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KANSAS DEPARTMENT OF ADMINISTRATION
GRIEVANCE PROCEDURE

Applicability

The Department of Administration Grievance Procedure shall be posted on all the Department's official bulletin boards and shall be available for use by all Department of Administration employees. The availability of this grievance procedure shall not be interpreted as granting any additional rights under the Kansas Civil Service Act, and any amendments thereto.

Copies of the Grievance Procedure shall be made available upon request to any Department employee, along with the standard form(s) for processing grievances, by Division/Office Directors or the Department of Administration Personnel Office.

Employees who lodge a grievance are to be free from restraint, coercion, discrimination, or reprisal. Complainants are assured the maximum possible anonymity. The filing of a grievance shall in no way reflect on an employee's good standing with the Department. If an employee believes he or she is being subjected to one of the above actions, a separate grievance shall be filed directly with the Secretary of Administration. Wherever this grievance procedure provides for any grievance to be taken to the Secretary of Administration, the Secretary may rule directly on the matter, or may appoint one or more persons as a hearing panel to gather pertinent statements and information and make recommendations to the Secretary.

Definition

A grievance shall be defined as a statement of dissatisfaction over any condition of work, which allegedly has an adverse effect on the employee.

A grievance shall not include matters involving demotion, suspension, or dismissal of a permanent employee; employee performance reviews, or any other subject for which a method of settlement or any appeal procedure is established under appropriate Kansas Statutes or Regulations.

Grievances shall be redressed by the process outlined in "**Grievance Procedure A**". However, a separate procedure may be followed for a grievance alleging discrimination on the basis of race, color, ancestry, national origin, religion, age, sex, sexual harassment, or disability status. This process is outlined in "**Grievance Procedure B**". In addition to the right to file a grievance under this procedure, all employees have the right to file civil rights complaints with appropriate enforcement agencies.

General Provisions

An aggrieved employee must represent himself or herself at all steps of the grievance procedure. Another person employed within the Department of Administration may be selected by the aggrieved employee to assist at each step of the procedure at the aggrieved employee's discretion, provided

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that the selected employee agrees to assist. The grievant and the selected employee will be allowed to utilize work time to meet with the supervisor, director or other person designated to respond at the applicable step of the procedure so long as such absence does not create undue hardship upon completion of work in the employee's work unit.

Meetings held at each step of the Grievance Procedure shall, wherever possible, take place during regular working hours. When unusual circumstances require meetings outside regular working hours, they shall be mutually agreed upon in writing.

Failure of the Department of Administration to reply to the employee's grievance within the time limits specified, grants the employee the opportunity to take the grievance to the next step. If an employee fails to appeal from one step to the next within the time limits specified, the grievance shall be considered settled on the basis of the Department's last decision, and the grievance will not be subject to further appeal or consideration.

In the event an immediate supervisor or the supervisor's supervisor is not available to process a grievance, a designee shall be appointed to serve in his or her place.

At any step in the grievance procedure, if either party (the employee on the one hand, the immediate supervisor or supervisor's supervisor on the other hand) believes that an extension of the time limit for action is required, the party may request of the Division or Office Director an extension of the time limit.

Employees covered by an approved Memorandum of Agreement that includes a grievance procedure may elect if eligible, at the time the grievance is first filed, to be covered by either the Department or the Memorandum of Agreement procedure. This decision cannot be changed at a later time.

Grievance Procedure A

STEP 1: Any employee of the Department of Administration who believes that he or she has a grievance shall take up the matter orally with his or her immediate supervisor within five (5) working days of its occurrence. The immediate supervisor shall provide an opportunity for full discussion of the grievance with the aggrieved employee. The immediate supervisor shall then attempt to adjust the matter and shall respond orally to the employee within five (5) working days of the date on which the aggrieved employee first brought the grievance to his or her attention.

STEP 2: If the response of the immediate supervisor in STEP 1 is unsatisfactory to the employee and does not settle the issue, the aggrieved

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employee may complete a standard grievance form furnished by the Division/Office Director's Office or the Department of Administration Personnel Office, and present the completed and signed form to his or her supervisor's supervisor within five (5) working days after the date on which the immediate supervisor's response was due. This higher-level supervisor shall provide opportunity for discussion and review, and shall respond in writing on the standard form within five (5) working days after receipt of the standard grievance form from the aggrieved employee.

> **Note**: In situations involving a particular grievance where there is no STEP 2 supervisory level in the employee's Division or Office, the grievance procedure will proceed from STEP 1 to STEP 3. In such a case, the employee may appeal to the STEP 3 level within five (5) working days of the immediate supervisor's STEP 1 response.

STEP 3: If the response in STEP 2 is unsatisfactory to the employee and does not settle the issue, the aggrieved employee may appeal by sending the completed standard grievance form to the Director of the Division/Office within five (5) working days of the date the STEP 2 response was due. The Division/Office Director shall investigate the matter and shall then meet with the employee and whatever levels of the employee's supervision the Director deems appropriate. The Director shall use any means at his or her disposal to satisfactorily settle the grievance. The Director shall respond in writing on the standard grievance form within ten (10) working days of the date on which the Director received the grievance.

FINAL DECISION: Grievances which have not been resolved in STEP 3 may be appealed to the Secretary of Administration by sending the completed standard form within five (5) working days after the response of the Director.

The Secretary of Administration will take such actions as deemed necessary and decide the matter. This decision shall be transmitted in writing to the aggrieved employee, his or her immediate supervisor, and the Division/Office Director within ten (10) working days from the date the grievance was brought to the Secretary of Administration. This decision shall be final and not subject to further appeal unless further appeal is provided by Kansas Statute or Regulation. (This does not abridge rights to file complaints with appropriate civil rights enforcement agencies.)

Grievance Procedure B

STEP 1: Any employee of the Department of Administration who believes that he or she has a grievance involving discrimination on the basis of race, color, ancestry, national origin, religion, age, sex, sexual harassment, or disability status may take up the matter orally with the Human Resources Manager or Agency EEO Coordinator for the Department of Administration within five (5) working days of its occurrence. After providing an

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opportunity for full discussion of the grievance, the Human Resources Manager or Agency EEO Coordinator shall then attempt to adjust the matter by working with the employee's Division or Office Director and shall respond orally with the employee within ten (10) working days of the date on which the aggrieved employee first brought the grievance forward.

FINAL DECISION: If the response of the Human Resources Manager or Agency EEO Coordinator in STEP 1 is unsatisfactory to the employee and does not settle the issue, the aggrieved employee may complete a Procedure B grievance form (available in the Department of Administration Personnel Office) and send the completed and signed form to the Secretary of Administration within five (5) working days after the response from the Human Resources Manager or Agency EEO Coordinator.

The Secretary of Administration will make a determination and take such actions as deemed necessary and decide the matter. This decision shall be transmitted in writing to the aggrieved employee, the Division or Office Director, and the Human Resources Manager within ten (10) working days after the date the grievance was received by the Secretary of Administration. This decision shall be final and not subject to further appeal unless further appeal is provided by Kansas Statute or Regulation. (This does not abridge rights to file complaints with appropriate civil rights enforcement agencies.)

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KANSAS DEPARTMENT OF ADMINISTRATION
GRIEVANCE PROCESSES

GRIEVANCE PROCEDURE A

Occurrence of Grievance

Within five (5) working days

STEP 1 — **Employee and Immediate Supervisor Discuss Problem**

Within five (5) working days

Immediate Supervisor's Verbal Response Due

Within five (5) working days

STEP 2 — **Employee Presents Written Grievance to Next Level Supervisor**

Within five (5) working days

Next Level Supervisor's Response Due

Within five (5) working days

STEP 3 — **Employee Appeals Grievance to Division Director**

Within ten (10) working days

Division Director's Decision Due

Within five (5) working days

FINAL DECISION — **Employee Appeals Grievance to Secretary of Administration**

Within ten (10) working days

Final Decision of Secretary of Administration

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KANSAS DEPARTMENT OF ADMINISTRATION
GRIEVANCE PROCESSES

GRIEVANCE PROCEDURE B

Occurrence of Grievance

Within five (5) working days

Employee and Human Resources Manager (or Agency EEO Coordinator) Discuss Problem

Within ten (10) working days

Human Resources Manager's (or Agency EEO Coordinator's) Response Due

Within five (5) working days

Employee Appeals Grievance to Secretary of Administration

Within ten (10) working days

Final Decision of Secretary of Administration

Adam C. Proffitt

Adam C. Proffitt, Secretary
Department of Administration

03-27-2023

Date

Rev 7-01-19