

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 627

H. P. 473

House of Representatives, February 5, 1969

Referred to Committee on Labor. Sent up for concurrence and 1,000 ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Soulas of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Relating to State Employee's Grievance Procedure.

Be it enacted by the People of the State of Maine, as follows:

R. S., T. 5, § 753, amended. Section 753 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 539 of the public laws of 1967, is amended to read as follows:

§ 753. Procedure for settlement

A grievance or dispute between a state employee and the agency of the State by whom he is employed shall be entertained by the board upon the application of the employee, providing there shall have been compliance with the following requirements:

1. **Adjust dispute.** That the employee aggrieved by the dispute ~~and the employee~~ or his representative, or both, shall have attempted to adjust the dispute with the employee's immediate supervisor **before the end of the next working day following the day of the incident giving rise to the dispute.**

2. **Grievance in writing.** If the employee is dissatisfied with the oral decision of his immediate supervisor, he may **before the end of the 2nd working day following the day upon which the oral decision is rendered**, present the grievance to his supervisor again, this time in written form. The supervisor is then required to make his decision in writing and present it to the employee within 3 working days.

3. **Appeal to the department or institution head.** If the employee is dissatisfied with the supervisor's written decision, he then may **before the end of the next working day following receipt of the decision**, appeal, in writing,

to the department head, or institution head if the employee is employed at a state institution. Within 3 working days, the employee shall receive, in writing, the department or institution head's decision.

4. **Meeting.** If the employee is dissatisfied with the department or institution head's written decision, the department or institution head shall meet with the employee or his representative, or both, and attempt to adjust the dispute. At least one day prior to such meeting, the employee's representative, if any, shall have access to the work location or pertinent employment records, or both, of the employee involved during the working hours for the purpose of investigating the causes of the grievance. The aggrieved employee shall notify the department or institution head of his dissatisfaction with the written decision of the department or institution head, rendered under subsection 3 before the end of the next working day following receipt of such decision. The department head shall meet with the employee or his representative, or both, within 3 working days from the receipt of such notice.

5. **Appeal to Director of Personnel.** If the classified employee is dissatisfied with the decision, following a meeting with the department head, he shall appeal to the Director of Personnel who shall, within 6 working days, reply in writing, to the aggrieved employee and the department head involved in his decision, based on the state's personnel law and rules.

6. **Submission to board.** A deputy department head or bureau director may act under subsection 1 to 5 on behalf of a department head when authorized by the department head so to act. A deputy or assistant institution head may act under subsection 1 to 5 on behalf of an institution head when authorized by the institution head so to act.

In the event the grievance shall not have been satisfactorily adjusted within ~~2 weeks~~ 20 working days under subsections 1 to 5, the dispute shall be submitted to the board which shall investigate the matters in controversy, shall hear all interested persons who come before it, and make a written decision ~~thereof~~ thereon, which shall be binding on the parties involved. The board's written decision shall be issued within 30 days after the dispute is submitted, unless both parties agree that an extension of this time limit should be allowed.