Process for Resolving Employee Workplace Complaints

Purpose

The purpose of this process is to informally resolve employee workplace complaints. The process recommends direct communication with the supervisor to resolve problems. A formal review process has also been established for instances where informal communication is not possible or practical.

This document sets forth the applicability, other available district complaint policies, definitions, procedure, and responsibilities for implementation.

Applicability & Definition

This process is available to all current employees of the district.

A complaint under this process is defined as activity negatively impacting the employee’s ability to perform their job duties. This includes intimidation, coercion, and written, verbal or non-verbal abuse by another employee. This process is not to be used in cases of discrimination or sexual harassment.

Allegations of discrimination are subject to the District’s Board policy and procedure 811 and 812, "Resolving Allegations of Discrimination."

Allegations of sexual harassment are subject to the District’s Board policy and procedure 813, "Resolving Allegations of Sexual Harassment."

Procedure

The review process for employee complaints provides a means for an employee to clarify a situation, which the employee perceives as a violation of the terms and conditions of employment. The review and resolution may be carried out informally or may, at the employee's option, involve the filing of a written complaint.

Informal Resolution

Each supervisor and employee is encouraged to resolve on-the-job complaints in an atmosphere of mutual respect. An employee should bring any work-related problem to the attention of his/her immediate supervisor as soon as possible so the problem may be resolved. The supervisor should discuss with the employee those concerns in an effort to resolve the problem in a timely fashion.

If they wish, the employee and/or the supervisor may seek assistance in resolving problems from the Director of Human Resources.
Formal Resolution

The formal complaint process may be used at any time by an employee to request an investigation. The formal process provides for an employee filing a written complaint with the supervisor, for management review of the supervisor's decision, and for final review in an appeal process. Each complaint filed must be made in the name of an individual employee.

1. Initial Written Complaint

To initiate formal review, the employee must notify their immediate supervisor in writing within thirty (30) working days of the occurrence on which the complaint is based. A copy must be forwarded to the Director of Human Resources.

The written complaint should contain the following information:

- Name and address of complainant (home or work);
- Position;
- Description in detail of the nature of the complaint;
- The time and date when the basis for the complaint is alleged to have occurred;
- The names and positions of all persons alleged to be involved in the complaint;
- Other supporting material;
- Date submitted;
- Employee's signature.

Within twenty (20) working days after receiving the complaint, the employee's supervisor will confer with the employee to discuss the complaint. In addition, the supervisor may make additional inquiry regarding the complaint.

Within twenty (20) working days after conferring with the employee, the supervisor will render a decision in writing, furnishing a copy to the employee and to the Director of Human Resources. If the employee accepts the supervisor's decision in writing, the complaint is resolved. If the supervisor does not render a decision on a complaint within the prescribed time limit, the complaint is deemed denied, and the employee may ask for a review at the next supervisory level.

2. Review of Supervisor's Decision

If the employee is dissatisfied with the supervisor's decision or a decision is not rendered within the time limit, a review of the decision by the next supervisory level may be requested by the employee.

The employee must submit a signed statement to the next supervisory or appeal level within twenty (20) working days after the employee is informed of the supervisor's decision. The statement should explain why the employee feels the supervisor's decision
should be overruled or modified. The employee must forward a copy of this statement to the Director of Human Resources.

The reviewer shall consider the employee's complaint and the immediate supervisor's decision, taking into account the initial formal complaint and all material submitted by the employee. The reviewer may make additional inquiry regarding the complaint.

With twenty (20) working days after receiving a request for a review, the reviewer shall render a decision in writing to the employee with a copy to the supervisor and to the Director of Human Resources.

3. Appeal Process

If the employee is dissatisfied with the review of the supervisor's decision, the employee must forward an appeal to the Vice President of Human Resources within ten (10) working days. The appeal shall be in writing and include the reason(s) for the appeal. The Vice President of Human Resources will notify the Chief Executive Officer or designee that a timely appeal has been received. A copy of all complaints involving appeal reviews will be forwarded to the district Chancellor’s office.

The Vice President of Human Resources will conduct the appeal proceeding within twenty (20) working days and, within an additional twenty (20) working days after the conclusion of the proceeding, will render a final decision. A copy of the appeal decision will be forwarded to the district Chancellor’s office.

The time limits specified in this complaint procedure will be observed and applied strictly and will not be extended without the prior written consent of the employee and the applicable level of supervisor responsible for the review. If an employee fails to comply with any time limit, the complaint shall be deemed automatically withdrawn and the proceeding terminated.

Responsibility

Specific responsibilities related to this process are outlined below.

- **The Employee is responsible for:**
  - Timely submission of complaints under this process.
- **The Supervisor is responsible for:**
  - Correcting work-related problems and seeking the help of appropriate offices or persons when necessary.
- **The Office of Human Resources is responsible for:**
  - Implementing this process
  - Helping employees evaluate options available to resolve misunderstandings or complaints on the job;
  - Monitoring the complaint process to ensure that the time requirements of the process are met by all parties;
o Advising employees of their recourse under this and other complaint processes and making referrals to the Equal Employment Officer if complaints allege discrimination or sexual harassment;

o Assisting supervisors in their obligations under the process by providing counsel and help in resolving problems in the workplace;

o Ensuring all parties to the process are informed at each level of the process.