

Kansas Corporation Commission
Commission Meeting
March 5, 2015
10:00 a.m. 1st floor hearing room
KCC Offices, 1500 Arrowhead, Topeka, Kansas

MINUTES

The Commission convened the regular scheduled open meeting of the Commission at 10:00 a.m. on March 5, 2015 in the 1st floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.

Present: Chair Albrecht, and Commissioner Apple. Commissioner Emler was absent.

The following were considered by the Commission:

1. **Consent Agenda:** Commissioner Apple moved for approval of the Consent Agenda: All other listed matters as presented for March 5, 2015 on the 3 page document attached hereto as "Attachment A," which is included by reference herein. Commissioner Albrecht seconded the Motion. Motion was approved.
2. **Discussion/Presentation Item(s)**
 - A. KCC Grievance Procedure was presented by Danelle Harsin, Human Resource Director. Commissioner Apple moved for the approval, Commissioner Albrecht seconded the motion and the Motion was granted.

There being no further matters before the Commission, Commissioner Apple moved for adjournment of the Commission meeting, Commissioner Albrecht seconded the Motion, the Motion was granted, the Commission adjourned at 10:01 a.m.

Respectfully submitted,



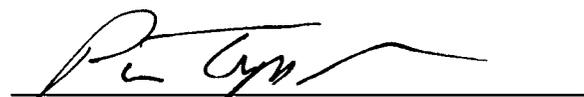
Neysa Thomas
Acting Secretary of the Commission



Shari Feist Albrecht, Chair

Absent

Jay Scott Emler, Commissioner



Pat Apple, Commissioner

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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Shari Feist Albrecht, Chair
Jay Scott Emler, Commissioner
Pat Apple, Commissioner

Sam Brownback, Governor

GRIEVANCE PROCEDURE

APPLICABILITY :

The Kansas Corporation Commission (KCC) Grievance Procedure shall be posted on all the Agency's official bulletin boards and shall be available for use by all KCC employees. The availability of this grievance procedure shall not be interpreted as granting any additional rights under the Kansas Civil Service Act, and any amendments thereto.

Copies of the Grievance Procedure shall be made available upon request to any KCC employee, along with the standard form(s) for processing grievances, by Division Directors or the KCC Human Resources Office.

Employees who lodge a grievance are to be free from restraint, coercion, discrimination, or reprisal. Complainants are assured the maximum possible anonymity. The filing of a grievance shall in no way reflect on an employee's good standing with the KCC. If an employee believes he or she is being subjected to one of the above actions, a separate grievance shall be filed directly with the KCC Chair. Wherever this grievance procedure provides for any grievance to be taken to the KCC Chair, the Chair may rule directly on the matter, or may appoint one or more persons as a hearing panel to gather pertinent statements and information and make recommendations to the Chair.

DEFINITION:

A grievance shall be defined as a statement of dissatisfaction over any condition of work which allegedly has a direct and adverse effect on the employee.

A grievance shall not include matters involving demotion, suspension, or dismissal of a permanent employee; employee performance reviews, or any other subject for which a method of settlement or an appeal procedure is established under appropriate Kansas Statutes or Regulations.

Grievances shall be redressed by the process outlined in "**Grievance Procedure A**". However, a separate procedure may be followed for a grievance alleging discrimination on the basis of race, color, ancestry, national origin, religion, age, sex, sexual harassment, or disability status. This process is outlined in "**Grievance Procedure B**". In addition to the right to file a grievance under this procedure, all employees have the right to file civil rights complaints with appropriate enforcement agencies.

GENERAL PROVISIONS:

An aggrieved employee must represent himself or herself at all steps of the grievance procedure. Another person employed within the KCC may be selected by the aggrieved employee to assist at each step of the procedure at the aggrieved employee's discretion, provided that the selected employee agrees to assist.

The grievant and the selected employee will be allowed to utilize work time to meet with the supervisor, director or other person designated to respond at the applicable step of the procedure so long as such absence does not create undue hardship upon completion of work in the employee's work unit.

Meetings held at each step of the Grievance Procedure shall, wherever possible, take place during regular working hours. When unusual circumstances require meetings outside regular working hours, they shall be mutually agreed upon in writing, and time spent on such meetings or time spent outside regular office hours on other work on the grievance, shall not be considered as time on duty for pay purposes.

Failure of the KCC to reply to the employee's grievance within the time limits specified, grants the employee the opportunity to take the grievance to the next step. If an employee fails to appeal from one step to the next step within the time limits specified, the grievance shall be considered settled on the basis of the KCC's last decision, and the grievance will not be subject to further appeal or consideration.

In the event an immediate supervisor or the supervisor's supervisor is not available to process a grievance, a designee shall be appointed to serve in his or her place.

At any step in the grievance procedure, if either party (the employee on the one hand, the immediate supervisor or supervisor's supervisor on the other hand) believes that an extension of the time limit for action is required, the party may request of the Division Director an extension of the time limit.

Employees covered by an approved Memorandum of Agreement that includes a grievance procedure may elect if eligible, at the time the grievance is first filed, to be covered by either the KCC's or the Memorandum of Agreement procedure. This decision cannot be changed at a later time.

GRIEVANCE PROCEDURE A:

STEP 1:

Any KCC employee who believes that he or she has a grievance shall take up the matter orally with his or her immediate supervisor within five (5) working days of its occurrence. The immediate supervisor shall provide an opportunity for full discussion of the grievance with the aggrieved employee. The immediate supervisor shall then attempt to adjust the matter and shall respond orally to the employee within five (5) working days

of the date on which the aggrieved employee first brought the grievance to his or her attention.

STEP 2:

If the response of the immediate supervisor in STEP 1 is unsatisfactory to the employee and does not settle the issue, the aggrieved employee may complete a standard form by the KCC Human Resources Office, and present the completed and signed form to his or her supervisor's supervisor within five (5) working days after the date on which the immediate supervisor's response was due. This higher level supervisor shall provide opportunity for discussion and review, and shall respond in writing on the standard form within five (5) working days after receipt of the standard grievance form from the aggrieved employee.

NOTE: In situations involving a particular grievance where there is no Step 2 supervisory level in the employee's Division, the grievance procedure will proceed from STEP 1 to STEP 3. In such a case, the employee may appeal to the STEP 3 level within five (5) working days of the immediate supervisor's STEP 1 response.

STEP 3:

If the response in STEP 2 is unsatisfactory to the employee and does not settle the issue, the aggrieved employee may appeal by sending the completed standard grievance form to the Division Director within five (5) working days of the date the STEP 2 response was due. The Division Director shall investigate the matter and shall then meet with the employee and whatever levels of the employee's supervision the Director deems appropriate. The Director shall use any means at his or her disposal to satisfactorily settle the grievance. The Director shall respond in writing on the standard grievance form within ten (10) days of the date on which the Director received the grievance.

FINAL DECISION:

Grievances which have not been resolved in STEP 3 may be appealed to the KCC Chair by sending the completed standard grievance form within five (5) working days after the response of the Director.

The KCC Chair will take such actions as deemed necessary and decide the matter. This decision shall be transmitted in writing to the aggrieved employee, his or her immediate supervisor, and the Division Director within ten (10) working days from the date the grievance was brought to the KCC Chair. This decision shall be final and not subject to further appeal unless further appeal is provided by Kansas Statute or Regulation. (This does not abridge rights to file complaints with appropriate civil rights enforcement agencies.)

GRIEVANCE PROCEDURE B:

STEP 1:

Any KCC employee who believes that he or she has a grievance involving discrimination on the basis of race, color, ancestry, national origin, religion, age, sex, sexual harassment, or disability status may take up the matter orally with the Human Resources Director within five (5) working days of its occurrence. After providing an opportunity for full discussion of the grievance, the Human Resources Director shall then attempt to adjust the matter by working with the employee's division director and shall respond orally to the employee within ten (10) working days of the date on which the aggrieved employee first brought the grievance forward.

FINAL DECISION:

If the response of the Human Resources Director in STEP 1 is unsatisfactory to the employee and does not settle the issue, the aggrieved employee may complete a "Procedure B form" (available in the KCC Human Resources Office) and send the completed and signed form to the KCC Chair within five (5) working days after the response from the Human Resources Director.

The KCC Chair will make a determination and take such actions as deemed necessary and decide the matter. This decision shall be transmitted in writing to the aggrieved employee, the Division Director, and the Human Resources Director within ten (10) working days after the date the grievance was received by the KCC Chair. This decision shall be final and not subject to further appeal unless further appeal is provided by Kansas Statute or Regulation. (This does not abridge rights to file complaints with appropriate civil rights enforcement agencies.)

**KANSAS CORPORATION COMMISSION
GRIEVANCE PROCESSES**

GRIEVANCE PROCEDURE A

	Occurrence of Grievance	
		Within five (5) working days
STEP 1	Employee and Immediate Supervisor Discuss Problem	
		Within five (5) working days
	Immediate Supervisor's Verbal Response Due	
		Within five (5) working days
STEP 2	Employee Presents Written Grievance to Next Level Supervisor	
		Within five (5) working days
	Next Level Supervisor's Response Due	
		Within five (5) working days
STEP 3	Employee Appeals Grievance to Division Director	
		Within ten (10) working days
	Division Director's Decision Due	
		Within five (5) working days
FINAL DECISION	Employee Appeals Grievance to KCC Chair	
		Within ten (10) working days
	Final Decision of KCC Chair	

**KANSAS DEPARTMENT OF ADMINISTRATION
GRIEVANCE PROCESSES**

GRIEVANCE PROCEDURE B

Occurrence of Grievance	
	Within five (5) working days
Employee and Human Resources Manager (or Agency EEO Coordinator) Discuss Problem	
	Within ten (10) working days
Human Resources Manager's (or Agency EEO Coordinator's) Response Due	
	Within five (5) working days
Employee Appeals Grievance to KCC Chair	
	Within ten (10) working days
Final Decision of KCC Chair	

Shari Feist Albrecht, Chair
Kansas Corporation Commission

Date

**KANSAS CORPORATION COMMISSION
PROCEDURE A GRIEVANCE FORM**

This form is to be used after the employee has orally taken up the grievance with the immediate supervisor, has had an opportunity for full discussion of the grievance, and has found the supervisor's response to be unsatisfactory at the First Step.

Employee's Statement: The following grievance occurred on _____ and was presented to immediate supervisor on _____. I am not satisfied with the answer received on _____ and therefore request the grievance be appealed to Step Two of the grievance procedure:

Grievance:

Requested Remedy:

Employee's Signature

Date

Step Two

Supervisor's Supervisor: The above grievance was received by me on _____ which was (within/not within) the five (5) day limit and my response is as follows:

Supervisor's Supervisor Signature

Date

- () I am satisfied with this response and consider grievance to be settled.
() I am not satisfied with response and request an appeal to Step Three because:

Employee's Signature

Date

Step Three

Division Director: The above grievance was received by me on _____
which was (within/not within) the five (5) day limit and my response is as follows:

Division Director's Signature _____ Date _____

- () I am satisfied with this response and consider grievance to be settled.
() I am not satisfied with response and request an appeal to the KCC Commissioners because:

Employee's Signature _____ Date _____

Final Decision

KCC Chair Response: The above grievance was received by me on _____
which was (within/not within) the ten (10) day limit and my decision is as follows:

KCC Chair's Signature _____ Date _____

Distribution:

Grievant	Division Director
Immediate Supervisor	Human Resources Director
Supervisor's Supervisor	

**KANSAS CORPORATION COMMISSION
PROCEDURE B GRIEVANCE FORM**

This form is to be used after the employee has orally taken up the grievance involving discrimination or sexual harassment with the KCC Human Resources Director, has had an opportunity for full discussion of the grievance, and has found the Human Resources Director's response to be unsatisfactory.

Employee's Statement:

The following grievance occurred on _____ ;

and was presented the KCC's Human Resources Director on _____ ;

I am not satisfied with the answer received on _____ ;

and therefore request the grievance be appealed to the KCC Chair.

Grievance:

Requested Remedy:

Employee's Signature

Date

Final Decision

KCC Chair Response: The above grievance was received by me on _____;
which was (within/not within) the five (5) day limit and my decision is as follows:

KCC Chair's Signature

Date

Distribution:

Grievant
Immediate Supervisor

Division Director
Human Resources Director



ITEMS OF Consent Agenda

Approval Date: Thursday, March 5, 2015

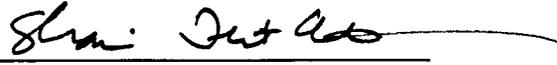
NOTICE TO THE PUBLIC: There will be no separate discussion of Consent Agenda items as they are considered to be routine by the Kansas Corporation Commission. Unless removed from the website's Consent Agenda, the orders appearing on the Consent Agenda will become the Order of the full Commission at the Commission's regularly scheduled Business Meeting. If Commission staff or a Commissioner requests an item be removed from the Consent Agenda, the affected item may be considered separately or placed on the earliest possible Business Meeting agenda for discussion.

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
1	In the Matter of the Application of Westar Energy, Inc. and Kansas Gas and Electric Company for Approval of Energy Efficiency Programs. <i>Order Granting Intervention to Kansas Gas Service</i>	15-WSEE-181-TAR	
2	In the Matter of the Complaint Against Kansas City Power & Light By Crown IV Investors, LLC <i>Order Adopting Staff's Memorandum and Opening Complaint Investigation</i>	15-KCPE-363-COM	
3	In the Matter of Westar Energy Seeking Commission Approval to Implement Changes in their 2015 Transmission Delivery Charge <i>Order Granting Intervention</i>	15-WSEE-366-TAR	
4	In the Matter of Mid-America Pipeline Company, LLC Seeking Commission Approval for KCC Tariff No. 18.3.0 to Replace KCC Tariff No. 18.2.0. <i>Order Granting Intervention to ONEOK Hydrocarbon</i>	15-MDAP-253-TAR	

ATTACHMENT A

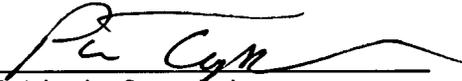
For the Commission :



Shari Feist Albrecht, Chair

ABSENT

Jay Scott Emler, Commissioner



Pat Apple, Commissioner

Attest:



Neysa Thomas
Acting Secretary