



EMPLOYEE COMPLAINT MANAGEMENT

Effective Date of Policy: 7/1/2024	Next Scheduled Review: 7/1/2026
Last Reviewed: 7/1/2024	Policy Number: OCC-11
Date Policy Last Revised: 7/1/2024	Replaces Policy Number: Replaces Grievance Process Policy
Approved: Trey Lam / Commission	Approval Date: 7/1/2024

A. COMPLAINT MANAGEMENT

The Commission advocates for the prompt, informal, and low-level resolution of disputes within the agency. This Policy specifically addresses employee complaints, previously referred to in the Employee Handbook as grievances, as well as addressing more serious complaints: discrimination complaints, and harassment complaints.

The Civil Service Division of OMES handles complaints related to termination, suspension without pay, involuntary demotion, and punitive transfer. Additionally, the Civil Service Division will accept complaints from written reprimands and punitive transfers, directing these complaints to mediation. Information for this process can be found in [Policy OCC-10: Progressive Discipline](#).

The following sections will delineate the procedures for addressing discrimination, harassment, and other internal complaints.

B. DISCRIMINATION COMPLAINTS

1. A discrimination complaint must be filed within twenty (20) days after the date of the act or incident, or within twenty (20) days of the date the employee becomes aware of or, with reasonable effort, should have become aware of an issue.
2. The Executive Director has designated the Human Resource (HR) Manager to handle the processing of the agency’s discrimination complaints.
3. The Executive Director shall serve as the final decision maker regarding discrimination complaints.
4. In situations where there could be a potential conflict of interest, the Executive Director has the authority to appoint an independent Third-Party decision-maker on an as-needed basis. In these instances, any mention of the Executive Director or final decision maker in this policy shall refer to the appointed Third-Party decision-maker.
5. Employees may hand deliver or email a completed Commission Complaint Form to the HR Manager within the filing deadline listed above. The form may be obtained at this link [Employee Complaint Form](#) or from the HR Manager.
6. After a complaint has been filed, the HR Manager will advise the employee’s immediate supervisor and each subsequent decision-maker that a formal complaint has been filed.
7. Human Resources will assign a Certified Discrimination Complaint Investigator to investigate the matter within seven (7) days after it has been filed.
8. The investigator will complete an impartial investigation within 28 days of referral. The investigation may

include but is not limited to, identifying and interviewing witnesses, interviewing the accused and accuser, and reviewing all pertinent documents.

9. After concluding the investigation process, the investigator will prepare a thorough written report of the facts discovered in the investigation and submit the report to the Executive Director. Within 10 days of receiving the report, the Executive Director will provide a final written decision to the employee, either hand-delivered or delivered by registered mail, with copies to the HR Manager, the Division Director, and the Complaint Investigator.

B.1 Discrimination Complaint Deadlines

1. A complaint shall be resolved within 45 days after it is filed. The Executive Director may extend the time another 15 days for good cause. The Executive Director and the employee may mutually extend the time up to an additional 30 days for good cause. All complaints must be resolved within 90 days.
2. Deadlines are based on calendar days. However, if a deadline occurs on a day the Commission is not open for business, the deadline continues to the next business day.
3. The HR Manager will review each complaint to determine if it was filed within the time limits. Within seven (7) days after it is filed, the HR Manager will either (1) accept the complaint and refer it to a certified investigator; or (2) reject the complaint and send the employee a written notice explaining why the matter is being rejected.

C. SEXUAL HARASSMENT COMPLAINTS

The prohibition against unlawful harassment applies to everyone in the workplace, including supervisors, coworkers, contractors, and non-employees. Complaints of unlawful harassment may be submitted by employees, contractors, and individuals who are not agency employees. The Commission will investigate all complaints alleging unlawful harassment and confidentiality will be maintained throughout the investigation to the extent possible under the circumstances.

Anyone who believes he or she has been, or is being, subjected to harassment should report it at once to their supervisor or to Human Resources (HR). If for any reason a person is unwilling, uncomfortable, or unable to report the alleged unlawful harassment to an immediate supervisor, the individual may report it to any Commission supervisor, regardless of whether the supervisor is in the person's chain of command.

C.1 Supervisor Responsibility

If any supervisor within the Commission receives an unlawful harassment complaint, whether formally or informally, or becomes aware of alleged unlawful harassment, they must take immediate corrective action suitable for the situation to ensure the safety and well-being of the reporting employee. Furthermore, it is MANDATORY that the supervisor promptly notify the HR department of the complaint for further assessment and investigation.

It is imperative to emphasize that the supervisor's obligation to report instances of unlawful harassment is obligatory. Even if the complainant requests otherwise, supervisors are mandated to report any alleged unlawful harassment.

Failure or refusal by a supervisor to promptly report allegations of unlawful harassment to HR may result in disciplinary measures, up to and including termination, in accordance with the Commission's Progressive Discipline Policy.

C.2 Employee Cooperation During Investigations

Employees are required to cooperate during official investigations pertaining to complaints filed with the Commission or EEOC. Failure to cooperate may be grounds for disciplinary action.

C.3 Resignation of Accused

In cases where an employee resigns while under investigation for misconduct, specifically as the accused party, the Commission should refrain from re-hiring this individual.

D. INTERNAL COMPLAINT PROCESS

It is the goal of the Commission to provide a workplace in which all employees feel that they are treated fairly and that their work is important. It is in everybody's interest to establish a clear procedure for the resolution of any issues that may arise in the workplace. The Commission wishes to provide every opportunity for employees to express themselves without fear of jeopardizing their position.

D.1 Types of Complaints

The internal complaint process below is created to address all other complaints except discrimination, sexual harassment, and complaints under the purview of the Civil Service Division of OMES.

At any stage in the formal internal complaint process, a representative may accompany the employee filing the complaint to the meetings and should be allowed into any executive session.

D.2 Internal Procedure

All employee internal complaints are to be resolved in accordance with the following procedure.

D.3 Preliminary Informal Discussion Step 1

To initiate the internal complaint resolution process, employees are encouraged to first address their concerns with their immediate supervisor. This can be done through informal, oral discussions. Complaints must be lodged within thirty (30) calendar days from the date the employee becomes aware or should have become aware of the issue. In many instances, this initial discussion may lead to a prompt resolution of the matter.

D.4 Secondary Informal Discussion Step 2

If informal attempts to resolve the matter with the immediate supervisor prove unsuccessful, the employee has the option to request an informal oral meeting with the Division Director, where applicable, alongside the immediate supervisor to discuss and seek a resolution for the complaint. In cases where the immediate supervisor holds the role of Division Director, the informal oral meeting will be with the employee, the Division Director, and the HR Manager.

If the complaint pertains to the Executive or Assistant Director, it is advised that the Human Resource Manager and/or General Counsel attend the informal oral meeting.

Should the issue persist without resolution, the employee retains the right to initiate the formal internal complaint process.

D.5 Formal Internal Complaint Process Step 3

The employee is required to submit a formal written complaint to the Commission's HR Manager. A formal internal written complaint form is available in this Handbook or can be obtained from HR; however, it's not mandatory for the employee to use this form. It is crucial for the employee to ensure that they articulate all known facts pertaining to their complaint clearly and concisely. This should include details such as "who, what, where, when, and why." Furthermore, the written complaint should distinctly outline the disagreement with an act or omission forming the basis of the complaint and specify the desired remedy. Finally, the written complaint must be signed and dated or sent via [email](#).

Complaints must be submitted within five (5) calendar days after attempting resolution under the Secondary Informal Discussion [Step 2](#), provided that the initial complaint was initiated within thirty (30) calendar days following the date the employee first became aware of the issue. Failure to meet the initial thirty (30) calendar day timeframe for initiating the informal complaint process or neglecting to submit the formal written complaint within the five (5) calendar days after attempting resolution under [Step 2](#) results in the employee waiving their right to assert the complaint.

A person designated by the Executive Director will collaborate with the Executive Director to collect the pertinent information. Subsequently, the Executive Director will thoroughly review all gathered information and provide a written response within ten (10) calendar days from the receipt of the employee's complaint. It's essential to note that all communication during this step of the process must be in writing. If the complaint remains unresolved in [Step 3](#), either the Executive Director or the employee may escalate or appeal the matter to mediation (Refer to [Step 4](#)).

D.6 Formal Grievance Appeal Process Step 4

Within ten (10) calendar days following the employee's receipt of the written response from the Executive Director in [Step 3](#), the employee may appeal the disposition of their Complaint by requesting mediation through the free Early Settlement Mediation Oklahoma Program. The Commission would coordinate scheduling the mediation with the employee.

If a settlement is reached in mediation then the settlement agreement serves as **the final conclusion of the internal complaint process**.

If no resolution is made in mediation then the Executive Director's ***final written decision on the complaint shall represent the ultimate step in concluding the internal complaint process.***

It is essential to note that filing groundless and malicious complaints constitutes an abuse of this policy and is strictly prohibited, subject to disciplinary action.