

Procedure: 4.4.3p. (III.M.I.)

Employee Complaint Resolution

Revised: July 13, 2012
Last Reviewed: September 6, 2012
Adopted: July 13, 2012



I. PURPOSE:

The Technical College System of Georgia [TCSG] is committed to the fair and equitable treatment of all employees and encourages employees to bring their work-related concerns forward without fear of reprisal. Prompt reporting, open, honest communications, and timely processing of employee complaints are vital to facilitating an effective resolution.

The purpose of this procedure is to establish a uniform process for the resolution of employment concerns not addressed by the Positive Discipline Policy, the Unlawful Harassment Procedure or other specific complaint resolution process. It shall be followed by employees of the System Office and the technical colleges. The process is intended to encourage communication between the parties involved, either directly or through an intermediary, to facilitate a mutual understanding of and appropriately address any policy or safety issues.

While this complaint resolution process is provided to employees as a mechanism for expressing concerns about employment, it is not intended to alter in any way the employment at-will relationship between the TCSG and its at-will employees or those employees working under the terms of an employment contract, if applicable.

II. RELATED AUTHORITY

State Board POLICY: 2.1.1. Statement of Equal Opportunity
State Board POLICY: 4.4.1. Positive Discipline
State Board POLICY: 4.1.10 Reduction-in-Force
State Board POLICY: 6.5.1. Academic Standards, Evaluations, and Appeals
State Board POLICY: 4.4.3. Employee Complaint Resolution Policy
TCSG Procedure: 4.3.1p. Unlawful Harassment of Staff
TCSG Procedure: 6.1.1p. Unlawful Harassment and Discrimination of Students
TCSG Procedure: 6.3.1p1. Student Records
TCSG Procedure: 6.5.3p. Student Grievances

Rules:

State Personnel Board Rule 478-1-.20, Employee Grievances

Statutes:

O.C.G.A §45-22-1 TO §45-22-12, Public Employee Hazardous Chemical Protection and Right to Know Act of 1988

O.C.G.A. § 45-1-4: Georgia Whistleblower Act

III. APPLICABILITY

All work units and technical colleges associated with the Technical College System of Georgia.

IV. DEFINITIONS

The following definitions apply to the provisions included in this procedure:

- A. **Immediate Supervisor:** an individual charged with developing performance plans and managing and evaluating the performance of employee(s) in those work unit(s) under his/her span of control.
- B. **Reviewing Manager:** a manager charged with reviewing the performance evaluations prepared by lower-level supervisor(s) in his/her direct line of supervision.
- C. **Reviewing Official:** an individual with the authority to grant the relief being sought by the employee and who has been designated by the Complaint Coordinator to evaluate and/or resolve an employee complaint. In the System Office, the Reviewing Official shall be the Deputy Commissioner, or, as applicable, an Assistant Commissioner.
- D. **Complaint Coordinator:** an individual(s) who has been designated by the technical college President or TCSG Commissioner to receive, evaluate and/or resolve employee complaints or assign employee complaints to an appropriate Reviewing Official. The TCSG Director of Human Resources is designated as the Complaint Coordinator for complaints filed by the System Office employees and for those technical college complaints directed against the President.
- E. **Eligible Employee:** any full- or part-time employee of the TCSG, to include those working in the System Office or a technical college. Employees who have been formally notified that they are to be dismissed from employment, who have tendered their notice of resignation, or whose contract will not be renewed are not eligible to bring forward a complaint under this Procedure. Employees who have been disciplined under the provisions of the Positive Discipline Policy may not bring forward a complaint under this Procedure relative to the delivery of or level of disciplinary action (i.e. Reminder 1, Reminder 2, or a day of Decision Making Leave).

V. ATTACHMENT:

Attachment: 4.4.3p.a1. Employee Complaint Resolution Form

VI. PROCEDURE:

A. Subject Matter of Employee Complaints

- 1. This procedure may be used when an eligible employee's complaint relates to:
 - a. An erroneous, arbitrary, or capricious interpretation or application of a State Board policy, TCSG procedure, college operating policy or procedure or applicable state/federal law or regulation other than an allegation of illegal harassment or discrimination referenced in V.A.2.a of this procedure;
 - b. Unsafe or unhealthy working conditions;
 - c. Retaliation for filing a complaint or exercising any right provided for in a State Board or technical college policy, procedure or state/federal statute.
- 2. This procedure may not be used when an eligible employee's complaint relates to:
 - a. Allegations of illegal harassment or discrimination, including race, color, national origin, sex, age, disability, religious or political affiliation. Complaints of this nature must be filed pursuant to the provisions outlined in Procedure: 4.3.1p. Unlawful Harassment of Staff;
 - b. A supervisor or manager's decision concerning the affected employee's attendance, work performance or conduct. Rather, employees must follow the

- procedure outlined in Policy: 4.4.1. Positive Discipline or the college procedure 4.4.1p. regarding review of performance evaluations;
- c. Contract non-renewals;
 - d. Temporary work assignments;
 - e. Budgetary matters or organizational structure;
 - f. Selection or non-selection of an employee for a position, unless the selection violates a written policy or procedure;
 - g. Termination, demotion, reassignment, furlough, salary reduction, change in time status, or reduction-in-force; or
 - h. Any other issues which have a separate process for resolution.

NOTE: An employee impacted by a reduction-in-force who believes that the accompanying plan was not followed in a manner approved by the Commissioner may request a review by the Commissioner as provided in State Board Policy:4.1.10.

3. If an individual wishes to bring a complaint accusing another of misconduct and remain anonymous, the ability of the System Office or technical college to fully respond and bring about an appropriate resolution may be impacted.

B. Resolution Process

1. Employees should first discuss their complaint with their immediate supervisor or manager. If the complaint relates to his/her immediate supervisor, the employee should discuss his/her concerns with the reviewing manager or others in the employee's chain of command.
2. Supervisors and reviewing managers are expected to address employee complaints in a reasonable and timely manner and advise the employee on any policy matters relating to the complaint. Supervisors and reviewing managers have certain reporting requirements when complaints pertain to illegal discrimination or harassment and are expected to fulfill their obligations, even if the employee making this type of complaint indicates he/she does not wish to pursue it.
3. While employees are encouraged to resolve complaints within their chain of command, eligible employees may also file a written complaint with the complaint coordinator. The Complaint must include:
 - a. An explanation of the employee's specific concern;
 - b. A description of how the employee's employment has been affected;
 - c. The time, date and place of any event pertaining to the complaint;
 - d. The identity of any witnesses with knowledge of the subject of the complaint;
 - e. Any policy or procedure at issue and how it was erroneously interpreted or applied; and
 - f. A description of the relief or results the employee is seeking.
4. The complaint coordinator will provide an initial response to the employee's complaint within ten (10) calendar days of the receipt of the complaint. The response will include:
 - a. A statement that the complaint is appropriate for resolution under the Complaint Resolution process and describe the manner in which it will be addressed; or
 - b. A statement that the complaint concerns a matter excluded from the provisions of the procedure.
 - c. If the complaint is appropriate for resolution pursuant to another policy or procedure, the complaint coordinator will notify the employee of the policy and forward the complaint to the appropriate official.

5. If the complaint coordinator determines the Complaint Resolution process is appropriate to address the complaint, he/she may refer the matter to mediation upon the concurrence of all involved parties, may investigate and recommend a resolution, or refer the complaint to a reviewing official for investigation and resolution.
6. Investigation of employee complaints may be based solely on written statements and documents provided; interviews with the employee, witnesses and others; meeting with the parties to facilitate communication and resolution; clarification and/or interpretation of relevant policies; or any other action required to gather sufficient information to recommend a resolution.
7. Within thirty (30) calendar days of the receipt of the complaint by the complaint coordinator, the coordinator will notify the employee of the recommended actions to resolve the complaint or that an extension of time is necessary.
8. Should the employee accept the recommendation, the appropriate actions will be taken and the matter will be closed.
9. Should a technical college employee wish to appeal the recommendation, he/she must submit a written appeal to the president within seven (7) calendar days of receipt of the recommendation. A System Office employee may submit a written appeal to the Commissioner within seven (7) days of receipt of the recommendation.
10. The college president, or Commissioner, as applicable, will evaluate the appeal and determine if the initial decision is appropriate or may direct other action(s) be taken to address the complaint.
11. The college president, or if applicable, the Commissioner will notify the employee of the decision within ten (10) calendar days of receiving the appeal. Absent extraordinary circumstances, the president's decision will be final. For System Office employees who submit an appeal, the Commissioner's decision will be final and conclude the processing of the complaint.
12. Should a technical college employee wish to appeal the president's decision, he/she must submit a written appeal to the Commissioner within seven (7) calendar days of receipt of the president's decision.
13. The Commissioner may decline to consider the appeal or may affirm, reverse or modify the decision. The employee will be informed of the decision within fifteen (15) calendar days of receipt of the appeal. The Commissioner's decision will be final and will conclude the processing of the employee's complaint.
14. As referenced in Paragraph IV.D. complaints directed against a technical college president must be filed with the TCSG System Office complaint coordinator and will be processed as those filed by System Office staff.

C. Other General Considerations

1. Information concerning the nature, scope, evaluation and resolution of employee complaints submitted pursuant to this procedure shall be confidential to the extent possible and will be shared only with those persons with a need to know; information pertaining to the complaint can be produced under the Georgia Open Records Act unless it is subject to one of the exceptions contained in the statute.
2. Employees should file complaints as promptly as possible as the ability to effectively address issues is compromised by the passage of time. Complaints should generally be filed within thirty (30) calendar days of the conduct, decision or event that is the subject matter of the complaint or when it was first discovered. The complaint coordinator may determine a complaint is not appropriate for resolution under this procedure if the amount of time that has passed since the complained of act would significantly impact the effectiveness of the fact-finding or resolution process.

3. Student complaints are not covered by this procedure. Students seeking review of academic decision or reporting other complaints may do so pursuant to POLICY: 6.5.1. Academic Standards, Evaluation, and Appeals; POLICY: 6.1.1. Unlawful Harassment of Students and/or TCSG Procedure: 6.5.3p. Student Grievance.
4. Employees seeking information regarding the complaint resolution process may consult with their local Human Resources offices, the TCSG Office of Human Resources, the Office of Legal Services or the designated complaint coordinator.
5. Information on the complaint resolution procedure must be distributed and published by the complaint coordinator in a manner to ensure that it is available to employees.
6. Multiple complaints filed by an employee may be consolidated into a single complaint with the timeframe for response determined by the date of the receipt of the last complaint.
7. Separate complaints filed by two or more employees regarding the same issue(s) may be consolidated into a group grievance with the timeframe for response determined by the date of the receipt of the last complaint. Employees will be notified of the decision to consolidate.
8. Retaliation in any form against individuals filing complaints is strictly prohibited and in many instances a violation of state and federal laws. Any individual who supplies false or misleading information in conjunction with a complaint or anyone who attempts to harass, intimidate, or retaliate against an individual for filing a complaint or for providing information in connection with a complaint filed under this process will be subject to disciplinary action consistent with the applicable policies.

VII. RECORD RETENTION

1. Complaint coordinators must maintain a record of all written complaints and any applicable documents for a minimum of two (2) years from the date of final resolution.
2. Materials/documents relating to complaints shall not be maintained in the official personnel files.

Employee Complaint Resolution Form

Please read the Employee Complaint Resolution Policy and Procedure prior to completing this form

Employee Information		
Employee's Name:	Job Title:	Work Unit:
Employee ID Number:	Daytime Phone:	Preferred Mailing Address:
Complaint Information		
Date of Occurrence: _____	Have you discussed this issue with your supervisor? <input type="checkbox"/> yes <input type="checkbox"/> no	Supervisor's Name:
Note: Complaints should be filed within 30 calendar days of the occurrence	Date(s) of discussion:	Supervisor's Phone:
<p>Subject of Complaint:</p> <p>_____</p> <p>Describe what happened: when and where, how your employment has been affected, and indicate names of others who have knowledge of the issues raised in your complaint. Attach any supporting documentation.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Relief Requested: Indicate the action(s) you are requesting to resolve your complaint:</p> <p>_____</p> <p>_____</p>		

My signature indicates that the information contained on this form and attachments to this form are true and factual to the best of my knowledge.

Date

Employee Signature

If this complaint is being filed by multiple employees involving the same issue(s), attach a list of all participating employees, their employee ID #, day time phone number and signature. If a spokesperson has been designated, the individual chosen should sign this form.

For Complaint Coordinator's Use Only

Date Received

Signature of Complaint Coordinator

Name of Reviewing Official if applicable: _____