



Grievance Audit FY 2006-2007

October 2008

**Rich Gonzales
Executive Director**

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I. AUDIT SCOPE

Authority

The state personnel director is responsible for the oversight of the state personnel system, which includes conducting audits of departments' (general government agencies and institutions of higher education) human resource operation and management pursuant to C.R.S. 24-50-101 (3)(a) and (d). This authority is carried out by the staff in the Division of Human Resources, Consulting Services unit.

Background

The grievance process requirements for state classified employees is defined by the State Personnel Board in Board Rule 8-8. This rule, denoted below, requires departments to establish grievance processes to address and resolve problems. Typically, the departmental processes encourage resolution of such problems at the lowest possible organizational level, which is generally the first-level supervisor of the aggrieved employee.

Board Rule 8-8.

The grievance process is designed to address and resolve problems, not to be an adversarial process.

- A. Each department shall establish a process that complies with the following requirements.
 - 1. All employees must be informed in writing how to initiate and proceed through the grievance process, including all deadlines.
 - 2. An employee must initiate the grievance process within 10 days of the action or occurrence being grieved; or within 10 days after the employee has knowledge of, or reasonably should have knowledge of, the action or occurrence.
 - 3. To initiate the grievance process, the employee shall notify the supervisor and/or second level supervisor, as provided in the department's grievance process. An informal discussion will be held to attempt to resolve the grievance. The employee shall be informed in writing of the decision within 7 days after the discussion. If a timely decision is not issued, the employee may proceed to the next stage of the process.
 - 4. The decision reached at the informal stage shall be binding on the parties, unless the employee elects to proceed to the formal written process. The employee has 5 days after receipt of the informal decision to initiate the formal grievance process. The formal grievance must be in writing and submitted to the department's appointing authority. Only the issues set forth in the written grievance shall be considered thereafter.

5. The appointing authority will issue the final department response to the grievance. The appointing authority may appoint an objective person or panel to make recommendations, or may delegate the decision. If the grievance concerns the actions of the appointing authority the department may, but is not required to, provide a process by which a different individual issues the final department response.
 6. The process is deemed completed upon issuance of a final department decision, which must be in writing and issued within 30 days of the initiation of the written grievance process. The final written grievance decision must notify the employee of the right to appeal the final decision, including the time frame for such an appeal, and the Board address and telephone and fax number for filing the appeal.
 7. Any of the time frames for completion of the grievance process may be waived or modified if agreed to by both parties, including deferral of action to allow the parties a chance to resolve the issue.
 8. The final decision is binding unless the employee pursues it to the Board.
 9. If a final decision is not issued in a timely manner, the employee may pursue the grievance with the Board.
- B. The employee has 10 days to file a petition for hearing with the Board after receipt of the final department decision, or after expiration of 30 days of initiation of the written grievance process or any extension period granted by the Board. The original written grievance and the department's final decision shall be attached to the petition for hearing. A copy must be provided to the person who made the department's final decision.
- C. An employee may be represented by any person of the employee's choice at any step(s) of the grievance process. That person may participate and speak for the employee. However, the employee is expected to participate in the discussion during the grievance process.
- D. In the event a department fails to establish a grievance process, it is deemed to have waived the opportunity to establish a departmental grievance process and must apply the elements established above for resolving grievances.

In February of 2007, Department of Personnel & Administration Executive Director, Rich Gonzales requested a review of grievance policies for each department as discussed in Rule 8-8(A). Subsequently, in July of 2007, Mr. Gonzales requested an audit of the number of grievances for each department as well as the type and resolution to the grievance.

Audit Overview

On July 9, 2007 an e-mail was sent to all departments requesting grievance data for July 1, 2006 thru June 30, 2007. All departments have reported. Each was asked to provide the following information for classified employees:

- a. Number of grievances
- b. Type of complaint
- c. Resolution
- d. Number of appeals to the State Personnel Board (Board)

Audit Objectives

- Determine the number of grievances each department is receiving.
- Examine the types of issues being raised via the grievances process.
- Review the resolutions to insure all grievances filed are being addressed in accordance with Board Rule 8-8.
- Evaluate the number of grievances that are being addressed by the board.

Audit Methodology

Data were received in the format and categorization determined by the responding departments. The Department of Corrections (DOC) had the most complex categorization of the grievance types; therefore, its data was used as a basis for the types of grievances and results represented here. Considering the varied nature of grievances statewide, it was determined that refinement of this reporting structure is needed.

Types of Complaints:

- Disciplinary or Corrective Action - employee received a corrective action and grieved that action
- Discrimination – grievances alleging discrimination
- Hiring Issues - not being selected after an interview, exam processes
- Work Environment - employee/supervisor relations, employee/employee relations
- Performance - performance issues outside of the dispute resolution process
- Scheduling Issues - employees schedule changes, new position does not allow same schedule as previous position, time off for training, not allowed to have flex-time, etc.
- Other - any issues that do not fit into the above categories

Resolutions:

- Denied - relief was not granted
- Granted – some relief was granted
- Other Means – not otherwise specified
- Pending - resolution to the grievance is still pending
- Withdrawn - employee withdrew the grievance
- Unknown - any resolution that does not fit into the above categories

II. AUDIT ANALYSIS AND RESULTS

Grievances Reported

Every department with state classified employees responded to this audit. In response to the request for numbers of grievances, departments reported that they do not track grievances that are resolved at the level of the immediate supervisor. This is generally due to a lack of reporting of these situations to human resources offices. Therefore, the data collected from departments was limited to grievances that escalated to Step 2 of the process as outlined in personnel rule. Table 1 represents the total number of grievances reported that reached the formal stage, Step 2. Departments are listed in order based on the number of grievances.

Results

A total of 241 grievances statewide were reported for the 0607 fiscal year. Twenty-four departments reported having recorded no grievances; the largest number of grievances was 111 reported by the Department of Corrections. The State Personnel Board reported that 55 grievances were submitted for Board review during this reporting time period.

Data submitted for this audit revealed that generally departments lack effective tracking systems regarding grievances. In addition to the aforementioned dearth of information regarding Step 1 grievances, there is a lack of consistency regarding the specificity of information gathered, such as meaningful descriptions of the nature or type of grievance, and records of how grievances were resolved. Despite the lack of consistency, the data was qualitatively sorted into types and categories of resolutions or outcomes. Additional charts and graphs depicting the distribution of grievances by type and outcome are provided in Appendix A.

Table 1

Agency Name	# of Grievances
Arapahoe Community College	0
Auraria Higher Education Center	0
College Access Network	0
Colorado Commission On Higher Education	0
Colorado Community College System	0
Colorado Historical Society	0
Colorado Northwestern Community College	0
Colorado State University - Pueblo	0
Community College Of Aurora	0
Dept Of Agriculture	0
Dept Of Education	0
Dept of Law	0
Dept Of Local Affairs	0
Dept Of State	0
Dept Of Treasury	0
Governor's Office	0
Lamar Community College	0
Morgan Community College	0
Northeastern Junior College	0
Otero Junior College	0
Pikes Peak Community College	0
Pueblo Community College	0
Trinidad State Junior College	0
University of Colorado - System	0
Adams State College	1
Community College of Denver	1
Front Range Community College	1
State Auditor's Office	1
University of Colorado - Colorado Springs	1
Western State College	1
Dept Of Military & Veterans Affairs	2
Dept Of Public Safety	2
Mesa State College	2
Metropolitan State College of Denver	2
Red Rocks Community College	2
University of Colorado Denver Health Sciences Center	2
Colorado School of Mines	3
Dept Of Health Care Policy & Finance	3
Dept Of Natural Resources	3
Dept Of Personnel & Administration	3
Fort Lewis College	3
University Of Northern Colorado	4
Colorado State University	5
Dept Of Labor & Employment	5
Dept Of Revenue	5
Dept Of Transportation	8
Dept Of Public Health & Environment	9
University of Colorado - Boulder	9
Dept Of Regulatory Agencies	14
Dept Of Human Services	38
Dept of Corrections	111
TOTALS	241

Summary

This audit provided a baseline of grievance data to be used for tracking and resolving grievance-related issues. Two significant findings resulted from gathering this data. The first is that departments are not tracking grievances that are resolved at the Step 1, or supervisory level. While resolution of grievances is ideally accomplished at this immediate supervisory level, it is impossible to determine the extent to which this occurs without some quantitative data. Therefore, the success of these processes remains unknown and opportunities for improvement are unidentified.

The second finding is that there are not standard categories within which grievances are tracked. The departments with the largest number of grievances appear to be maintaining counts and some reference to the reason for the grievances; however, statewide categories and definitions would be helpful to those departments with fewer grievances. Such consistency would also facilitate comparison across departments in the interest of improvements to problem resolution efforts on a statewide basis. Additionally, as departments begin tracking Step 1 grievances, the need for categories of grievance types will amplify as presumably more grievances will begin to be reported. In addition to identifying the reason for the grievances, the tracking of grievance outcomes will be more meaningful if all departments are reporting outcomes and resolutions using the same categories and definitions.

III. RECOMMENDATIONS

Recommendation 1

Departments must keep track of grievances that are resolved at Step 1.

Recommendation 2

To ensure more accurate reporting, DHR will provide to all departments the following set of general categories for type of complaint and resolution.

Types of Complaints:

- Disciplinary or Corrective Action - employee received a corrective action and grieved that action
- Discrimination – grievances alleging discrimination
- Hiring Issues - not being selected after an interview, complaints about exam processes outside the jurisdiction of appeals or director's reviews
- Work Environment – issues related to the physical work environment; employee/supervisor relations, employee/employee relations
- Performance - performance issues outside of the performance management dispute resolution process
- Scheduling Issues – employee's schedule changes, new position does not allow same schedule as previous position, time off for training, not allowed to have flex-time, etc.
- Other - any issues that do not fit into the above categories

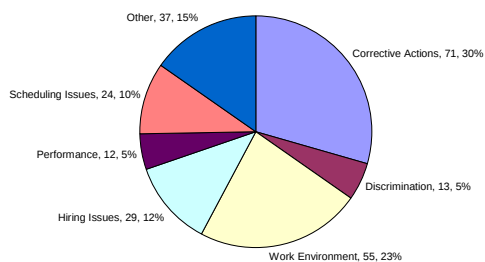
Resolutions:

- Requested relief was not granted
- Requested relief granted
- Partial relief granted – department gave an alternative concession
- Pending - resolution to the grievance is still pending at the time of reporting
- Withdrawn - employee withdrew the grievance prior to resolution or the grievance was deemed withdrawn (e.g., grievant left state employment)
- Unknown - any resolution that does not fit into the above categories

APPENDIX A

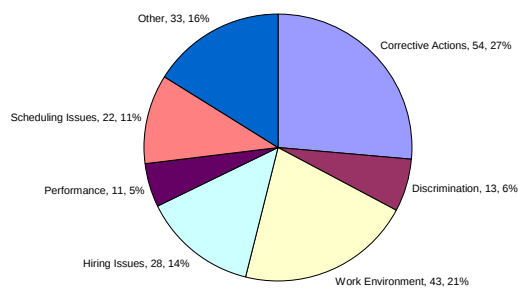
Grievance Types - FY 2006-2007 All General Governmental Agencies and Institutions of Higher Education

Total # of Grievances = 241



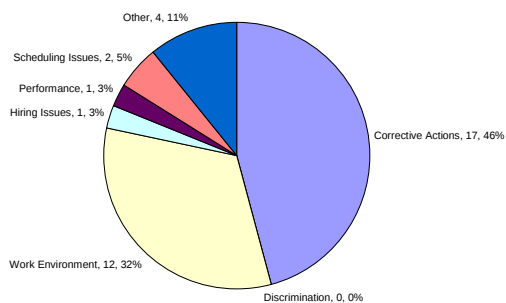
Grievance Types - FY 2006-2007 General Governmental Agencies

Total # of Grievances = 204



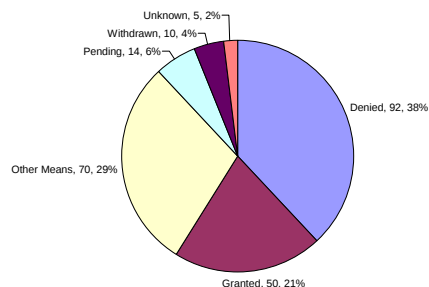
Grievance Types - FY 2006-2007 Institutions of Higher Education

Total # of Grievances = 37



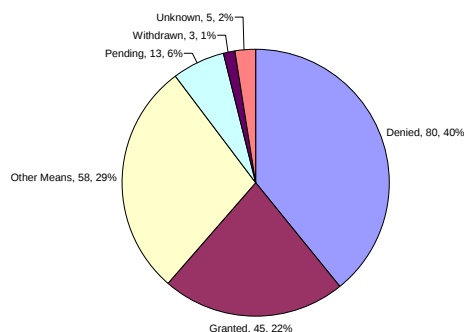
**Grievance Resolutions - FY 2006-2007
All General Governmental Agencies
and
Institutions of Higher Education**

Total # of Grievances = 241



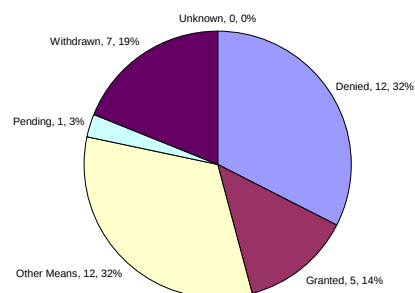
**Grievance Resolutions - FY 2006-2007
General Governmental Agencies**

Total # of Grievances = 204



**Grievance Resolutions - FY 2006-2007
Institutions of Higher Education**

Total # of Grievances = 37



Data Chart																
Agency Name	# of Grievances	Grievance Types							Resolution/Outcome						Board Info	
		Corrective Actions	Discrimination	Work Environment	Hiring Issues	Performance	Scheduling Issues	Other	Denied	Granted	Other Means	Pending	Withdrawn	Unknown	Appeals	Board Reports
Dept Of Personnel & Administration	3	0	0	1	0	0	0	2	0	1	1	1	0	0	0	0
Dept Of Agriculture	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dept of Corrections	111	10	7	27	17	6	18	26	36	34	41	0	0	0	19	18
Dept Of Education	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Governor's Office	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dept Of Public Health & Environment	9	8	1	0	0	0	0	0	7	1	1	0	0	0	0	3
Colorado Commission On Higher Education	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8
Colorado Historical Society	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
College Access Network	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
University of Colorado - Boulder	9	6	0	2	1	0	0	0	3	2	2	0	2	0	0	0
University of Colorado - Colorado Springs	1	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
University of Colorado Denver Health Sciences Center	2	2	0	0	0	0	0	0	1	0	1	0	0	0	0	0
University of Colorado - System	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Colorado State University	5	1	0	4	0	0	0	0	0	2	3	0	0	0	0	0
Colorado State University - Pueblo	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Colorado Community College System	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arapahoe Community College	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Community College Of Aurora	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Community College of Denver	1	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0
Front Range Community College	1	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
Lamar Community College	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Morgan Community College	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Otero Junior College	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pikes Peak Community College	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pueblo Community College	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Red Rocks Community College	2	0	0	0	0	1	0	1	0	0	2	0	0	0	0	0
Trinidad State Junior College	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Northeastern Junior College	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Colorado Northwestern Community College	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
University Of Northern Colorado	4	2	0	1	0	0	0	1	2	1	1	0	0	0	2	0
Colorado School of Mines	3	0	0	2	0	0	1	0	2	0	0	0	1	0	0	0
Auraria Higher Education Center	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fort Lewis College	3	2	0	0	0	0	0	1	2	0	0	0	1	0	0	0
Metropolitan State College of Denver	2	2	0	0	0	0	0	0	0	0	0	0	2	0	0	0
Western State College	1	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0
Adams State College	1	0	0	0	0	0	0	1	0	0	1	0	0	0	1	0
Mesa State College	2	0	0	1	0	0	1	0	1	0	0	0	1	0	1	0
Dept Of Transportation	8	2	0	2	1	2	1	0	2	3	0	3	0	0	3	5
Dept Of Human Services	38	13	3	4	8	3	3	4	24	1	9	4	0	0	10	10
Dept Of Labor & Employment	5	3	0	2	0	0	0	0	4	0	0	1	0	0	1	3
Dept of Law	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
State Auditor's Office	1	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0
Dept Of Local Affairs	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dept Of Military & Veterans Affairs	2	0	0	2	0	0	0	0	0	0	2	0	0	0	0	0
Dept Of Natural Resources	3	3	0	0	0	0	0	0	0	2	0	1	0	0	1	2
Dept Of Public Safety	2	2	0	0	0	0	0	0	0	0	0	2	0	0	2	0
Dept Of Regulatory Agencies	14	8	1	5	0	0	0	0	6	2	4	0	2	0	4	1
Dept Of Revenue	5	2	0	0	2	0	0	1	0	0	0	0	0	5	1	2
Dept Of Health Care Policy & Finance	3	2	1	0	0	0	0	0	1	0	0	1	1	0	3	2
Dept Of State	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dept Of Treasury	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	241	71	13	55	29	12	24	37	92	50	70	14	10	5	48	55