Department of Military and Veterans Affairs Regulation 690-7

Technician Personnel

STATE GRIEVANCE PROCEDURE

The Adjutant General
Centennial, Colorado
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UNCLASSIFIED
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The Adjutant General

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Department of Military and Veterans Affairs
Office of the Adjutant General
Centennial, Colorado 80112-6709
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Colorado National Guard, State Grievance Procedure, For Title 32 Excepted and Non-Dual Status Technicians

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By Order of the Governor:

H. MICHAEL EDWARDS, Maj. Gen., COANG
The Adjutant General

History: This regulation outlines responsibilities and established policies and procedures for filing a grievance, when the grievance is outside the scope of the negotiated procedure.

Applicability: This regulation is applicable to all Title 32 Excepted and Non-Dual Status Technicians, who are excluded from the recognized bargaining units of the Colorado National Guard, under the jurisdiction of the Adjutant General, State of Colorado.

Proponent: The proponent of this regulation is the Colorado Human Resources Office, Labor Relations Specialist (COHRO/LRS).

Supplementation: Supplements to this regulation are not authorized.

Suggested Improvements: Users are invited to send comments to the Department of Military and Veterans Affairs, Attn: HRO/LRS, 6848 South Revere Parkway, Centennial, Colorado 80112-6709. (Stop REV)

Distribution and Restrictions: Approved for public release. Distribution is unlimited.

TABLE OF CONTENTS

	PARAGRAPH	PAGE
Chapter I **General**		
Applicability	1-1	4
Purpose	1-2	4
Chapter II **Informal Stage**		
Presentation of Grievances	2-1	4
Informal Grievance Procedure	2-1	4
Chapter III **Formal Stage**		
Formal Grievance Procedure	3-1	4
Processing Formal Grievance	3-2	5
Chapter IV **Cancellation**		
Cancellation of Grievances	4-1	5
Chapter V **Exclusions**		
Exclusions	5-1	5
Chapter VI **Decision Levels**		
Decision Levels	6-1	5
Chapter VII **Grievance Steps**		
Grievance Steps	7-1	6
Step 1	7-2	6
Step 2	7-3	6
Step 3	7-4	6
Step 4	7-5	6
Chapter VIII **Flow Chart**		
Flow Chart	8-1	7

Chapter I
General

1-1. APPLICABILITY: This State Grievance Procedure Regulation is applicable to the following:

a. All Title 32 Technician employees of the Colorado Air and Army National Guard who are excluded from the recognized bargaining units.

b. All Title 32 Technician employees of the Colorado National Guard (including the bargaining unit members) when the grievance is outside the scope of the negotiated procedure. Examples include: The filling of supervisory positions, grievances filed against personnel outside the decision making process, and all other areas for which an administrative procedure or statutory appeal procedure does not exist.

1-2. PURPOSE: To provide a means for a technician or group of technicians to seek personal relief in a matter of concern or dissatisfaction that is subject to management's control.

Chapter II
Informal Stage

2-1. PRESENTATION OF GRIEVANCES: A Title 32 Technician is entitled to present a grievance under the State grievance system. The State shall accept and process a properly presented grievance in accordance with this regulation. A technician, in processing his/her grievance, is entitled to communicate with and seek advice from:

a. The Human Resources Office (HRO).

b. An Equal Employment Opportunity (EEO) officer or counselor.

c. A counselor of the agency of his designee.

d. A supervisory or management official of higher rank than the technician's immediate supervisor.

2-2. THE INFORMAL GRIEVANCE PROCEDURE:

a. Time limits:

(1) A Technician may present a grievance concerning a continuing practice or condition at any time.

(2) A Technician will present a grievance concerning a particular act or occurrence within fifteen (15) calendar days of the date of the act or occurrence, or the date he/she became aware of the act or occurrence. The State may extend the time limit in this sub-paragraph for good cause shown by the technician.

b. Form of Grievance: A Technician may present a grievance under the informal procedure either orally or in writing.

c. Mandatory Use of the Informal Procedure: The Technician must complete action under the informal procedure before the grievance can be entered into the formal procedure.

d. Responsibilities: Each supervisor shall attempt to adjust or resolve the grievance at the lowest level possible.

Chapter III
Formal Stage

3-1. THE FORMAL GRIEVANCE PROCEDURE:

a. A Technician is entitled to present a grievance under the formal procedure if action has been completed under the informal procedure.

b. The grievance shall:

(1) Be in writing.

(2) Contain sufficient detail to identify and clarify the basis for the grievance, and

(3) Specify the personal relief requested by the Technician.

c. The grievance shall be submitted within ten (10) calendar days after the final decision is rendered under the informal procedure.

3-2. PROCESSING THE GRIEVANCE UNDER THE FORMAL PROCEDURE:

a. A Technician, in presenting a grievance under the State grievance system, shall:

(1) Be assured freedom from restraint, interference, coercion, discrimination, or reprisal.

(2) Have the right to be accompanied, represented, and advised by a representative the employee chooses.

(3) Be assured a reasonable amount of official time in preparing the case.

b. When another Technician of the same agency is designated as a representative, the representative, in presenting the grievance under the State grievance system, shall:

(1) Be assured freedom from restraint, interference, coercion, discrimination, or reprisal.

(2) Be assured a reasonable amount of official time preparation of the case.

Chapter IV
Cancellation

4-1. CANCELLATION OF GRIEVANCES:

a. A grievance will be cancelled under the following conditions:

(1) At the Technician's request.

(2) Upon the termination of the Technician's employment with the organization, unless the personal relief sought by the Technician may be granted after termination of employment.

(3) Upon the death of the Technician unless the grievance involves a question of pay.

(4) For failure to prosecute, if the Technician does not furnish required information and duly proceed with the advancement of the grievance.

Chapter V
Exclusions

5-1. EXCLUSIONS: Technician grievance coverage as outlined herein does not apply to:

a. A matter that is subject to final administrative review outside the State.

b. The content of published agency policy. It may, however, apply to the application and implementation of these policies.

c. Non-selection for promotion from a group of properly ranked and certified candidates.

d. A grievance that has been processed under a grievance procedure negotiated in an agreement under Public Law 95-454, Title VII.

e. An action terminating a temporary promotion within a maximum period of two years and returning the Technician to the position from which temporarily promoted; or reassigning or demoting the employee to a different position that is not at a lower grade or level than the position from which temporarily promoted.

f. Non-adoption of a suggestion or disapproval of a quality salary increase, performance award or other kind of honorary or discretionary award.

g. A preliminary warning or notice of a specific action which, if effected, would be covered under the grievance system (e.g. a notice of a proposed reprimand), or would be excluded from coverage under this section (e.g. an advance warning of an unsatisfactory performance rating). However, a general warning that some unspecified disciplinary action may be taken if certain deficiencies are not corrected would be covered.

Chapter VI
Decision Levels

6-1. DECISION LEVELS: There are four levels of decision that may apply to a grievance under this procedure:

a. The informal grievance shall be handled by the grievant's immediate supervisor, unless the grievance is outside the area of responsibility and authority of the supervisor.

Then it should be presented to the immediate supervisor in the channel who has the authority and responsibility for the action.

b. If the grievance is not resolved in the informal stage, the grievant may enter the formal stage and the decision level moves upward to the next higher level of supervision than in the informal stage.

c. The deciding official at each decision level shall attempt to resolve the grievance. If resolution cannot be achieved, the deciding official shall immediately forward all documentation and supporting information to the next decision level official.

d. If resolution has not been achieved by the end of Step 3, (See Chapter VII for Step procedures), the documentation package shall be forwarded to the Human Resources Office (HRO), 6848 South Revere Parkway, Centennial, Colorado, 80112-6703, for procurement of a hearing examiner (if desired by the grievant) and referral to the Adjutant General for final decision.

e. The State will give prompt, full, and impartial consideration to each grievance. Unless delays beyond the control of either the grievant or the decision level supervisor makes the final decision impossible, all grievances will be brought to conclusion within ninety (90) calendar days of initiating informal grievance procedures.

Chapter VII
Grievance Steps

7-1. GRIEVANCE STEPS: There are four steps in this grievance procedure that must be followed. The purpose is to resolve the grievance at the lowest possible level; however, if this is not possible, the grievance will flow up the chain of command until it reaches the final authority—The Adjutant General (TAG) for Colorado.

7-2. STEP 1: The informal grievance is filed within fifteen (15) calendar days of the occurrence of the act.

a. Immediate supervisor responds to grievance in writing within fifteen (15) calendar days of receipt.

b. If grievant is satisfied, the matter is resolved. If grievant is not satisfied, enter formal grievance (Step 2).

7-3. STEP 2: Formal grievance is filed with the second line supervisor within ten (10) calendar days of written decision at informal level (Step 1).

a. Supervisor renders written decision within ten (10) calendar days.

b. If grievant is satisfied, the matter is resolved. If grievant is dissatisfied, the grievance moves up to the next level of supervision until the chain of command is exhausted. Then, enter grievance in Step 3 for formal grievance procedure.

7-4. STEP 3: Formal grievance is filed with the Air Commander for Air National Guard and with the Command Administrative Officer for the Army National Guard within ten (10) calendar days of written decision in Step 2.

a. Air Commander or Command Administrative Officer renders written decision within ten (10) calendar days.

b. If grievant is satisfied, the matter is resolved. If grievant is dissatisfied, advance the grievance to the Adjutant General as covered in Step 4.

7-5. STEP 4: The grievance, in this step, is filed by the grievant with the Human Resource Office (HRO) for final decision by the Adjutant General (TAG). The request shall indicate whether a hearing examiner is desired.

a. If used, a hearing examiner conducts a formal hearing and makes a recommendation to the Adjutant General (TAG).

b. The Adjutant General renders the final decision and the grievance is closed.

Chapter VIII
Grievance Flow Chart

8-1 GRIEVANCE FLOW CHART: The following flow chart demonstrates how the grievance should flow through the four (4) step system beginning with the informal step and ending with the Adjutant General's (TAG) final decision.

INFORMAL

STEP 1 **GRIEVANCE**

Technician presents a grievance concerning a particular act or occurrence within **fifteen (15) calendar days** of the date of the act or occurrence, or the date he/she became aware of the act or occurrence to his or her immediate supervisor.

The immediate supervisor responds to grievance in writing within **fifteen (15) calendar days** of receipt. ➲ If grievant satisfied – closed

STEP 2 Formal grievance is filed with the second line supervisor within **ten (10) calendar days** of written decision by immediate supervisory at informal level (Step 1).

Second line supervisor renders written decision within **ten (10) calendar days**. ➲ If grievant satisfied - closed
If not, continue up chain until issue is resolved **or** chain is exhausted and go to Step 3.

FORMAL

STEP 3 Formal grievance is filed with the Air Commander for Air National Guard and with the Command Administrative Officer for the Army National Guard within **ten (10) calendar days** of written decision in Step 2.

A written decision is issued within **ten (10) calendar days**. ➲ If grievant satisfied - closed

STEP 4 The Adjutant General (TAG)*
Decision Final

* The grievance, in this step, is filed by the grievant with the Human Resource Office (HRO) for final decision by the Adjutant General (TAG). The request shall indicate whether a hearing examiner is desired.