

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 762

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S. P. 265

In Senate, February 12, 1973

Referred to the Committee on State Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Tanous of Penobscot.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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AN ACT Relating to State Employee's Grievance Procedure.

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

Sec. 1. R. S., T. 5, § 753, sub-§§ 1 - 6, repealed and replaced. Subsections 1 to 6 of section 753 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 539 of the public laws of 1967, are repealed and the following enacted in place thereof:

1. Adjust dispute. That the employee aggrieved by the dispute or his representative, or both, shall have attempted to adjust the dispute through oral communication with the employee's immediate supervisor within 10 working days of the time that the employee is aware of the incident.

2. Grievance in writing. If the employee is dissatisfied with the oral decision of his immediate supervisor, he may, before the end of the 20th working day following the date of the oral decision, 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 7 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 7th working day following receipt of the decision, appeal in writing to the department head, or institutional head if the employee is employed at a state institution. Within 7 working days, the employee shall receive in writing the department or institutional head's decision.

4. Meeting. If the employee notifies the department or institutional head, within 10 working days of receipt of the decision that he is dissatisfied with the department or institutional head's written decision, the department or

institutional head shall meet with the employee or his representative, or both, within 10 working days of receipt of the employee's dissatisfaction 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 of the employee involved during the working hours for the purpose of investigating the grievance.

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 in writing to the Director of Personnel within 7 working days of meeting with the department or institutional head, who then shall within 7 working days, reply in writing, to the aggrieved employee and the department head or institutional head involved in his decision, based on the State's Personnel Law and rules.

6. Submission to board. A deputy department or institutional head or bureau director may act under subsections 1 to 5 on behalf of a department head or institutional head when authorized. In the event the grievance shall not have been satisfactorily adjusted within 85 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, which shall be binding on the parties involved. The board's written decision shall be issued within 30 working days after the dispute is submitted, unless both parties agree that an extension of this time limit should be allowed.

Sec. 2. 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 and as amended by section 1 of chapter 550 of the public laws of 1969, is further amended by adding at the end the following new paragraph:

The board may extend any time limit specified in subsections 1 to 5 upon written application on condition the application is submitted within time provided for in the applicable step.

### STATEMENT OF FACT

The purpose of this bill is to adjust the time of response in the grievance procedure for state employees.