Policy 2103

From Human Resources

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(diff) ←Older revision | Current revision (diff) | Newer revision→ (diff)

PERSONNEL POLICY MANUAL
MoDOT Personnel Policy Title: Formal Termination Hearings **Policy Number**: 2103 **Chapter Title**: Grievances and Complaints **Effective Date**: September 1, 2015 **Supersedes Policy Number**: 2103 **Dated**: September 1, 2012 **Policy Updated By**: Steve Meystrik
Approved By: Micki Knudsen, Human Resources Director (Signature on file)

Contents

- 1 POLICY STATEMENT
- 2 PROVISIONS/REQUIREMENTS
- 3 CROSS REFERENCES
- 4 PROCEDURE
- 5 FORM

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 6, a full-time or permanent part-time employee who has successfully completed his/her initial probationary period and wishes to contest his/her termination and have a formal hearing pursuant to this policy, rather than the appeals allowed pursuant to Personnel Policy 2100, “Grievance Procedure,” or Personnel Policy 2101, "Equal Employment Opportunity Complaints," shall complete, sign, and file the Formal Complaint Form attached to this policy. The completed and signed Formal Complaint Form must be received by the Audits and Investigations Director within 30 calendar days of the termination date. The completed Formal Complaint Form shall be filed directly with the Audits and Investigations Director, Missouri Department of Transportation, P.O. Box 270, Jefferson City, Missouri 65102. Failure to complete and file the Formal Complaint Form in the manner and within the deadline in this policy shall result in the denial, by the Audits and Investigations Director, of the terminated employee’s (Applicant) right to such formal hearing. The Audits and Investigations Director shall promptly forward all completed, signed, and timely filed Formal Complaint Forms to the Chief Counsel for handling. A failure to assert the statutory grounds for such hearing may result in dismissal of such appeal or 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. Missouri Department of Transportation (MoDOT) employees remain at-will employees.

3. Applicants may represent themselves and handle their own cases but shall have the right to be represented by a duly licensed attorney. See Procedure 2103, “Formal Termination Hearings,” for further details on the formal hearing process.

4. If the Applicant fails to personally appear for the hearing at its scheduled date and time, this will be deemed an abandonment of the Applicant’s complaint. See Procedure 2103, “Formal Termination Hearings,” for further details on the formal hearing process.

5. This policy and its accompanying procedure shall not apply to employees that leave employment with the department as a result of: (1) a layoff; (2) a resignation or retirement from the department; or (3) a resignation or retirement in lieu of termination from the department. Such employees do not have the rights outlined in this policy and procedure.

6. 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:

- Director, Department of Transportation
- Chief Engineer
- Chief Financial Officer
- Assistant Chief Engineer
- Chief Counsel
- Secretary to the Commission
- Assistant Chief Counsels
- District Engineers
- Regional Counsels
- Attorneys I-V
- Division Leaders/State Engineers
- Law Clerks
- Salaried and Permanent Part-time Employees who are in their initial probationary period
- Seasonal and Other Wage Employees

CROSS REFERENCES

Personnel Policy 2100, Grievance Procedure

Personnel Policy 2101, Grievances and Complaints

PROCEDURE

[Procedure 2103, Formal Termination Hearings (http://sharepoint/facilitation/HR/Administration/_layouts/WordViewer.aspx?id=/facilitation/HR/Administration/HR%20Communication/Advance%20Notice%20of%20Policies/2103%20Procedure%20(9-1-15).doc&Source=http%3A%2F%2Fsharepoint%2Ffacilitation%2FHR%2FAdministration%2FHR%2520Communication%2FForms%2FAllItems%2Easpx%3FRootFolder%3D%252Ffacilitation%252FHR%252FAdministration%252FHR%2520Communication%252FAdvance%2520Notice%2520of%2520Policies%26FolderCTID%3D0x01200084C54217E037604CABCC98F6C7C64E1D%26View%3D%7BFC20419E%2DF94B%2D447E%2DB57E%2D2888B58B45C3%7D&DefaultItemOpen=1)]

FORM

Formal Complaint Form

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