

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1979

S. P. 644

In Senate, May 30, 1973

Reported by Senator Speers of Kennebec from the Committee on State Government and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to State Employee's Grievance Procedure.

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 R. S., T. 5, § 753, sub-§§ 1-6, repealed and replaced.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section 753 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 539 of the public laws of 1967, are repealed and the following enacted in place thereof: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 or his representative, or both, shall have attempted to adjust the dispute through oral communication with the employee's immediate supervisor within 7 working days of the time that the employee is aware of the grievable incident. The immediate supervisor is then required to render an oral decision to the employee within 3 working days.

2. **Grievance in writing.** If the employee is dissatisfied with the oral decision of his immediate supervisor, he or his representative, or both, may, before the end of the 10th 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 10 working days.

3. **Appeal to the department head.** If the employee is dissatisfied with the supervisor's written decision, he or his representative, or both, then may, before the end of the 20th working day following receipt of the decision, appeal in writing to the department head. The department head shall meet with the employee or his designated representative, or both, within 20 working days of receipt of the employee's notice of dissatisfaction and attempt to

adjust the dispute. Within 5 working days the department head shall render a decision in writing to the aggrieved employee and his representative.

4. Appeal to Director of Personnel. If the classified employee is dissatisfied with the written decision following the meeting with the department head, he may appeal in writing to the Director of Personnel within 7 working days of meeting with the department head. The Director of Personnel shall within 10 working days reply in writing to the aggrieved employee, his representative and the department head involved, stating his decision, based on the State's Personnel Law and rules.

5. Submission to board. In the event the grievance shall not have been satisfactorily adjusted under subsections 1 to 4, within the time limits therein, the dispute may be submitted to the board within 10 working days following receipt of the Director of Personnel's written decision. The board 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 hearing on the dispute is concluded, unless both parties agree that an extension of the 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 paragraphs:

The chairman of the board may extend any time limit specified in subsections 1 to 4 upon written application of either party on condition the application is submitted within time provided for in the applicable step; otherwise, failure of an employee to pursue a grievance within prescribed time limits shall constitute an acceptance of the last response by the department. Failure of the department to respond within stipulated time limits provided for in the applicable step shall constitute an automatic waiver of that step and the employee may proceed to the next step as outlined in this section.

At least one day prior to the presentation of the employee's grievance to his supervisor, 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.

The department head may designate a representative, with authority to take appropriate action, who shall be at the deputy or assistant department head or labor specialist level to represent him in subsections 2 and 3 of this section.