



ADMINISTRATIVE RULES OF MONTANA



2.21.8017 GRIEVANCE PROCEDURE

- (1) Step I is the informal resolution. Both the employee and supervisor are encouraged to resolve the grievance informally whenever possible.
- (2) Step II is the formal grievance.
 - (a) A formal grievance shall be filed in writing within 15 working days from the occurrence of the grievable event. The formal grievance shall be filed with the grievant's immediate supervisor, or the next level above the immediate supervisor. A standard form for filing grievances may be required by an agency.
 - (b) A formal grievance shall state specifically the law, written rule, policy, and/or procedure violated; when the action occurred, and the remedy desired by the grievant. It shall be signed and dated by the grievant.
 - (c) Management shall respond in writing to a formal grievance within 10 working days from the date it is filed.
 - (d) The grievance is resolved at step II if the grievant accepts management's response, or if the grievant fails to advance the grievance to step III within 10 working days of the receipt of management's response.
- (3) Step III is the review by a department head.
 - (a) If a grievant wishes to advance the grievance to step III, the grievant shall notify a management representative designated by the department head. The grievant shall notify the management representative in writing within 10 working days of receipt of management's response at step II.
 - (b) If the subject of the grievance is suspension without pay for more than 10 working days, disciplinary demotion, or discharge, the designated management representative shall order a hearing, as provided in ARM 2.21.8018. All other grievances shall advance to final review by the department head.
 - (c) The department head shall review the grievance and shall issue the final administrative decision on the grievance either:
 - (i) within 20 working days of the grievant's request for final review;
 - (ii) within 10 working days of receipt of the hearings summary as provided in ARM 2.21.8018; or
 - (iii) the department head shall notify the grievant and management concerning any additional actions ordered which will delay the decision.

- (d) At the discretion of the department head, the final review may include review of the grievance form, review of management's response, and review of the record of any investigation or hearing, or the department head may authorize an additional investigation, may conduct a discussion with the grievant or may order a hearing.
- (e) The department head's final decision shall be issued in writing. This is the final step of this grievance procedure.

Authorizing statute(s): Sec. 2-18-102, MCA

Implementing statute(s): 2-18-102, MCA

History: NEW, 1988 MAR p. 2559, Eff. 12/9/88; AMD, 1990 MAR p. 377, Eff. 2/23/90; AMD, 1991 MAR p. 352, Eff. 3/29/91; AMD, 1997 MAR p. 268, Eff. 8/4/97.