

Kansas Department of Agriculture Grievance Policy & Procedure

Applicability

The Grievance Policy & Procedure for the Kansas Department of Agriculture (the "Department") will be posted on all official Department bulletin boards and will be available for review and use by all Department employees. The availability of this Grievance Policy & Procedure will not be interpreted as granting any additional rights under the Kansas Civil Service Act, K.S.A. 75-2901 *et seq.* and any amendments thereto.

Copies of the Grievance Policy & Procedure will be made available upon request to any Department employee, along with the standard form for processing grievances.

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 will in no way reflect on an employee's good standing with the Department. If any employee believes he or she is being subjected to one of the above actions, a separate grievance should be filed directly with the Secretary of the Department. Wherever this grievance procedure provides for any grievance to be taken to the Secretary, 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 of "Grievance"

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

A grievance does 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 an appeal procedure is established under appropriate Kansas Statutes or Regulations.

Alternate Grievance Procedures

Grievances will be redressed by the process outlined below 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 orientation, gender, gender identity or expression, sexual harassment, military or veteran status, disability status, marital or family status, genetic information, or political affiliation. This process is outlined below in "**Grievance Procedure B**". In addition to the right to file an appropriate grievance under this alternate procedure, employees may have the right, under applicable law, to file civil rights complaints with appropriate enforcement agencies.

General Provisions

An aggrieved employee (the "grievant") must represent himself or herself at all steps of the grievance procedure. Another person employed within the Department may be selected by the grievant to assist him

or her at each step of the procedure at the grievant's discretion, provided that the selected employee agrees to assist. The grievant and the selected employee will be allowed time off during working hours to meet with the grievant's immediate supervisor or other appropriate supervisor or designee for the applicable step of the procedure, as long as such absence does not create undue hardship regarding the completion of work.

Meetings held at each step of the grievance procedure will, wherever possible, take place during regular working hours. When unusual circumstances require meetings outside regular working hours, they will be mutually agreed upon in writing, and time spent on such meetings or time spent outside regular office hours on other work on the grievance, will not be considered as time on duty for pay purposes.

Failure of the Department to reply to any grievance within the time limits specified grants the grievant the opportunity to take the grievance to the next step in the grievance procedure. If a grievant fails to appeal from one step to the next step within the time limits specified, the grievance will 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 that the grievant's immediate supervisor or other appropriate supervisor or designee for the applicable step of the procedure is not available to process a grievance, a designee will be appointed to serve instead.

At any step in the grievance procedure, if either party (the grievant or the immediate supervisor or other appropriate supervisor or designee for the applicable step of the procedure) believes that an extension of the time limit for action is required, the party may request of the Division or Program Manager (the "Manager") an extension of the time limit.

Employees covered by an approved Memorandum of Agreement that includes a grievance procedure may elect (if eligible under the terms of such agreement), at the time when a grievance is first filed, to be covered by either the provisions of such Memorandum of Agreement or by the grievance procedure herein. This decision cannot be changed at a later time.

GRIEVANCE PROCEDURE A

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

Step 2: If the response of the immediate supervisor in Step 1 is unsatisfactory to the grievant and does not settle the issue, the grievant may complete a standard grievance form furnished by the Department's Human Resources Office and present the completed and signed form to the grievant's immediate supervisor's supervisor within five (5) working days after the date on which the grievant's immediate supervisor's response was due. This higher-level supervisor will provide opportunity for discussion and review and will respond in writing on the standard form within five (5) working days after receipt of the standard grievance form from the grievant.

Note: In situations involving a particular grievance where there is no Step 2 supervisory level in the grievant's Division or Program, the grievance procedure will proceed from Step 1 to Step 3. In such a case, the grievant 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 grievant and does not settle the issue, the grievant may appeal by sending a copy of the completed standard grievance form to the grievant's Manager within five (5) working days of the date the Step 2 response was due. The Manager will investigate the matter and will then meet with the grievant and whatever levels of the grievant's supervision the Manager deems appropriate. The Manager will use any means at his or her disposal to satisfactorily settle the grievance. If settlement is not possible, the Manager will respond in writing on the standard grievance form within ten (10) working days of the date on which the Manager received the grievance.

Final Decision: Grievances which have not been resolved in Step 3 may be appealed to the Secretary by sending a copy of the completed standard grievance form within five (5) working days after the response of the Manager.

The Secretary will take such actions as deemed necessary and decide the matter. This decision will be transmitted in writing to the grievant and all supervisory levels involved in the grievance procedure, within ten (10) working days from the date the grievance was brought to the Secretary. This decision will be final and not subject to further appeal unless further appeal is provided by Kansas Statute or Regulation. (The foregoing sentence does not abridge rights to file complaints with appropriate civil rights enforcement agencies.)

GRIEVANCE PROCEDURE B

Step 1: Any employee of the Department who believes that he or she has a grievance involving discrimination on the basis of race, color, ancestry, national origin, religion, age, sex, sexual orientation, gender, gender identity or expression, sexual harassment, military or veteran status, disability status, marital or family status, genetic information, or political affiliation must take up the matter orally with the Department's Human Resources Director (the "Director") within five (5) working days of its occurrence. The Director will provide an opportunity for full discussion of the grievance with the grievant. The Director will then attempt to adjust the matter by working with the grievant's Manager and will respond orally to the grievant within ten (10) working days of the date on which the grievant first brought the grievance to the Director's attention.

Final Decision: If the response of the Director in Step 1 is unsatisfactory to the grievant and does not settle the issue, the grievant may complete a standard grievance form furnished by the Department's Human Resources Office and send a completed and signed form to the Secretary within five (5) working days after the response from the Director.

The Secretary will make a determination and take such actions as deemed necessary and decide the matter. This decision will be transmitted in writing to the grievant the Manager, and the Director within ten (10) working days from the date the grievance

was brought to the Secretary. This decision shall be final and not subject to further appeal unless further appeal is provided by Kansas Statute or Regulation. (The foregoing sentence does not abridge rights to file complaints with appropriate civil rights enforcement agencies, as may be provided by applicable law.)

Procedural Responsibility

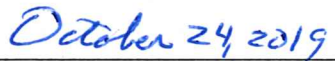
Managers are responsible for proper administration of Grievance Procedure A as it pertains to employees in their respective Divisions and Programs. Managers are also responsible for recommending procedural improvements to the Secretary.

The Director is responsible for proper administration of Grievance Procedure B. The Department's Human Resources Office will be responsible for training supervisors and Managers in proper administration of the Grievance Procedure.

Each Manager is responsible for filing an annual report, for the past fiscal year, on the number and subjects of grievances and the level at which they were resolved within Grievance Procedure A. The Director is responsible for the same regarding Grievance Procedure B. One copy of each type of annual report is to be filed with the Director and one copy is to be maintained for three years in the agency's affirmative action file.



Michael M. Beam, Secretary of Agriculture



Date

Revised: 10/19