

Part 3

Grievance Procedures

67-19a-301 Charges submissible under grievance procedure.

- (1) This grievance procedure may only be used by career service employees who are not:
 - (a) public applicants for a position with the state's work force;
 - (b) public employees of the state's political subdivisions;
 - (c) public employees covered by other grievance procedures; or
 - (d) employees of state institutions of higher education.
- (2)
 - (a) Whenever a question or dispute exists as to whether an employee is qualified to use this grievance procedure, the administrator shall resolve the question or dispute.
 - (b) The administrator's decision under Subsection (2)(a) is reviewable only by the Court of Appeals.
- (3) Any career service employee may submit a grievance based upon a claim or charge of injustice or oppression, including dismissal from employment, resulting from an act, occurrence, omission, or condition for solution through the grievance procedures set forth in this chapter.
- (4) A reporting employee who desires to bring an administrative claim of retaliatory action shall use the grievance procedure described in Section 67-19a-402.5.

Amended by Chapter 427, 2013 General Session

67-19a-302 Levels of procedure.

- (1) A career service employee may grieve the issues specified under Subsection 67-19a-202(1)(a) to all levels of the grievance procedure described in Section 67-19a-402.
- (2)
 - (a) A career service employee may grieve all other matters only to the level of the department head.
 - (b) The decision of the department head on a matter under Subsection (2)(a) is final and may not be advanced to the office.
- (3) In accordance with Section 67-19a-402.5, and subject to Section 67-21-4, a reporting employee may file directly with the office a grievance alleging retaliatory action.

Amended by Chapter 427, 2013 General Session

67-19a-303 Employees' rights in grievance procedure.

- (1) For the purpose of submitting and advancing a grievance, a career service employee, or a reporting employee alleging retaliatory action, may:
 - (a) obtain assistance by a representative of the employee's choice to act as an advocate at any level of the grievance procedure;
 - (b) request a reasonable amount of time during work hours to confer with the representative and prepare the grievance; and
 - (c) call other employees as witnesses at a grievance hearing.
- (2) The state shall allow employees to attend and testify at the grievance hearing as witnesses if the employee has given reasonable advance notice to the employee's immediate supervisor.
- (3) No person may take any reprisals against a career service employee or a reporting employee for use of a grievance procedure described in this chapter.

- (4)
- (a) The employing agency of an employee who files a grievance may not place grievance forms, grievance materials, correspondence about the grievance, agency and department replies to the grievance, or other documents relating to the grievance in the employee's personnel file.
 - (b) The employing agency of an employee who files a grievance may place records of disciplinary action in the employee's personnel file.
 - (c) If any disciplinary action against an employee is rescinded through the grievance procedures described in this chapter, the agency and the Department of Human Resource Management shall remove the record of the disciplinary action from the employee's agency personnel file and central personnel file.
 - (d) An agency may maintain a separate grievance file relating to an employee's grievance, but shall discard the file after three years.

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