Policy 2103

From Human Resources

Revision as of 19:29, 18 December 2008 by Mertek1 (Talk | contribs)
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PERSONNEL POLICY MANUAL
MoDOT Personnel Policy Title: Formal Termination Hearings **Policy Number**: 2103 **Chapter Title**: Grievances and Complaints **Effective Date**: August 28, 2005 **Supersedes Policy Number** 2103 **Dated** April 1, 2004 **Policy Updated By**: Sharon Golden
Approved By: Micki Knudsen, Human Resources Director (Signature on file)

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POLICY STATEMENT

The department has established this personnel policy to allow a formal termination hearing to full-time and permanent part-time employees who have passed their initial probationary period and have been terminated from employment.

PROVISIONS/REQUIREMENTS

1. Except for those employees listed in paragraph 5, a full-time or permanent part-time employee who has successfully completed his/her initial probationary period and wishes to contest a termination pursuant to Personnel Policies 2100, “Grievance Procedure” and 2101, "Equal Employment Opportunity Complaints," and elects to have his/her case heard as a formal hearing, should file an appeal as quickly as possible and not more than 30 calendar days after the termination. The appeal should be filed in writing directly with the Director of Audits and Investigations, Missouri Department of Transportation, P.O. Box 270, Jefferson City, Missouri 65102, and include the relief or remedy sought. Employees in the audits and investigations unit who want to file an appeal should write to the human resources director at this same address. The parties will thereafter be notified of the name and address of the hearing examiner who will conduct the appeal hearing.

2. This policy and the accompanying procedure document are not intended to and do not alter the at-will employment status of any employee.

3. Employees may represent themselves and handle their own cases but shall have the right to be represented by a duly licensed attorney.

4. If the employee fails to personally appear for the hearing at its scheduled date and time, this will be deemed an abandonment of the employee’s complaint or grievance.

5. This policy shall not apply to employees in personnel policy making and other designated positions. The following list identifies positions/employees who are exempt from using this policy:

<u>Employees Exempt from Personnel Policy 2103</u>

- Director, Department of Transportation
- Chief Engineer
- Chief Financial and Administrative Officer
- Business Unit Leaders
- Chief Counsel
- Director of Audits and Investigations
- Assistant Chief Counsels
- Secretary to the Commission

- Regional Counsels
- District Engineers
- Division Leaders/State Engineers
- Attorneys I-V
- Unit Directors of Community Relations, Governmental Relations, and Organizational Results Units
- Law Clerks
- Salaried and Permanent Part-time Employees who are in their initial probationary period
- Seasonal and Other Wage Employees

PROCEDURES

"Formal Grievance and Complaint Procedure"

CROSS REFERENCES

Personnel Policy 2100, Grievance Procedure

Personnel Policy 2101, Equal Employment Opportunity Complaints

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