



A grievance/complaint is defined as a statement of dissatisfaction over any condition of work, which allegedly has an adverse effect on the employee. Whenever possible, employees are encouraged to resolve issues and concerns as quickly as possible, and at the lowest level possible. Under no circumstances should a supervisor discourage an employee from filing a grievance/complaint or consulting Human Resources.

An employee cannot file a grievance/complaint concerning matters involving demotion, suspension, or dismissal of a permanent employee; furloughs; layoffs; employee performance reviews or any other subject for which a method of settlement or an appeal procedure is established under appropriate Kansas statutes or regulations.

Grievances/Complaints are to be treated in a confidential, professional and timely manner. Reporting violations shall in no way reflect upon an employee's standing within the agency. The employee will not be subject to any form of retribution or retaliation, directly or indirectly. Any person, who makes or participates in such retribution or retaliation, directly or indirectly, will be subject to severe corrective action.

This policy does not limit any rights granted by the Civil Rights Act of 1964, the Age Discrimination Act, the Americans with Disabilities Act, or the State Civil Service Act or other applicable law. The KDADS Equal Employment Opportunity (EEO) Representative in Human Resources should be contacted for guidance on how to process such a complaint.

Each KDADS employee who is covered by a Memorandum of Agreement also has the right to grieve management's interpretation of that Memorandum of Agreement surrounding a specific issue, which has impacted the employee's working conditions. The policy and processes set forth in this section address only grievances filed using the Agency's process, not for grievances filed under the provisions of a Memorandum of Agreement. Employees covered by a Memorandum of Agreement who wish to file a union grievance must refer to the specific terms of the Memorandum of Agreement to determine what is "grievable" and the process to be followed. The grievance process shall be the sole method for settling a dispute arising as to the interpretation or application of the provisions of the agreement. Non-covered employees must use the KDADS process. An employee cannot file both a grievances and complaint over the same issue.

The following matters will not be addressed through the filing of a formal grievance:

- Personnel actions which may be appealed to the Civil Service Board.
- Formal disciplinary actions (suspension, demotion, or dismissal) taken against employees on original probationary or temporary appointments.
- Performance reviews/ratings which may be appealed under K.A.R. 1-7-12.
- Performance reviews/ratings for employees on original probationary appointments.
- Performance reviews/ratings for unclassified employees.
- Alleged discriminatory practices
- Disagreement with laws of the State of Kansas or Civil Service Regulations.
- Informal disciplinary actions issued or authorized by the Appointing Authority.
- Grievances from persons who are no longer employees of KDADS.

Any employee who believes he/she has been discriminated against because of race, religion, religious beliefs, color, sex, sexual orientation, gender identity, national origin or ancestry, age, disability, military or veteran status, political affiliation, or genetic information should contact his/her EEO Coordinator or Human Resources for assistance and direction regarding the EEO discrimination complaint filing procedures.

*Reference: 3.1 Discrimination and Harassment; K.A.R. 1-7-12 (October 1, 2009); K.A.R. 1-12-1 (June 5, 2005); Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq. (1964); Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 327, 24 U.S.C. § 12101 et seq. (1990); Age Discrimination in Employment Act of 1967 (Pub. L. 90-202), 29 U.S.C. § 621 et seq; Genetic Information Nondiscrimination Act, Pub.L 110-233 (2008); Kansas Act Against Discrimination, K.S.A. 44-1001 et seq.*