

EXECUTIVE ORDER NO. 66

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

AUG 2 1 1973

Arlen J. Edvall
Secretary of State

WHEREAS, there are certain points of disagreement which arise between employees of the State of Minnesota and their supervisors and/or appointing authorities, and

WHEREAS, a procedure for handling some administrative adjustments has been prescribed in law, but only for those matters and those employees covered by grievance procedures authorized by the Public Employment Labor Relations Act of 1971,

NOW, THEREFORE, I, the undersigned Wendell R. Anderson, Governor of the State of Minnesota, do hereby order that the following procedure be established to provide an orderly means for considering and resolving grievances and problems relating to conditions of employment in the classified service of the State of Minnesota. This procedure does not displace, deny, or modify any of the rights, privileges or remedies granted to an employee or appointing authority by the Civil Service Act and Rules, or the Public Employment Labor Relations Act of 1971. The word "grievance" shall mean a complaint or a view or an opinion pertaining to employment conditions or relationships or their betterment for which solution or redress is not provided by the Civil Service Rules, or contained in a written contract or memorandum of contract between an exclusive representative and the employer as authorized by Minnesota Statutes 179.70. An "employee" shall be any permanent employee or group of permanent employees or their representatives. Any employee who shall file a grievance in writing shall do so with freedom from coercion, reprisal and discrimination.

PRESENTATION OF A GRIEVANCE

INFORMAL

Grievances that are of a specific nature shall be presented by the employee to his immediate supervisor and a mutual agreement shall be resolved within two (2) working days.

FORMAL

If the grievance is not mutually resolved, the nature of the grievance and the desired solution may be submitted in writing by the employee to his appointing authority or the appointing authority's designated representative. In addition, when the employee concerned is a member of a union, he may call upon the services of his union to represent him in presentation of the grievance to the appointing authority or the appointing authority's designee. A duplicate copy shall be sent to the Director of Civil Service, who shall review the grievance promptly to determine whether it is subject to the provisions of the Civil Service Act and Rules. The Director shall immediately notify the employee, the employee's representative, if any, and the appointing authority or his designee whether the matter is a responsibility of the Civil Service Department, or whether it is outside the scope of the Act and Rules.

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Upon receipt of notice from the Director of Civil Service that the grievance is not subject to the Civil Service Act and Rules, the appointing authority shall arrange for a meeting of the parties concerned, then be responsible for settling the grievance and shall inform the employee of his decision in writing within ten (10) working days following receipt of the grievance. In the event union representatives have taken part in the presentation of the grievance, the appointing authority or his designee shall inform the union representatives as well as the employee of his decision.

GRIEVANCE APPEAL

If the disposition of the grievance by the appointing authority or his designee is not satisfactory to the employee or a decision is not made within ten (10) working days, the employee may in writing request his appointing authority to refer his grievance to a grievance committee. This request must be filed by the employee within five (5) working days following receipt of the appointing authority's or his designee's decision. If the employee is a member of a union, a copy of this request shall be forwarded immediately by the employee to the proper union officer.

APPOINTMENT OF GRIEVANCE COMMITTEES

When an appointing authority receives a notice from an employee that the solution of a grievance is not satisfactory, he shall assemble a grievance committee within ten (10) days following receipt of the notice. A grievance committee shall be composed of three members - one member to be selected by the appointing authority, one member to be selected by the employee, and the third member, who shall serve as chairman, shall be selected and mutually agreed upon by the first two. If an agreement cannot be reached, the Director of Mediation Services shall, upon request of either party, appoint a third member.

The Chairman of the grievance committee shall schedule a hearing within a reasonable period, not to exceed ten (10) working days, to be held at a suitable time and place, and shall notify his committee members, the employee, the appointing authority and the Commissioner of Administration.

DECISIONS OF GRIEVANCE COMMITTEES

Within ten (10) working days, the grievance committee shall supply the appointing authority with a letter covering its report and recommendations. The report and recommendations shall be those approved by the majority of the committee.

Upon receipt of the committee's report and recommendations, the appointing authority shall, within a period of ten (10) working days, notify all parties concerned, in writing, the course of action he intends to follow. Before making such notification, however, the appointing authority shall advise and consult with the Commissioner of Administration concerning his decision in the matter.

If the solution advanced by the department head is not satisfactory, he (the employee) may in writing request the Governor to review the grievance. This request must be made within five (5) working days following the receipt of the appointing authority's decision. The Governor will then take whatever steps he deems necessary to resolve the grievance, and will within ten (10) working days so notify the employee and department head.

This Order supercedes Executive Order Number 17, and shall be effective on the date of signature.

IN TESTIMONY WHEREOF, I hereunto set my hand on this 21st day of August, 1973.

Wendell R. Anderson
WENDELL R. ANDERSON

Filed According To Law:

Arlen I. Erdaahl
ARLEN I. ERDAHL
Secretary of State

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