



ADMINISTRATIVE RULES OF MONTANA



2.21.8011 POLICY AND OBJECTIVES

- (1) It is the policy of the state of Montana that employees who have attained permanent status may file a grievance as provided in these rules, unless the employee is covered by a grievance procedure provided under a collective bargaining agreement or a statutory grievance procedure.
- (2) It is the objective of this policy to provide minimum standards for the procedure to be used to adjust grievances filed by eligible employees.
- (3) The department of administration delegates the authority to each executive branch department to adopt an internal grievance procedure. An internal grievance procedure must be consistent with the provisions of this policy and at a minimum include all steps contained in ARM 2.21.8017. Additional steps may be added, forms may be included, and timeframes may be modified at the department's discretion.
- (4) An employee shall file a grievance under a procedure adopted by the department, if available. If the department has not adopted a procedure, the employee shall proceed under this policy.
- (5) Incidents of sexual harassment must be reported using the procedure in the sexual harassment prevention policy, found at ARM 2.21.1305 (also found at policy 3-0620, Montana operations manual, volume III) .
- (6) Incidents that are alleged to be in violation of the Americans with Disabilities Act (ADA) of 1990 must be reported using an ADA complaint resolution procedure if such a procedure has been adopted by a department. Otherwise, the employee shall proceed under this policy.
- (7) Nothing in this policy precludes an employee who is alleging unlawful discrimination from concurrently exercising any statutorily-protected right to timely file a complaint with a civil rights enforcement agency.
- (8) A job classification appeal must be resolved through the procedure adopted by the board of personnel appeals at ARM 24.26.501 et seq., and may not be filed under any other 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, 1991 MAR p. 352, Eff. 3/29/91; AMD, 1994 MAR p. 1421, Eff. 5/27/94; AMD, 1997 MAR p. 1448, Eff. 8/19/97.