

Employee Complaint Resolution

Number: H-2

Revision:

Revision Date: 07/01/2017

1.0 POLICY

The Town of Carolina Beach provides a means whereby employees may freely discuss problems with their supervisors and a procedure for the presentation and mutual adjustment of points of disagreement or concerns which arise between any employees and/or supervisors.

2.0 PURPOSE

This policy exists to provide a fair and equitable process for an employee to have his concerns heard when complaints cannot be resolved through more informal discussions. Employees are encouraged to resolve problems informally through normal channels and departmental procedures. This policy outlines the Town's process to allow prompt and fair methods of resolving employee problems.

This policy represents an internal administrative process between the Town and their employees. It is designed to provide information to employees and supervisors about the behaviors and performance the Town of Carolina Beach considers unacceptable. It also includes guidance to supervisors and employees about the rules and procedures that are to be followed in resolving issues related to unacceptable behaviors and performance. While nothing in this policy prohibits employees from obtaining third party counsel or advice during the disciplinary process, such parties are prohibited from acting on behalf of the employee.

3.0 SCOPE

This policy applies to all employees.

4.0 DEFINITIONS

- 4.1 **Formal Complaint** - A written complaint initiated by an employee (or group of employees) pertaining to employment conditions, to relationships between an employee and his supervisor, or to relationships between an employee and other employees. (Note: For appeals involving corrective action initiated by a supervisor against an employee, see **Policy on Corrective Action**).
- 4.2 **Complainant** - Town employee who initiates a written complaint aggrieving an unresolved concern regarding his work experience or working conditions with the Town.
- 4.3 **Mediation** - A process in which a mediator facilitates communication and negotiation between parties to assist them in reaching a workable agreement regarding their dispute. This process creates an opportunity to save time, expense, and distress of living with unresolved conflict in the workplace.

5.0 ORGANIZATIONAL RULES

- 5.1 This policy will be applied and administered in a manner consistent with the Town's equal employment opportunity policy, without regard to race, religion, color, national origin, age, disability, sex, or sexual orientation.

- 5.2 Employees may exercise all rights and procedures of this policy without being subject to reprisal, harassment, or retaliation. No hardship, no loss or benefit, and no penalty may be imposed on an employee as punishment for:
 - A. Filing or responding to a bona fide complaint of discrimination or harassment
 - B. Appearing as a witness in the investigation of a complaint, or
 - C. Serving as an investigator.

Retaliation or attempted retaliation is a violation of this Policy and the Town's core values; anyone who retaliates against an employee for exercising his rights under this policy will be subject to corrective action up to and including termination.

- 5.3 Formal Complaints that can be appealed up to the Town Manager's office are:
 - A. Allegations of discrimination against any employee on the basis of race, religion, color, national origin, age, disability, sex, or sexual orientation.
 - B. Acts of retaliation as a result of reporting any acts of violation of Town, State or Federal Laws.
 - C. Any of the items listed in 5.4 that directly involve the Department Director.
- 5.4 Formal Complaints that can be appealed up to the Department Director include concerns regarding:
 - A. The methods and conditions of job performance.
 - B. Relations with fellow employees.
 - C. Performance appraisals.
 - D. Job Evaluations and revision of wages.
- 5.5 Complaints that cannot be formally filed but should be discussed with the supervisor if the employee has concerns or questions include:
 - A. The contents of ordinances, statutes or established personnel policies, procedures, rules and regulations.
 - B. Failure to promote, except where the employee contends that established promotional policies or procedures were not followed or applied fairly.
 - C. Discharge, lay-off or suspension from duties because of lack of work or reduction in work force.

6.0 PROCEDURES

- 6.1 When an employee, or group of employees, has a concern regarding his work experience or working conditions with the Town, he is encouraged to try to resolve it informally with the department and/or through the Human Resources Department. If such a concern cannot be resolved informally through discussions, an employee may take the following successive steps to resolve the complaint in formal written form through normal channels and departmental procedures:

Mediation is the recommended option before or after any of the following steps. Please contact Human Resources for more information.

A. Step One - The employee discusses the complaint with his immediate supervisor, in person, within ten (10) consecutive calendar days from the date of its occurrence or knowledge of its occurrence. The immediate supervisor must verbally reply to the complainant within ten (10) consecutive calendar days of this discussion.

B. Step Two - If the complaint is not settled in Step One, the complainant may, within ten (10) consecutive calendar days of the immediate supervisor's verbal reply, submit a formal complaint in writing to the next higher supervisor. The

supervisor must reply in writing to the complainant within ten (10) consecutive calendar days of receipt of the written complaint.

C. Step Three - If the complaint is not settled in Step Two, the complainant may, within ten (10) consecutive calendar days of the higher level supervisor's written reply, submit the complaint in writing to the next higher supervisor. This supervisor must reply in writing to the complainant within ten (10) consecutive calendar days of receipt of the formal complaint. If the complaint is still not settled, then the same process is continued until the formal complaint reaches the Department Director level.

D. Step Four - If the complaint is not settled to this point, the complainant must submit his complaint, in writing, to the Department Director within ten (10) consecutive calendar days. The Department Director must notify the employee of his decision within twenty (20) consecutive calendar days of receipt of the formal complaint. During this time the Department Director may interview the employee and/or conduct an investigation into the employee's complaint. If an investigation will take longer to resolve than the specified twenty (20) days, the Department Director will notify the employee within the twenty (20) days and will give him an estimated time for completion of the investigation. The Human Resources Department may advise the Department Director on the methodology of responding to the complaint if needed. If the immediate supervisor is the Department Director, Steps One through Three are combined into a single step.

E. Step Five - If the complaint is not settled in Step Four, and if there is a right to have the formal complaint heard beyond the Department Director level, the complainant may appeal the decision by submitting the formal complaint to the Town Manager within ten (10) consecutive calendar days of the Department Director's response. The Town Manager will investigate through a review of the written record (required). In addition, the Town Manager may choose to interview the employee, department supervisory officials, or other individuals with relevant information. The Town Manager must respond in writing to the complainant within twenty (20) consecutive calendar days of the receipt of the written complaint. If an investigation will take longer to resolve than the specified twenty (20) days, the Town Manager will notify the employee within the twenty (20) days and will give him an estimated time for completion of the investigation. If the immediate supervisor is the Town Manager, Steps One through Four are combined. The Town Manager has final authority on all administrative decisions.

7.0 APPENDIX, APPENDICES

- Mediation Services Description