



Administrative Policy No. 18.61

Title: Employee Grievance

Applies To: All Department of Social and Health Services Classified Employees Not Subject to a Collective Bargaining Agreement

Information Contact: DSHS Human Resources

Effective Date: July 1, 2005

Revised: August 20, 2012

Approved By: original signed by Glen G. Christopherson
Senior Director, DSHS Human Resources

Purpose:

The Department of Social and Health Services (DSHS) encourages informal problem resolution between employees and managers at the earliest opportunity and at the lowest level. This policy provides a formal process for problem resolution in the event an employee's dispute is not resolved in an informal manner.

Scope:

This policy applies to all classified employees in DSHS who are not covered by a Collective Bargaining Agreement.

This policy covers only those actions for which the office has authority to make decisions, including Oral and Written Reprimands. Actions outlined in WAC 357-52 are not subject to this grievance procedure.

Definition:

Grievance: Any employee concern or dispute relating to conditions of employment, state or federal law, the Washington Administrative Code, OFM regulations, or agency policy or practice raised by an employee with standing. An employee with standing is one who is affected directly by the concern or dispute. A grievance may be filed regardless of any supervisor's opinion of the validity of the complaint.

Policy:

An employee cannot file a grievance if he or she is pursuing the dispute through another formalized process such as an appeal filed under WAC [357-52](#) or a discrimination or sexual harassment complaint filed under state or federal statute.

An employee should not file a grievance under this policy if they have a discrimination or sexual harassment complaint. Complaints regarding discrimination and sexual harassment should be filed under [Administrative Policy 18.66 – Discrimination and Harassment Prevention](#).

Sensitive/confidential information contained within a grievance will be treated confidentially to the extent possible and allowed by law.

Retaliation against an employee for filing a grievance under this policy is prohibited.

Process:

1. Step 1

- a. If a dispute is not resolved informally, the employee may present a written grievance to the Appointing Authority/Designee, with a copy to the local DSHS Human Resources Office, within 15 calendar days as described in Section B.5.
- b. The Appointing Authority/Designee will meet with the employee, in person or by telephone, within 15 calendar days after receipt of the grievance. During the Step 1 meeting, the employee shall present all known facts.
- c. The Appointing Authority/Designee will present a written decision to the employee within 15 calendar days after the meeting.
- d. If the Appointing Authority/Designee is the cause of the grievance, the employee may submit the written grievance to the next higher management level.

2. Step 2

- a. If the grievance is not resolved at Step 1, the employee may move the grievance to Step 2 by filing it with the Office of the Secretary, with a copy to DSHS Human Resources, Labor Relations Unit in Olympia within 15 calendar days after receipt of the Step 1 decision.
- b. The Secretary/Designee will meet with the employee, in person or by telephone, within 15 calendar days after receipt of the grievance. A final decision is due to the employee within 15 days after the meeting.
- c. Under this policy, the decision of the Secretary/Designee is final.

A. Content

A grievance must be submitted in writing and include the following information:

1. The date when the alleged violation occurred.

2. The specific violation(s) and a description of the facts upon which the grievance is based.
3. The specific remedy requested.
4. The steps taken by the employee to informally resolve the grievance:
 - a. The individuals involved in the attempted resolution.
 - b. The results of such discussions.
5. The name(s) and signature(s) of the aggrieved employee(s).
Unless mutually agreed upon by the Appointing Authority/ Designee at Step 1, or the Secretary/Designee at Step 2, new allegations or remedies cannot be added to a grievance that has already been filed.

B. Timeframes

1. Timelines in this policy must be strictly adhered to unless mutually modified in writing.
2. Calendar days are counted by excluding the first day and including the last day of the timeframe. When the last day falls on a Saturday, Sunday or holiday, the last day is the next business day.
3. Failure by the employee to comply with the timeframes will result in the automatic withdrawal of the grievance.
4. Failure by the Appointing Authority/Designee to comply with the timeframes will entitle the employee to move the grievance to the next step in the process.
5. A grievance must be filed within 15 calendar days of the occurrence causing the employee to feel aggrieved, or the date the employee knew or could reasonably have known of the occurrence.
 - a. During the 15 day period both parties will attempt to informally resolve the dispute.
 - b. Attempts at informal resolution shall include discussions with a management representative who has the authority to resolve the issue.
 - c. The employee shall notify the appropriate management representative that the discussion relates to an issue for a potential grievance, and that the employee is attempting to resolve it at the lowest level.

C. Grievance Resolution:

1. If the Appointing Authority/Designee provides the requested remedy or a mutually agreed-upon alternative, the grievance will be considered resolved and will not move to the next step.
2. The employee may withdraw a grievance at any time.
3. If the process has concluded, or the grievance is withdrawn, it cannot be resubmitted on the same issue based on the same facts.

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