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	SUBJECT: Grievance Procedure Policy	Drafted: Adopted: 10-04-02 Revised: Reformatted: 10/26/15

1.00.00 POLICY OF THE AGENCY

It is the policy of the Outfitters and Guides Licensing Board that the Agency complies with applicable state statutes regarding the Personnel Commission Grievance Procedure.

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3.00.00 REFERENCES

4.00.00 PROCEDURE

4.01.00 DUE PROCESS TRACK

4.01.01 Purpose

The “Due Process Track” is designed to handle “disciplinary matters”, which are defined by Idaho Code as consisting of *dismissals, demotions, suspensions, and involuntary transfers*. Description of the Due Process Track is provided in the Idaho Code, Section 67-5315 and also in the Idaho Personnel Commission rules, IDAPA 28.01.01.200

4.01.02 Eligibility

All employees classified under the Idaho Personnel System Act and have attained permanent status by satisfactorily passing the probationary period are entitled to the protections afforded by the Due Process Track.

Step 1: Notice

The Board provides the employee with notice and an opportunity to be heard. The employee is given a maximum of ten (10) working days in which to respond, either in writing or in person, to this notice, unless an alternate time allowance is agreed upon in writing by both the employee and the Board. If the employee does not respond within the allotted time period, said employee is considered to have waived this right. The purpose of this allotted response period is to afford the employee a chance to present his or her reasons why contemplated actions should not be taken. The Board will not make any disciplinary decision until after the employee has

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responded, failed to respond, or otherwise waived his or her right to respond.

During this opportunity to respond, the employee is provided with the right by law to be represented by a person of his or her choosing.

4.01.03 Step 2: Opportunity to Respond

The notice of contemplated action will be sent or delivered to the employee and the state personnel director concurrently and is made up of three main parts: *Notice of Contemplated Action*, *Notice of the Basis of Contemplated Action*, and *Explanation of the Evidence*.

4.01.03.1 *Notice of Contemplated Action*: This part explains the action that may be taken, such as dismissal. It also provides any alternative actions that have been considered, such as demotion or suspension.

4.01.03.2 *Notice of the Basis for the Contemplated Action*: This explains the reasoning behind the action that may be taken. It consists of the legal citation which supports disciplinary action against a permanent classified employee. These “for-cause” reasons are listed in Idaho Code Section 67-5309(n) and in the Idaho Personnel Commission rules IDAPA 28.01.01.190.01.

4.01.03.3 *Explanation of the Evidence*: In this part, the Board provides an explanation of the information or evidence pertinent to the contemplated action.

4.01.04 Step 3: Board’s Decision

The Board will notify the employee of its decision no later than three (3) working days after the employee has responded, failed to respond, or otherwise waived his or her right to respond in writing. If a disciplinary sanction is imposed, the employee may have the right to appeal the Board’s decision to the Idaho Personnel Commission. The Board’s final decision will be sent or delivered to the employee and the state personnel director concurrently. The Due Process Track ends when the Executive Director or the director’s designee notifies the employee of the Board’s decision.

4.01.05 Optional Mediation Step

The Board and employee may mutually agree to engage in mediation during the Due Process Procedure and must agree if any mediation is to take place. The time limitations for the opportunity to respond and the Board’s decision will stop running pending mediation if this mediation is decided upon. The Board and employee *also* must agree upon a mediator. The Idaho Personnel Commission may be able to provide contact information for trained mediators as needed.

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4.02.00 THE PROBLEM SOLVING TRACK

During all steps of the Problem-Solving Track *except* the initial informal discussion with the immediate supervisor, the employee is entitled to be represented by a person of his or her choosing.

This Track is designed to solve the problem at as low a level as possible.

4.02.01 Purpose

The “Problem Solving Track” is designed to be used in situations classified as “non-disciplinary issues.” Specifically, job-related matters not included in the following three categories:

- 4.02.01.1 Compensation, except as it applies to alleged inequities within the particular agency or department
- 4.02.01.2 Termination during the entrance probationary period
- 4.02.01.3 Disciplinary matters set forth in Idaho Code Section 67-5315(2), which are handled by the Due Process Track, described above.

4.02.02 Eligibility

All classified employees with permanent, provisional, or entrance probationary status are eligible to file under the Problem-Solving Track.

4.02.03 Step 1: Meeting with Immediate Supervisor

Before actually filing for problem solving, an eligible employee must first make a reasonable attempt to meet with and resolve the matter(s) with his or her immediate supervisor. Representatives are not permitted at this informal meeting with the immediate supervisor.

4.02.04 Step 2: Filing for Problem-Solving

The employee must file for Problem-Solving, using the Problem Solving Request Form, with *his or her immediate supervisor*.

Eligible employees are required to file for problem-solving in writing no later than five (5) working days after being notified of or becoming aware of any matter eligible to be processed with the Problem Solving Track. If the filing alleges an ongoing pattern of harassment or illegal discrimination, it shall be considered timely if filed within five (5) working days after the last allegedly offensive action.

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This five (5) day time limit may be extended due to the employee's illness or other approved leave, up to five (5) days after return to the job. Also, the Board may accept a late filing, but by doing so the employee waives any right of review by the Idaho Personnel Commission.

4.02.05 *Step 3: Meeting with Bureau Chief*

The employee is required to meet with the bureau chief or Executive Director no later than five (5) working days after filing for problem-solving. The bureau chief or Executive Director will meet with the employee's immediate supervisor to determine, considering also the employee's preference, who may best be able to resolve the problem in this meeting with the employee. Additional people may also be present in order to resolve the issue as efficiently as possible.

4.02.06 *Step 4: Meeting with Executive Director*

The employee is required to meet with the Executive Director no later than five (5) working days after meeting with the bureau chief *unless* the original meeting (see Step 3) was with the Executive Director. This meeting has the same format as the "Meeting with Bureau Chief", with the Executive Director consulting with the employee and the bureau chief in order to determine how best to resolve the issue(s).

4.02.07 *Step 5: Final Decision from Executive Director*

The employee will receive a final decision from the Executive Director or designee no later than five (5) working days after meeting with him or her. The Executive Director or designee may consult with the employee, immediate supervisor, Bureau Chief, and any others who participated in the problem-solving procedure in order to determine how best to resolve the issue(s).

4.02.08 *Optional Mediation Step*

The Board and employee have the option to mutually agree to engage in mediation during the Problem-Solving Procedure. If both sides agree, the other steps and time limitations (except the initial five (5) working day filing requirement) of the Problem-Solving Procedure will stop running pending mediation. The Board and employee must agree upon a mediator (references available through the Idaho Personnel Commission). This Mediation Step is not possible unless both the department and employee agree.