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Subject: EMPLOYEE COMPLAINT

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Revised  
Date:  
02/20/18

Supersedes:  
5.24.00.00  
11/01/14

Approved:



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Secretary or Designee  
Board of Trustees

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## I. PURPOSE

To establish a policy for PermiaCare to channel employee concerns including working conditions and personnel issues. This avenue of relief for staff is not meant to preclude or replace PermiaCare incident reporting procedures or to replace the employee's use of normal supervisory reporting channels.

## II. POLICY

A. A complaint is defined, for the purposes of this policy, as a concern regarding the action of another employee or the application of PermiaCare policies which the employee considers unjust, inequitable, or which has a negative impact on the work environment. Complaints and appeals related to an employee's own work performance and evaluation of that performance by management would be addressed within the performance evaluation procedures. Complaints regarding management rights, such as the assignment of work and scheduling hours, work-related directives and job tasks, approving or denying accrued leave, and enforcing reasonable rules and regulations, are not included in this process unless the complaint describes discrimination or retaliation.

B. PermiaCare strives to provide a satisfactory work environment free from discrimination, harassment or hostility. Furthermore, it will not deny any benefit of employment solely based on race, color, gender, religion,

national origin, citizenship, disability or medical condition, genetic information, age, sexual orientation, or veteran status.

C. Problems, misunderstandings, and frustrations may arise in the workplace from time-to-time, and when they do, the goal of all employees should be to initially direct their concerns to their immediate supervisor. The supervisor is responsible for handling the matter promptly, professionally, and equitably.

D. Whenever a discussion with the supervisor does not resolve the problem in a satisfactory manner, the employee may make the complaint known to the Division Director.

E. Whenever such action still does not resolve the problem, the employee may file a written complaint with the Human Resources Department. It should be noted the complaint procedure listed below is intended to provide a further avenue for addressing serious concerns when normal use of supervisory channels has been unsuccessful.

F. For complaints involving sexual harassment or other forms of unlawful harassment, the process found in the Sexual Harassment and Other Unlawful Harassment Administrative Procedure should be followed. Any employee who feels they are a victim of sexual or other forms of harassment shall report it to the Human Resources Department immediately.

### III. PROCEDURES

A. When informal consultation with a supervisor and/or director has not resulted in resolution of a problem brought to the supervisor's attention by an employee, the employee will:

1. Provide a written complaint, which must be signed by the complainant, and include the following whenever possible:
  - a. The full name, work address, and work telephone number of the complainant;
  - b. A short statement of the complaint including date of incident and date the employee first learned of same, if different;
  - c. Steps employee has taken to rectify the situation (including responses from supervisor and/or director)
  - d. Copies of any documentation supporting the employee's position;
  - e. The relief the complainant believes should be granted to include consideration for more than one alternative.

Any pertinent information that is missing could result in rejection of the complaint.

2. The complaint must be filed with the Director of Human Resources within ten (10) workdays of the incident causing the complaint, or of the initial knowledge of the incident by the complainant. No complaint received after the tenth (10<sup>th</sup>) workday will be accepted.

B. The Director of Human Resources will forward copies of the written complaint to the immediate supervisor, all other supervisors within the supervisory channel, and/or other appropriate parties as deemed necessary. In the event the complaint is filed against someone under the direct supervision of the Chief Executive Officer, copies would be forwarded to the Chief Executive Officer who will attempt to resolve the matter. In the event the complaint is filed against the Chief Executive Officer, copies would be forwarded to the Chair of the Board of Trustees.

C. The Director of Human Resources will then attempt to resolve the complaint, including any necessary informal mediation between the

employee and his/her supervisor. The Director of Human Resources will be afforded thirty (30) workdays to attempt to resolve the complaint.

D. If the complaint cannot be resolved within thirty (30) workdays of the receipt of the last complaint, the Director of Human Resources will forward the information to the Chief Executive Officer for him or her to either:

1. Make a determination on the complaint within ten (10) working days of receipt, based on the information furnished by the Director of Human Resources and the matter will be deemed closed; or
2. Appoint within five (5) working days an individual or individuals to investigate the complaint. Results of the investigation will be reported to the Chief Executive Officer within ten (10) working days of receipt of the report. The Chief Executive Officer will then make a determination on the complaint and the matter will be deemed closed.

E. The determination by the Chief Executive Officer will be in writing and will be delivered to the complainant with a copy to the Director of Human Resources. There is no appeal from the determination of the Chief Executive Officer.

F. Upon the written request of the complainant to the Director of Human Resources, a complaint or any part thereof may be withdrawn in writing. The withdrawal of a complaint or any part thereof will preclude its re-filing.

G. Complaints will be rejected if a preliminary investigation of the facts indicates that they are found to be frivolous, vexatious, misconceived or lacking in substance.

H. Although PermiaCare cannot guarantee a complaint will be kept confidential because of the need to investigate the complaint, PermiaCare

will use its best efforts not to disseminate information concerning the complaint beyond those who have a need to know.

I. PermiaCare prohibits retaliation of any kind against employees who report a complaint in good faith. If an employee feels he/she has been subjected to any form of retaliation, the employee should report it to the Human Resources Director. Employees assisting with an investigation will also not be penalized.

J. As an At-will employer, this complaint resolution process does not constitute a contractual agreement between PermiaCare and the employee. This procedure does not apply to personnel actions approved by the Human Resources Director, including but not limited to disciplinary actions, suspension and/or termination of employment. This procedure is not available to persons who have terminated employment with PermiaCare.