

3.15 EMPLOYEE GRIEVANCE RESOLUTION POLICY**I. OBJECTIVE**

The purpose of this policy is to provide guidance and establish procedures for managing the agency grievance process as set forth in Subchapter 19 of the Merit Rules (455:10-19). The procedures provide standards for the prompt and equitable resolution of grievances at the lowest possible level within the agency.

This policy shall apply to classified employees only; however an unclassified employee may file a formal grievance regarding discrimination, other prohibited harassment, PMP, leave, or violation of the Whistle Blower Statute (See [3.14 Policy Prohibiting Discrimination](#)).

II. AGENCY GRIEVANCE MANAGER

The agency will appoint a Grievance Manager. The Agency Grievance Manager is the contact for all employees of the agency and provides direction regarding the grievance process and will accept or reject formal grievances. The Agency Grievance Manager does not give opinions as to the merits of a possible grievance.

III. GRIEVANCE RESOLUTION PROCESS

The Oklahoma Corporation Commission internal grievance resolution process set forth in this policy is in accordance with the Oklahoma Merit Rules for Employment (455:10-19). The Oklahoma Corporation Commission grievance resolution process consists of three steps: (1) informal discussion between the employee and the immediate supervisor, or lowest level supervisor with the authority to resolve the grievance, (2) the formal grievance, and (3) internal appeal. Grievances should be promptly and informally resolved at the lowest possible level of supervision and in a manner least disruptive to the work place.

Step One – Informal Discussion

- A. To initiate a grievance, the employee must either orally notify his or her immediate supervisor, or, must orally notify the immediate supervisor and the grievance manager of a grievance. [An employee must initiate the informal, and formal grievance if necessary, within 20 calendar days from the date of the act complained of in accordance with Merit Rule 455:10-19-42.] It is the responsibility of the employee and supervisor (and grievance manager if selected) to attempt to find resolution at this first level.
- B. If the grievance is resolved at the first level, the supervisor and employee will sign a written statement and the grievance resolution process is ended.

- C. If the employee and the supervisor (or the grievance manager if utilized) are unable to resolve the grievance through discussion, the supervisor will provide a written response to the employee. At this time, the employee may proceed to Step Two – Formal Grievance.

Step Two – Formal Grievance

- A. An employee must use the Internal Agency Grievance Resolution Form, [MPC-900](#) to file a formal grievance. The employee must file the completed [MPC-900](#) with the agency grievance manager within 20 calendar days from the date of the act complained of as set forth by Merit Rule 455:10-19-42. A copy of the supervisor's written response regarding the informal discussions must be attached to the form.
- B. An employee has the right to be represented by a person of his or her own choosing at each step of the internal 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 approved leave without pay while working on the grievance.
- C. The statement of grievance must describe the cause of the grievance and other descriptive information, such as date and place of the occurrence or date the employee became aware of the matter; names of those involved or having knowledge of the matter; laws, rules, or policies violated; description of the actions taken to resolve the complaint informally; and proposed remedy. See 455-10-19-43.
- D. The supervisor will investigate the grievance, conduct a face-to-face meeting or telephone conversation with the grievant, consult with Human Resources, and render a decision by placing the written decision in certified mail or personally providing it to the employee within twenty (20) calendar days from date of receipt of the grievance. A copy of the decision will be provided to the agency grievance manager.

Step Three – Internal Appeal Process

- A. If the employee does not agree with the grievance decision of his supervisor in Step Two, the employee may file an appeal within five (5) calendar days of receipt of the written decision from the immediate supervisor. To appeal, the employee will submit a copy of the grievance and the written decision of Step Two to the Division Director with a cover sheet explaining the reason(s) the employee disagrees with the decision of the immediate supervisor. If no

Division Director position is in the chain of command, the appeal will be submitted to the Human Resources Director.

- B. The appeal decision will be rendered in writing within ten (10) calendar days of receipt of the appeal and will be placed in certified mail addressed to the employee or personally provided to the employee.
- C. The internal grievance process will be completed within 45 calendar days from the date the Grievance Manager received the formal grievance. Additional time may be granted in accordance with Merit Rule 455:10-19-44.
- D. A copy of the appeal decision will be provided to the agency grievance manager.

IV. RIGHT TO APPEAL

The employee may appeal the final resolution of the Division Director/Human Resources Director to the Merit Protection Commission in accordance with Merit Rule 10-19-46 and 10-19-47.