



TITLE	POLICY NUMBER	
Covered Employee Grievance Policy	DCS 04-20	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Human Resources	May 5, 2017	1

*This policy does not create a contract for employment between any employee and the Department. Nothing in this policy changes the fact that all uncovered employees of the Department are at-will employees and serve at the pleasure of the appointing authority.*

## I. POLICY STATEMENT

The Arizona Department of Child Safety (DCS) is committed to providing a process for covered employees to submit grievances pertaining to formal disciplinary actions.

This policy ensures a systematic and fair review of grievances with the goal of resolving grievances at the lowest possible administrative level. An informal attempt at resolution shall be completed prior to initiating the formal resolution process.

Disciplinary actions that may be the subject of a grievance range from a written reprimand to suspensions of 80 working hours or less that are non-appealable. Complaints alleging unlawful discrimination, harassment, or retaliation must be submitted under the DCS [Equal Employment Opportunity](#) policy.

## II. APPLICABILITY

This policy applies to all covered Department employees.

## III. AUTHORITY

<a href="#">A.R.S. §41-741</a>	Definition
<a href="#">A.R.S. §41-742</a>	State personnel system; covered and uncovered employees; application; exemptions
<a href="#">A.R.S. §41-743</a>	Powers and duties of the director (ADOA)
<a href="#">A.A.C. R2-5B-401</a>	Applicability

[A.A.C. R2-5B-402](#) Grievance System

[A.A.C. R2-5B-403](#) Grievance Procedures

#### IV. DEFINITIONS

Business Day: The hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding observed state holidays.

Covered Employee: An employee who, before September 29, 2012, is in the state service, is not uncovered pursuant to [A.R.S. §41-742](#), and has remained in covered status without a break in service since that date.

Department or DCS: The Arizona Department of Child Safety.

Director: The Director of the Arizona Department of Child Safety.

Grievance Coordinator: The designated employee within the Department who is responsible for reviewing grievance requests to determine applicability under the grievance system, issuing Grievance Tracking Numbers, and tracking the grievance throughout the process.

Grievant: The employee who files the grievance.

Step I or Step II Responding Authority: The member of the management team who responds to the employee grievance at the respective step. For example, the Administrator or equivalent at Step I or the Department Director or designee at Step II.

Supervisor: The first line supervisor of the employee.

#### V. POLICY

##### A. Confidentiality

1. Except as provided by [A.R.S. §39-128](#), the preparation, submittal, review, and response to a grievance are confidential.
  - a. Copies of written responses sent at each step of the procedure are limited to respondents at the preceding steps, the Director or the Director's designee, the Department's Grievance Coordinator, and the Department's Chief Human Resources Officer (CHRO) unless

it is necessary to notify additional personnel based on the response requiring another individual to act;

- b. Correspondence regarding a grievance shall be handled in a confidential manner, and envelopes containing grievance material(s) shall be clearly labeled "confidential".
  - c. No reference to the grievance shall be included in the covered employee's official personnel file.
2. Unless otherwise prohibited by law, [A.R.S. § 39-128](#) requires disciplinary actions to be open to inspection and copying. This includes the employee responses to the disciplinary action.
- a. Covered employee grievances subject to release under [A.R.S. § 39-128](#) are limited to grievances filed in response to a letter of reprimand or suspensions of 80 hours or less.
  - b. Any grievance released under this statute shall have personal or identifying characteristics or confidential information redacted prior to release.

#### B. Use of Official Authority

No person shall directly or indirectly use any official authority or influence, in any manner, to discourage the use of this procedure. Any person found to have acted in a manner to discourage the use of this procedure may be subject to discipline.

#### C. Issues that are not Subjects of a Grievance

- 1. A summary of issues which cannot be addressed through this procedure include but are not limited to:
  - a. retirement issues;
  - b. life insurance or health insurance issues;
  - c. any classification action;
  - d. any recruitment, selection, or appointment;
  - e. any compensation action;
  - f. a suspension for more than 80 work hours, demotion, or dismissal;

- g. a complaint alleging discrimination or harassment; or
- h. any reduction in force action.

2. An employee may not submit a grievance challenging the following management rights:
  - a. the agency's right to direct its employees;
  - b. the agency's right to hire, promote, transfer, assign, and retain employees;
  - c. 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.

#### D. Mandatory Oral Discussion

1. In accordance with [A.A.C. R2-5B-403 \(2\)](#), the covered employee shall have an oral discussion with the immediate supervisor (or designee, in the immediate supervisor's absence).
  - a. The oral discussion shall take place within ten business days after the occurrence of the action being grieved.
  - b. The date of occurrence is the date on which the written reprimand was received by the covered employee or the first day of the suspension, if a suspension is being grieved.
  - c. The date of occurrence is not counted in the ten business days.
  - d. The mandatory oral discussion shall occur prior to initiating a formal grievance to the Step I responding authority. If the covered employee fails to take this step, the grievance will not be accepted through the formal grievance procedure.
2. The immediate supervisor (or designee in the immediate supervisor's absence) shall ensure that the employee's request to engage in the oral discussion is scheduled in a timely manner and shall not impede or interfere with the ten-business day requirement.
3. The covered employee shall clearly state to the immediate supervisor the covered employee's intentions of filing a formal grievance, the issue(s) involved, and the requested resolution. The purpose of the meeting is for both parties to explore the issues and the requested resolution.

4. The covered employee shall ensure that the Step I grievance is submitted within ten business days after the occurrence of the action being grieved.

E. Amendments

Once a grievance is submitted to the Step I responding authority, it may not be amended. If additional documentation is submitted by the grievant after the initiation of the grievance, the responding authority may remand the grievance to the appropriate previous level for reconsideration.

F. Representation

At any step of the grievance procedure after the mandatory oral discussion, the covered employee may select one representative to provide advice and/or speak for the covered employee at any meetings determined necessary by management in the course of the grievance process.

1. If a representative is chosen, the representative shall be identified on the grievance form.
2. A state employee who serves as a representative is required to request and obtain prior approval for annual, holiday, or compensatory leave for any time to represent a covered employee.
3. All documents containing DCS information shall be redacted, as appropriate, prior to becoming part of the grievance process.

G. Preparation Time

During the entire formal grievance process, the covered employee shall not use state time or state property to prepare a grievance, prepare for a meeting with agency management, or to meet with a representative. Subject to supervisory approval and the operational needs of the Department, the covered employee may request available compensatory, holiday, or annual leave for this purpose.

H. Procedural Time Limits, Extensions, and Signature

1. The covered employee's time limit for submitting a grievance to the Step I responding authority is ten business days after the occurrence of the action being grieved as defined in section V(D) of this policy.
2. The covered employee shall have five business days after receipt of a response to forward the grievance to the next step.

- a. When forwarding a grievance to the next step, the covered employee must state the reason that the response at the previous level was not satisfactory, and sign the grievance.
  - b. Extensions may be requested at any step throughout the formal grievance process and must be agreed upon by the responding authority.
  - c. If at any step, the grievance is not forwarded within the prescribed time frame and no extension has been agreed upon, the grievance shall be closed and may not be re-filed at a later date.
3. The responding authority shall respond to the covered employee grievance within ten business days from receipt of the grievance.
    - a. Extensions may be requested at any step throughout the formal grievance process and must be agreed upon by the covered employee.
    - b. If at any step, the grievance is not responded to within the prescribed time frame and no extension has been agreed upon, the covered employee may elevate the grievance to the next step.
  4. All grievances must be fully completed within 30 business days after receipt of the grievance at Step I. If an extension is agreed upon, the time frame is extended to 30 business days plus the extension time period.

## **VI. PROCEDURES**

### **A. Grievance Procedures**

1. When the covered employee's concerns with a written reprimand or suspension of 80 working hours or less cannot be satisfactorily resolved through the oral discussion, the covered employee shall:
  - a. prepare a written grievance by completing a Covered Employee Grievance form;
  - b. state specific facts on the Covered Employee Grievance, Action Schedule section, Step I, attach a copy of the disciplinary letter and any other appropriate documentation, clearly state the proposed specific resolution, and sign and date the grievance form.

2. Submit a copy of the completed grievance form and a copy of the disciplinary letter to the Grievance Coordinator at 3003 N. Central Avenue, 19<sup>th</sup> Floor, Site Code C010-19, Phoenix, AZ 85012. Upon receipt of an employee grievance, the Grievance Coordinator shall verify that:
  - a. the issue is a matter that may be the subject of a grievance;
  - b. the time frames have been met; and
  - c. the mandatory oral discussion has been attempted.
3. If all criteria have been met, the grievance coordinator shall assign a Grievance Tracking Number and contact the covered employee.
  - a. The Grievance Coordinator shall ensure the processing of the grievance does not impede or interfere with the covered employee's time frames.
  - b. The covered employee shall write the Grievance Tracking Number at the top of the original grievance form and forward the completed original grievance form, disciplinary letter, and all supporting documentation to the Step I responding authority within ten business days from the date of the action being grieved.
4. If the grievance does not meet the criteria, the grievance coordinator shall indicate the reasons on the grievance form and sign and return the grievance form to the covered employee, and the grievance process shall cease.

B. Step I

1. The Step I responding authority is the Administrator or equivalent. If the Step I responding authority is the issuing authority of a disciplinary action, the Deputy Director shall be the Step I responding authority.
2. The Step I authority shall:
  - a. review the grievance and issue a written response (Step I Grievance Response) to the covered employee within ten business days from the date of receipt of the grievance;
  - b. provide a copy of the grievance response to the Grievance Coordinator;

- c. return all original grievance documents to the covered employee.
3. If the covered employee is dissatisfied with the Step I response, the covered employee has five business days from the date of receipt of the Step I response to elevate the grievance to the Step II responding authority (Department Director or Designee). The covered employee shall:
- a. submit a signed cover memo to the Step II responding authority, which specifically states the reason the Step I response is unsatisfactory;
  - b. sign the grievance form (Covered Employee Grievance, Action Schedule section, Step II);
  - c. attach the entire original grievance packet to the cover memo;
  - d. submit the original grievance packet to the Step II responding authority;
  - e. notify the Grievance Coordinator that the grievance has been elevated to Step II.

C. Step II (Final Step)

1. The Step II responding authority is the Department Director or Designee. The Department Director or Designee shall:
- a. review the grievance and issue a written response (Step II Grievance Response) to the covered employee within ten business days from the date of its receipt;
  - b. provide a copy of the grievance response to the Grievance Coordinator;
  - c. return all original grievance documents to the covered employee.
2. Step II is the final step in the grievance process.

- D. For any questions related to this policy, covered employees may contact the Department's Grievance Coordinator at [EmployeeRelations@azdcs.gov](mailto:EmployeeRelations@azdcs.gov).

## VII. FORMS INDEX

[Covered Employee Grievance \(DCS-1005A\)](#)

[Covered Employee Grievance Step I Grievance Process \(DCS-1005B\)](#)

*Covered Employee Grievance Step II Grievance Response (DCS-1005C)*