

RESOLUTION OF STAFF COMPLAINTS – GRIEVANCES

Puget Sound ESD (PSESD) will provide equal employment opportunity and treatment for all staff and applicants in recruitment, hiring, retention, assignment, transfer, promotion and training.

The agency affirms the law that prohibits intimidating, threatening, coercing or discriminating against any individual for the purpose of interfering with their right to file a grievance under this procedure and from retaliating against an individual for filing such a grievance. No staff member's status with the agency will be adversely affected because the staff member utilized these procedures.

The following review procedures shall be used in the agency's relationship with its staff with regard to employment concerns covered by state and federal equal employment opportunity laws or upon alleged violation, misinterpretation or a misapplication of existing agency policies and procedures. The purpose of this procedure is to ensure an equitable process to a justifiable complaint. To this end, specific steps will be taken.

Grievances will be processed as rapidly as possible with the number of days indicated at each step to be considered as maximum. Time limits may be extended by mutual consent. The employee may, upon request, have the assistance or presence of a representative at any step of the grievance procedure where the attendance of the employee is requested by the PSESD. All documents, communications and records dealing with the processing of a grievance will be maintained in a separate file and will not be kept in the personnel file of the aggrieved.

1. Informal Process for Resolution

Prior to making a formal complaint as outlined in Level One below, when a staff member has an employment concern relative to a perceived violation of state or federal regulations and/or agency policies and procedures, he/she will discuss the problem with the executive administrator/department head, or the executive director of human resources & organizational development (hereinafter referred to as compliance officer) within 30 calendar days of the circumstances which gave rise to the complaint. The staff member may also ask the compliance officer to participate in the informal review procedure, if not otherwise involved. It is intended that the informal discussion will resolve the issue. If the staff member feels he/she cannot resolve the issue with the executive administrator because of the executive administrator's involvement in the alleged complaint, the staff member may directly contact the compliance officer before pursuing formal procedures.

The compliance officer or designee will attempt to informally resolve the complaint and shall notify the complainant within thirty (30) calendar days of a proposed resolution. If the discussion with the compliance officer or executive administrator does not resolve the issue, the staff member may proceed to the formal review procedures. During the course of the informal process, the complainant shall be notified of their right to file a formal complaint.

2. Formal Process for Resolution

Level One: Formal Complaint to Agency

If the complainant chooses not to follow the informal resolution process outlined above or is not satisfied with the proposed resolution, the employee may make a formal complaint. Such formal complaint must be filed with the compliance officer as soon as possible, but not later than thirty (30) calendar days following the alleged concern or the proposed resolution as referenced above, whichever comes later.

- Such complaint must be in writing and set forth the specific acts, conditions, or circumstances alleged to be in violation of agency policies or obligations with regard to prohibition of discrimination
- The compliance officer or designee shall conduct a prompt and thorough investigation into the allegation(s).
- The agency and complainant may agree to resolve the complaint in lieu of an investigation.
- The compliance officer will notify the superintendent of the complaint and the results of the investigation.

The superintendent or designee shall respond, in writing, to the complainant as expeditiously as possible, but not later than thirty (30) calendar days following receipt of the written formal complaint unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. If an extension is needed, the agency shall notify the complainant in writing of the reasons and the anticipated response date.

The decision of the superintendent or designee will include:

- Summary of the results of the investigation;
- Whether the agency has failed to comply with anti-discrimination laws and/or other agency policies;
- If non-compliance is found, corrective measures the agency deems necessary to correct it; and
- Notice of the complainant's right to appeal to the board of directors and the necessary filing information. The superintendent's or designee's response will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964.

Corrective measures deemed necessary will be instituted as expeditiously as possible, but in no event later than 30 calendar days following the superintendent's or designee's written response to the complaining party unless otherwise agreed to by the complainant.

Level Two - Appeal to PSESD Board of Directors

If the formal complaint has not been resolved to the satisfaction of the complainant, the complainant may file a written appeal of the decision to the Chair of the Board of Directors

within five (5) calendar days of the receipt of such decision. The board in considering the written appeal shall review the formal complaint and supporting documents. Full discretion in considering the appeal includes affirming or reversing the Superintendent or designees decision. In its discretion, the Board of Directors may choose to affirm the Superintendent or designee's decision. The Board will render a written decision within thirty (30) calendar days. The decision of the board shall be final and binding.

Definitions

- A. **Grievance** means a complaint which has been filed by an employee relating to alleged violations of any state or federal anti-discrimination laws, and/or agency policies.
- B. **Formal Complaint** means a written charge alleging specific acts, conditions or circumstances, which are in violation of anti-discrimination laws or agency policy. The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. Complaints may be submitted by mail, fax, e-mail or hand-delivery to the agency's compliance officer, responsible for investigating discrimination complaints.
- C. **Respondent** means the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

Adopted: November 1980

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