the issues raised are general factors in determining agency jurisdiction.

"Reject" means a determination by an agency grievance manager that a grievance or an issue does not meet agency jurisdictional requirements.

"Remedy" means the corrective action sought by an employee or offered by a decision-maker or appointing authority.

"Toll" means to temporarily stop or suspend applicable time limits.

C. Contact Information

ODAFF has two grievance managers available to employees:

PRIMARY

Bill Taylor
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105
Phone: (405) 522-6347
Email: bill.taylor@ag.ok.gov

SECONDARY

Janet Burns
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105
Phone: (405) 522-5509
Email: janet.burns@ag.ok.gov

D. Grievance Steps

The grievance process is a two-step procedure. The first step is an informal discussion between the employee and his or her immediate supervisor. The second step shall be the filing of a formal grievance. OAC 455:10-19-60.

1) Step one - informal discussion

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. The effort to resolve disputes at this level may include, but is not limited to, the use of mediation. An employee who has a grievable issue 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. [OAC 455:10-19-61](#).

2) Step two-formal grievance

If the dispute is not resolved informally, the employee may file a formal grievance within the time specified in [OAC 455:10-19-42](#). 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. [OAC 455:10-19-62](#).

[Grievance Form](#)

E. Mediation

Employees, supervisors, and grievance managers are encouraged to use mediation as a means of resolution at any step of the grievance process. Applicable grievance time limits shall be tolled if a request for voluntary mediation is made. The tolling time shall begin as soon as mediation is requested and shall end once it is determined the participants are not willing to use the voluntary mediation services or upon conclusion of the voluntary mediation session or at such time that any participant withdraws from participating in the voluntary mediation session. The agency grievance manager shall be notified of the tolling time as soon as possible and practical. [OAC 455:10-19-64](#).

[Request for Mediation](#)

F. 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. Any employee who believes they have been subjected to retaliation 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. [OAC 455:10-19-8](#).

G. Time for Filing a Grievance

A grievance shall be filed with the grievance manager.

A formal grievance shall be filed within 20 calendar days of the date of the act or incident or within 20 calendar days of the date the employee becomes aware of or, with reasonable effort, should have become aware of a grievable issue. ODAFF may extend the time limit for filing a formal grievance if the employee shows that he or she could not have otherwise timely filed or if the employee provides evidence that he or she was making a good faith effort to resolve the dispute informally or for other good cause shown. [OAC 455:10-19-42](#).

H. Time for Resolution of a Grievance

A formal grievance shall be resolved by the employing agency within 45 calendar days after the filing of the grievance. ODAFF may extend the resolution time up to an additional 15 days for good cause. The extension shall be made in writing to the employee before the expiration of the 45 calendar day resolution time and include reasons for the extension. The employee and ODAFF may mutually extend the resolution time up to an additional 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 90 calendar days. [OAC 455:10-19-44](#).

I. Calculation of Time

For purposes of calculation, time shall be counted in terms of calendar days. 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. [OAC 455:10-19-9](#).

J. 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. [OAC 455:10-19-37](#).

K. 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 and [Policy ODAFF-12: Travel Policy](#). [OAC 455:10-19-38](#).

L. 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. [OAC 455:10-19-39](#).

M. Group Grievances

Employees may file a formal grievance as a group, when the grievance issues and personal relief sought are the same or similar for each. The group shall name a spokesperson that shall speak and act on behalf of the group. The spokesperson shall be one of the employees of the group filing a formal grievance. The group is entitled to a representative as outlined in [OAC 455:10-19-39](#).

ODAFF may consolidate formal grievances containing the same or similar issues filed by two or more employees when to do so will produce a more efficient, more economical or more timely processing and resolution of the grievances and will not adversely affect the interests of the employees filing the grievances. ODAFF may join formal grievances filed by a single employee when to do so will produce a more efficient, more economical or more timely processing and resolution of the grievances and will not adversely affect the interests of the employee. [OAC 455:10-19-40](#).

N. Responsibilities of the Parties

1) 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 ODAFF 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 good faith efforts to resolve the dispute. Employees should refrain from idle talk and should treat information about formal grievances with discretion. [OAC 455: 10-19-23](#).

2) Supervisor Responsibility

Each supervisor shall inform their employees of the grievance; be aware and informed of the names of employees 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; and informally discuss, address and resolve disputes brought to their attention, when possible, at the lowest level possible. [OAC 455:10-19-21](#).

3) Grievance Manager Responsibility

Any employee designated to receive and process formal grievances by ODAFF shall, within 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 ODAFF supervisors and employees on the grievance process; review formal grievances and accept or reject them; ensure that 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; and ensure the formal grievance is reviewed and addressed by a person within the employing agency with authority to resolve the dispute. [OAC 455:10-19-22](#).

4) ODAFF Responsibility

ODAFF shall use the internal agency grievance resolution steps established in this policy. ODAFF shall file a copy of any adopted resolution procedures, including revisions, with the Merit Protection Commission.

ODAFF establishes the grievance process to encourage resolution of disputes within the agency quickly, informally and at the lowest possible level; require prompt resolution of grievances within established time periods; guarantee the employee the right to be represented by a person of his or her own choosing at each step of the procedure, except for the initial informal discussion with his or her immediate supervisor; and provide the name, address and telephone number of the persons designated to receive and process formal grievances.

ODAFF shall furnish to each employee a copy of the grievance process, including revisions, and designate an employee or employees within the agency to receive and process formal grievances. Within 30 calendar days after such designation, ODAFF shall provide the Merit Protection Commission with the name, address, telephone number and designation date of such employees. ODAFF shall ensure employees designated to receive and process formal grievances are notified of required training, scheduled to attend required training, and shall make time available for employees to complete training. [OAC 455:10-19-20](#).

O. 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. [OAC 455:10-19-45](#).

P. Records

ODAFF shall maintain a record of each formal grievance filed. Grievance records shall be maintained separate and apart from other individual employee personnel files. 51 O.S. § 24A.1 et seq. shall govern access to grievance records. An employee or former employee shall have a right of access to the grievance record of grievances he or she filed after the agency grievance procedure has been completed. The Merit Protection Commission, because of statutory responsibility, shall have a right of access to grievance records. Grievance records shall be maintained consistent with the General Records Disposition Schedule of the Oklahoma Department of Libraries, Office of Archives and Records. [OAC 455:10-19-4](#).

Q. Appeals

Generally, an employee must complete the internal grievance process before filing an appeal with the Merit Protection Commission. Specific grievance issues, including promotion, classification, discipline, leave, employee service rating system, discrimination, pay movement mechanisms, and other compensation issues; and the handling of appeals are discussed in greater detail at [OAC 455:10-19-35](#).

After filing a formal grievance, an employee may file an appeal with the Merit Protection Commission within 20 calendar days after (1) the expiration of the resolution time, including any extension, and a resolution decision has not been received or (2) upon 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 ODAFF grievance process is concluded if the employee can provide evidence that violations of the ODAFF grievance process are occurring or if the employee can provide evidence that the alleged violations are continuing.

The issues of the appeal shall be limited to those raised in the formal grievance or discovered during the ODAFF grievance process over which the Merit Protection Commission has jurisdiction. [OAC 455:10-19-46](#).

[*Petition for Appeal*](#)
[*Permission to File Paper Appeal*](#)

R. Grievance and Appeal / Separate Filings

The filing of formal grievances with ODAFF 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. [OAC 455:10-19-47](#).