

MISSOURI DEPARTMENT OF TRANSPORTATION  PERSONNEL POLICY MANUAL	Chapter Title Grievances and Complaints		
	Policy Title Grievance Procedure		
	Policy Number 2100	Page 1 of 5	Effective Date August 1, 2021
Approved By: Steve Meystrik, Human Resources Director Signature on File	Supersedes Policy Number 2100	Page 1 of 5	Prior Effective Date January 1, 2020

POLICY STATEMENT

The department shall provide an orderly and systematic process for resolving differences of opinion between the department and its employees on issues that arise outside the scope of Personnel Policy 0505, "Equal Employment Opportunity" (which uses the grievance process in Personnel Policy 2101), or except as otherwise exempted pursuant to department policy. This procedure is not intended to eliminate employees' rights to communicate directly with the Audits and Investigations (AI) Director or informally with any level of management, through administrative channels, at any time they may have a concern or a question which has not been satisfactorily answered under this policy.

PROCEDURES

1. Except for those employees listed in paragraph 10, any full-time or permanent part-time employee who has completed his/her initial probationary period and feels unfairly treated by an action taken or omitted by the department may file a grievance. A grievance must be filed in writing and received by the appropriate department representative noted in this policy, no later than 30 calendar days after the act, occurrence, or omission leading to the grievance. The grievance will be denied if it is not received by the appropriate department representative within 30 calendar days of the act, occurrence, or omission leading to the grievance, unless a determination is made that the act, occurrence, or omission could not reasonably be detected by the employee until a later date. In such circumstances, the grievance must be filed in writing and received within 30 calendar days from the date the act, occurrence, or omission could have reasonably been detected by the employee.

2. Appeals of verbal and written warnings must be filed in writing with the local Human Resources (HR) manager for review by the relevant district engineer or division leader/state engineer (Step 2 of the process defined in paragraph 5 below). Such appeals must be received by the local HR manager within 30 calendar days of the disciplinary action. Review of appeals of verbal warnings will be resolved by the district engineer or division leader/state engineer. Employees appealing written warnings who are not satisfied after the first review can further appeal to the AI Division for resolution pursuant to Steps 3 and 4 of paragraph 5 below. Appeals of higher level discipline, such as suspension, probation, demotion, or termination, must be filed in writing and received by the AI Director within 30 calendar days of the disciplinary action. Such appeals are to be filed in writing directly with the AI Director, Missouri Department of Transportation, P. O. Box 270, Jefferson City, Missouri 65102 (start at Step 3 of the process defined in paragraph 5 below). When employees in the AI Division want to file an appeal regarding discipline of a written warning or higher level discipline, they should file the appeal in writing to the Equal Opportunity and Diversity Division (EODD) Director at P.O. Box 270, Jefferson City, Missouri 65102. The EODD Director will follow the same procedures as identified for the AI Director throughout the remainder of this policy. Except as provided in paragraph 3, discipline resulting from findings of an investigation by the AI Division is not grievable to the AI or EODD Director.
3. A termination that results from findings of an investigation by the AI Division may be appealed by timely filing a grievance initially with the AI Director (must be received within 30 days of termination), who will forward such grievance to the EODD Director, who will review and respond to such grievance consistent with this policy.
4. The following items are not grievable:
 - A. The result or method of implementation of a job evaluation study.
 - B. Salary inequity issues and performance-based pay decisions.
 - C. Alcohol and drug test results under Personnel Policies 2508 “Drug Testing Program” and 2511 “Alcohol Testing Program”.
 - D. Being required to complete an alcohol or drug test under Personnel Policy 2508 or 2511 is not grievable, except that employees may grieve being required to submit to a reasonable suspicion test.
 - E. Discipline for a violation of Personnel Policy 2508 or 2511 is not grievable, except that employees may grieve the termination of employment for such violations.

5. Other than the above stated exceptions, the following procedures will be used when filing a grievance under this policy:

Step 1 The employee must file the grievance in writing with the local HR manager which must be received by the HR manager within 30 days of the action or inaction being grieved. The employee should explain the act, occurrence, or omission that led to the filing of the grievance, the basis for the grievance, present all the facts related to the grievance, and describe the corrective action desired.

Within five workdays after receiving the written grievance with the information listed above, the local HR manager will hold a meeting with the employee and the supervisor or manager that made the decision at issue. Within five workdays after that meeting, the supervisor will provide the employee with a written reply.

The employee will have the option of requesting another person be present at Steps 1 and 2; however, this person will not be allowed to represent the employee, including providing legal counsel, or participate in the meetings. Advance notice of the name of the person must be provided to the local HR manager at least two business days prior to the scheduled meeting. Should the local HR manager, district engineer, or division leader/state engineer determine the person's presence at the meeting would cause disruption to department operations (such as a conflict of interest or safety concern), the person will not be permitted to attend or remain at the meeting.

Step 2 If the grievance is not resolved to the employee's satisfaction at Step 1, the employee may, within five workdays after receiving the written reply, choose to have the grievance reviewed further.

The employee must file the grievance in writing with the district engineer in the case of district employees, or their division leader/state engineer in the case of Central Office employees. Another meeting of those involved may be scheduled to obtain more information about the grievance. A written reply to the employee will be made within ten workdays following receipt of the grievance by the district engineer or division leader/state engineer.

Step 3 If the employee is dissatisfied with the written reply from Step 2, the employee may file an appeal in writing with the AI Director, Missouri Department of Transportation, P. O. Box 270, Jefferson City, Missouri 65102, within five workdays after receiving the reply. If the grievance pertains to a termination resulting from an investigation by the AI Director, such grievance shall be forwarded to the EODD Director.

The AI Director (or EODD Director) will ensure whatever investigation is necessary to establish or validate the facts of the case is conducted. This investigation may include, but is not limited to, the scheduling of a grievance meeting or conducting interviews for the purpose of obtaining information from the grievant, the supervisor(s), and other employees involved in the matter.

Step 4 The AI Director (or EODD Director) will make a recommendation to the department director for final disposition. The AI Director (or EODD Director) will notify the appropriate parties (e.g., employee, district engineer/division leadership) in writing of the final disposition and any corrective action that will be taken as soon as practical.

6. All steps should be carried out in the time specified in this policy and its accompanying procedures, unless there are extenuating circumstances, such as absence of personnel involved, need for higher review or local investigation, etc. The employee should be kept informed of the status of the grievance when an immediate decision cannot be reached, and a reply will be delayed.
7. Any investigation, correspondence, etc., involved in the processing of a grievance handled by the AI Director (or the EODD Director) should be treated as confidential information to minimize publicity and embarrassment to all parties concerned; however, anonymity cannot be promised to persons (public or employees) who provide information as part of the investigation. The identity of persons who provide information and the information provided shall only be disclosed to those who have a legitimate need to know or who have a lawful right to such information.
8. The Commission and appointed officials of the Missouri Department of Transportation hold a responsibility to fairly and efficiently carry out designated functions, and nothing in this policy and its accompanying procedures precludes this responsibility or authority to do so.
9. This policy and its accompanying procedure shall not apply to employees that leave employment with the department as a result of: (1) a layoff; (2) a resignation or retirement from the department; or (3) a resignation or retirement in lieu of termination from the department. Such employees do not have the rights outlined in this policy and its accompanying procedures.
10. This policy and its accompanying procedures shall not apply to employees in personnel policy making and other designated positions. The following list identifies positions which are exempt from this procedure. Promotions to positions on the list cannot be filed as a grievance.

Job Titles Exempt From Personnel Policy 2100

Director, Department of Transportation
Deputy Director/Chief Engineer
Chief Administrative Officer

Chief Financial Officer
Chief Safety and Operations Officer
Assistant Chief Engineer
Chief Counsel
Assistant Chief Counsel
Secretary to the Commission
District Engineer
Regional Counsel
Division Leader/State Engineer
Attorneys I-V
Law Clerk
Seasonal and other wage employees

CROSS REFERENCES

[Personnel Policy 0505, "Equal Employment Opportunity"](#)