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<b>Employee Complaint Procedures</b>	<b>ACA Standards: 2-CO-1C-02, 5-ACI-1C-01, 4-ACRS-7E-01, 4-APPFS-3E-15</b>		
<b>Steven Harpe, Director</b> <b>Oklahoma Department of Corrections</b>		<b>Signature on File</b>	

## Employee Complaint Procedures

### I. Purpose

This complaint procedure establishes guidelines for the prompt and equitable resolution of issues which are of concern to agency employees and subject to the control of the appointing authority. State Employees have complaint rights under the Civil Service and Human Capital Modernization Act and rules promulgated thereunder on certain disciplinary actions through the Civil Service Division, unless designated as executive management as determined by the agency director. Employees can also file confidential whistleblower complaints with the Civil Service Division.

For issues outside of the scope of the Civil Service Division, such as problems, misunderstandings and frustrations that may arise in the workplace, employees may file an internal complaint through the Employee Complaint Procedures after appropriate steps have been taken to attempt to resolve the issue between involved parties. Complaints regarding issues which are violations of state statute, administrative rule, agency policy or procedures will also be reviewed through this process.

No employee will be disciplined or otherwise prejudiced in their employment for participation in this procedure. A copy of these procedures will be provided to each agency employee.

## II. Definition and Scope

“Complaint” is defined as a request for relief in an employment matter, made by an employee or a group of employees, which affects them and is subject to the control of the appointing authority.

Employees whose employment has been directly affected by unfair treatment, unsafe working conditions, or erroneous interpretation or application of law, rule, policy or procedure, can file a complaint.

Complaints may include, but are not limited to, work assignments, withholding of work, reclassification, promotion, leave, performance appraisal, length of service, overtime, compensatory time, transfers, sexual harassment, discrimination, or any alleged violation of statute or administrative rules.

Complaints relating to open investigations of any kind, internal or external, will be rejected. The Office of Management and Enterprise Services (OMES) Civil Service Division (CSD) will handle all complaints involving disciplinary actions with complaint rights.

The filing of a complaint with the agency or a complaint with OMES is a separate action with each being the employee’s responsibility.

## III. Complaint Guidelines

### A. Records

1. Complaint records will be maintained separate and apart from employee personnel files.
2. Access to the complaint file will be in accordance with the Oklahoma Open Records Act (51 O.S. § 24A.1 et seq.) and [OP-110105](#) entitled “Employee Personnel Records.”

### B. Confidentiality

All complaints are treated confidentially to the extent possible. Information is disclosed strictly on a need-to-know basis. All individuals who are involved in the complaint reporting or complaint investigation process are encouraged to maintain confidentiality of the proceedings. ODOC cannot and does not guarantee that parties and witnesses will maintain confidentiality. Confidentiality does not mean the details of the complaint will be withheld from the accused party or parties, or that ODOC is constrained from divulging details of the complaint or investigation in

appropriate circumstances.

Employees who know of filed complaints will refrain from disclosing information unnecessarily and will treat complaint matters with discretion and professionalism.

C. Time Limits

For this procedure, time will be counted in terms of calendar days unless otherwise indicated. The period will continue to the next business day if the last day is a Saturday, Sunday, or legal holiday proclaimed by the Governor.

1. Within five business days of Human Resources receiving an employee complaint from the Office of the Inspector General, HR will notify the complaining party of its receipt and will advise them of next steps.
2. A complaint review will be resolved within 60 calendar days after the date the complaint is received by HR.
3. The complaint investigator may extend the resolution time up to an additional 20 days for a good cause. If granted, the complaint investigator will provide the employee with written notification of the extension before the expiration of the 60-day time limit.
4. The complaint investigator may agree to further extend the investigation time limit up to an additional 30 calendar days for a good cause. If granted, the complaint investigator will provide the employee with written notification of the extension before the expiration of the 80-day time limit.

IV. Conflict Management Responsibilities

All employees involved in the complaint process will make every effort to work towards a prompt resolution of disputes, adhere to the rules and time frames outlined in this procedure and seek to resolve conflicts at the lowest level within the appropriate chain of command. Employees may use the mediation services available by submitting the electronic "Request for Voluntary Mediation Services" form available on Inside the Wire.

A. Supervisor Responsibilities

Supervisors are responsible for the following:

1. Informing their employees of the complaint procedure and the name of the agency complaint investigator;
2. Ensuring that supervisory responsibility within the complaint procedure meets the time limits; and

3. Informally discussing, addressing, and resolving disputes brought to their attention and referring matters to the appropriate authority when issues are outside their jurisdiction to resolve.

B. Employee Responsibility

1. Any employee who has reason to believe their employment has been directly affected by unfair treatment, unsafe working conditions, or erroneous interpretation or application of law, rule, agency policy or procedure, has a duty and responsibility to attempt to resolve the dispute informally. Subsequently, the employee has a right to file a complaint.
2. Any employee filing a complaint has the duty and responsibility to provide accurate, timely information to support and document the issue and to make a good faith effort to resolve the dispute. The complaint must fully describe the nature of the request and the issues involved. Mere allegations without a complete description of the heart of the conflict will not be sufficient.
3. Employees are responsible for completing the electronic "Employee Complaint Request Form" ([Attachment A](#)), including any required attachments in accordance with this procedure, and submitting said form electronically. The employee will also include any dispositions or attempts at mediation on this form in the designated area. The agency complaint investigator will accept only the "Employee Complaint Request Form" ([Attachment A](#)) for complaint processing.
4. Employees who have filed a complaint will promptly notify the complaint investigator of any change in their mailing address.

C. Complaint Investigator Responsibility

The agency complaint investigator is responsible for the following:

1. Providing advice, assistance, and technical direction to the agency director, general counsel, supervisors, and employees on the complaint procedure;
2. Reviewing, accepting and/or rejecting complaints;
3. Ensuring processing and resolution of complaints meet applicable time limits;
4. Facilitating the prompt, equitable, and timely resolution of complaints at the lowest possible level; and
5. Maintaining complaint records and statistics.

D. All Parties Responsibilities

The complaint investigator may request responses or information from the agency or any person. Responses and information may be required and obtained through written questions, interviews, or other appropriate methods.

1. Failure of the agency representative or named person to appear, respond, or provide requested information may be grounds to believe the alleged violation(s) may have occurred without further review.
2. Failure of the employee to appear, respond, or provide requested information will be grounds to dismiss the complaint without further review.

E. Office of the Inspector General

1. The Office of the Inspector General will be responsible for receiving and classifying all complaints received via the agency's online "Employee Complaint Request" form. Please note that the normal process for requesting an OIG investigation utilizing the Request for Investigation form will remain the same.
  - a. Criminal investigations will be routed to appropriate OIG staff.
  - b. Complaints involving discrimination or harassment based on protected class, or otherwise involving protected class, will be referred to the Employee Rights and Relations Unit.
  - c. All other complaints, including (but not limited to) those related to unfair treatment, unsafe working conditions, violation of agency policy, or other complaints not based on protected class will be referred to Human Resources.
2. OIG will be responsible for completing all criminal investigations in accordance with [OP-040117](#).

F. Employee Rights and Relations Unit

1. ERRU will be responsible for completing all investigations of complaints involving discrimination or harassment based on protected class, or otherwise involving protected class, in accordance with [OP-110410](#).

G. Human Resources

1. HR will be responsible for completing investigation of or facilitating informal resolution of all other complaints in accordance with this

procedure.

V. Complaint Process

A. The complaint process will consist of two parts:

1. Initial assessment
2. Investigation

B. Part One - Initial Assessment

The complaint investigator will:

1. Conduct an initial assessment of the complaint to determine if enough information has been received to move forward.
2. Assess the complaint's severity level.
  - a. Low severity complaints may be referred for mediation or other informal resolution as appropriate.
  - b. If an employee categorizes the concern as an emergency or sensitive or of imminent concern, the complaint may be escalated to the Administrator of HR or designee.
3. Initiate any appropriate interim action (i.e., suspension with pay, employee schedule adjustments, temporary reassignment, etc.).

C. Part Two – Investigation

The complaint investigator will:

1. Initiate an investigation into a complaint when appropriate. Investigations may consist of interviews with involved parties, collection of documentation, or other measures as appropriate, and will be completed within 60 days of receipt of the complaint by HR.
2. Determine an appropriate course of action to resolve the complaint.
3. Communicate the outcome of the complaint to involved parties, Administrator of HR (or designee), and Chief People Officer (or designee).

VI. Mediation

Mediation services are available to resolve disputes outside of the complaint process. All requests for mediation services will be referred to a certified mediator under the auspices of the Supreme Court of Oklahoma. The program is available

at no cost, and the parties' discussions during the mediation session are confidential.

A. Request for Voluntary Mediation Services

At any time, an employee may file a request for mediation. Parties to an issue may decide to use the services of a certified mediator to attempt resolution of their conflict. All requests for mediation services as an alternative to the complaint process will be submitted via the agency's online mediation request form.

1. The employee requesting mediation will complete the "Request for Voluntary Mediation Services" ([Attachment C](#)).
2. The mediation coordinator will contact the participating parties for agreement to mediate and will facilitate the mediation session's processing.
3. Upon completing the mediation process, the mediator will contact the ODOC mediation coordinator and advise them of the disposition.
4. The ODOC mediation coordinator will maintain all documents used in the mediation process if mediated through ODOC's program.
5. The mediator will provide all agreements signed to the agency's mediation coordinator.

VII. Distribution

All employees will receive a copy of this procedure in accordance with [OP-110110](#) entitled "Enrollment Procedures for New Employees." An "Acknowledgement of Receipt" ([Attachment E](#)) will be used to acknowledge employee receipt and will be filed as documentation in the field personnel file.

VIII. References

Policy Statement P-110100 entitled "Uniform Personnel Standards"

OP-110105 entitled "Employee Personnel Records"

OP-110110 entitled "Enrollment Procedures for New Employees"

12 O.S. § 1806

51 O.S. § 24A.1 et seq. (Oklahoma Open Records Act)

74 O.S. § 840-2.9 et seq.

74 O.S. § 954

IX. Action

The Chief Administrators are responsible for compliance with this procedure.

The Chief People Officer is responsible for the annual review and revisions.

Any exceptions to this procedure will require prior written approval from the agency Director.

This procedure is effective as indicated.

Replaced: OP-110205 entitled "Employee Grievance Resolution Procedures" dated June 15, 2022

Distribution: Policy and Operations Manual  
Agency Website

<u>Attachments</u>	<u>Title</u>	<u>Location</u>
<a href="#">Attachment A</a>	“Employee Complaint Request Form”	Attached
<a href="#">Attachment B</a>	“Request for Voluntary Mediation Services”	Attached
<a href="#">Attachment C</a>	“Acknowledgment of Receipt”	Attached