

# Grievances - Frequently Asked Questions

## What is the definition of the term "grievance"?

A grievance is a formal complaint filed by an employee (or group of employees) that alleges discrimination, noncompliance with the Arizona Department of Administration (ADOA) Personnel Rules, or other work related matters that directly and personally affect the employee or group of employees.

## What is the purpose of a grievance procedure?

The grievance procedure is designed to provide employees with a systematic and equitable review of complaints and grievances. This procedure enables employees to seek resolutions to concerns and problems through a formal written procedure after informal attempts have proven unsatisfactory.

## Who can file a grievance?

Employees covered by the ADOA Personnel Rules can file a grievance. The grievance procedure does not apply to uncovered employees or employees who have resigned or are terminated from state service.

## What types of issues are subject to the grievance procedure?

Grievable issues may include (but are not limited to) the following:

- Allegations of discrimination
- Allegations of non-compliance with the ADOA Personnel Rules
- Supervisory practices considered improper or unfair
- Safety, health, working conditions, materials and equipment
- Performance reviews
- Memos of concern, disciplinary actions such as reprimands or suspensions of up to 40 hours

## What issues are not grievable?

- a. The grievance procedure shall not apply to any matter for which another method of review is provided, including but not limited to:
  - Retirement, Life Insurance, or Health Insurance
  - Suspension for more than 40 working hours, demotion, or dismissal resulting from disciplinary action
  - Any examination, certification, or appointment
  - Any classification action
  - Any Reduction in Force (RIF) action.
- b. An employee may not submit a grievance challenging the following management rights but may submit a grievance for the manner of their administration, insofar as they personally affect the employee:
  - The agency's right to direct its employees
  - The agency's right to hire, promote, transfer, assign and retain employees

- The agency's right to maintain efficiency of government operations and to determine the methods, means, and personnel by which these operations are to be conducted
- The receipt of a performance decrease, the non-receipt of a performance increase or special performance award, the amount of any increase or decrease, or the use of any job related supplemental rating factors to determine the amount of an increase, decrease, or special performance award
- Matters that are not subject to the control of the director of your agency.

### **What is the purpose of requiring an oral pre-grievance discussion prior to filing a grievance?**

The ADOA Personnel Rule requires an employee to have an oral discussion with his or her immediate supervisor prior to initiating a formal, written grievance, to allow issues to be resolved at the lowest level. Employees and supervisors must make every possible effort to communicate with one another to work toward an equitable solution. If the employee fails to take this step, the grievance will not be accepted through the formal grievance procedure.

### **How can an employee file a grievance?**

An employee should consult with their agency Human Resources Office in regard to securing a copy of the agency grievance procedure, required forms and timelines.

### **Can an employee bring a representative to meetings scheduled by management?**

With the exception of the mandatory pre-grievance oral discussion, a representative of the employees choosing can attend meetings determined necessary by management during the course of the grievance process.

### **Can an employee work on their grievance while at work during normal business hours?**

Employees filing a grievance are allowed a reasonable amount of time to prepare the grievance. Time off from regularly assigned duties to prepare a grievance requires supervisory approval subject to the operational needs of the unit. Consult with your agency Human Resources Office for additional information.

### **Is there a time limit for filing a grievance?**

The grievance must be filed in writing within 10 working days after the occurrence of the action being grieved. If a suspension of less than 40 hours is being grieved, the date of the occurrence is the first day of the suspension. The agency policy will indicate the timeframes established for each step of the process. Consult with your agency Human Resources Office for additional information.

### **How much time does my agency management have to respond to my grievance?**

The agency policy will indicate the timeframes established for agency management to respond at each step in the process. The agency head is required to respond to the grievant not later than 40 working days after the receipt of the grievance at the first step. Within the 40 working day period, the time for any step may be extended in accordance with the agency policy. Consult with your agency Human Resources Office for additional information.

### **What if I want to amend my grievance after it's been submitted?**

Once a grievance is referred to any step beyond the immediate supervisor, it may not be amended. If additional documentation is submitted by the grievant after the initiation of the grievance, the reviewing authority may remand the grievance to the appropriate previous level for reconsideration. It is the employee's responsibility to provide documentation to support the allegations raised in the grievance.

### **Will my grievance remain confidential?**

Except as provided by A.R.S. 39-128 (see below), the preparation, submittal, review and response to a grievance are confidential. Correspondence regarding a grievance should be handled in a confidential manner and envelopes containing grievance materials should be clearly labeled "confidential." No reference to the complaint shall be included in the employee's official personnel file.

A.R.S 39-128 requires disciplinary actions, including responses to the disciplinary action to be open to inspection and copying, unless prohibited by law. Employee grievances subject to release under this statute are limited to grievances filed in response to a letter of reprimand or suspension of 40 hours or less. Any grievance released under this statute shall have personal or identifying characteristics or confidential information redacted prior to release.

### **Are there provisions in place to prohibit retaliation against an employee for filing a grievance?**

Yes. The purpose of the grievance procedure is to ensure a systematic and fair review of employee complaints. The ADOA Personnel Rules prohibit any person from directly or indirectly using any official authority or influence in any manner to discourage this action or any other right granted under the law or the ADOA Personnel Rules.

### **Can I withdraw my grievance at any time during the process?**

Yes, you may withdraw your grievance at any time during the process.

### **Who should I contact if I have more questions or wish to file a grievance?**

Contact your agency Human Resources Office for more information about the grievance process.