

**SECTION 25A
PROCEDURES FOR EMPLOYEE COMPLAINTS**

A. PURPOSE: To provide an equitable method of administering and resolving employee concerns, both of career service and non-career service employees, without coercion, restraint, or reprisal. To establish a uniform method of filing a complaint within Tooele County Personnel Policies and Procedures.

B. PROCEDURES:

1. Complaint Rights and Restrictions

- a. Employees may appeal decisions of supervisors regarding matters such as work assignment, location, work space, work schedule, working conditions, verbal warnings, violation of policy, or other decisions involving supervisory and administrative discretion by following the procedure outlined in this policy.
- b. Appeals not covered in this section:
 - (1) All claims listed in Personnel Policies and Procedures Section 25B, Procedures for Career Service Employee Grievances, Subsection B.1.a, and Personnel Policies and Section 25C, Procedures for Career Service Employee Appeals, Subsection B.1.a.
 - (2) Any county employee (career service, probationary, or non-career service) may file a grievance relative to a claim of discrimination or reprisal if the claim meets the definition provided in Personnel Policies and Procedures Section 20, Sexual Harassment, by following the procedure outlined in that policy. They may also file using the procedure outlined in Personnel Policies and Procedures Section 25B, Procedures for Career Service Employee Grievances.
 - (3) Appeals by career service employees regarding classification shall be made pursuant to Personnel Policies and Procedures Section 4, Classification of Positions.
 - (4) The County Human Resources Director may hear disputes regarding a career service employee's entitlement to benefits or leave. These disputes can be brought to the attention of the Human Resources Director by writing to the Human Resource Department. The Director's decision may be appealed to the County Commission.
- c. Employees shall have the right at their own expense to assistance by a representative of their choice. Such representatives may act as the employee's advocate at any level of the complaint procedure.
- d. Supervisors, department heads, and elected officials are prohibited from harassing or retaliating against an employee due to his or her filing of a complaint or appeal.

- e. Upon written request, the department will supply the complaining employee with requested non-confidential information necessary for the processing of the complaint, providing that extraordinary or inordinate expenses required to furnish such information shall be borne by the employee.

2. **Time Limits and Waivers**

- a. Employees shall have six (6) calendar days from the day of imposition of the objectionable action or six (6) calendar days from the date the employee could reasonably be presumed to have had knowledge of the action which they are complaining about to begin the complaint process.
- b. Unless otherwise specified, the time limit between each level of review in the complaint process shall be seven (7) calendar days.
- c. Failure by management to reply in writing to the employee's complaint, by at least setting a hearing date, within the established time limits automatically permits the employee to move his or her complaint to the next level of review.
- d. Any level of review or any time limits established in this procedure may be waived or amended by mutual written agreement of the parties.
- e. If an employee fails to initiate the complaint procedure or fails to appeal in writing from one level to the next level within the time limits established by this policy, the complaint shall be considered finally settled on the basis of the most recent decision and shall not be subject to further appeal or consideration.

3. **Levels of Review**

- a. **Informal Level of Review**: An employee who has a complaint should attempt to settle the issue through discussion with his or her immediate supervisor within six (6) calendar days of the imposition of the objectionable action or six (6) calendar days from the date the employee could reasonably be presumed to have had knowledge of the action which the employee is complaining about. If the issue is not resolved through discussion with the supervisor, the employee may attempt informal resolution through the appropriate chain of command within the department. Each level of this informal review can take up to seven (7) calendar days and shall be documented through letters, memos, or other written records.
- b. **Department/Elected Office Level of Review**: If the employee does not agree with the written decision of the supervisor:
 - (1) The employee may present his or her written complaint to the department head or elected official for Department/Elected Office Review within six (6) calendar days.
 - (2) The department head or elected official may elect to hear the complaint or have a designee within their department or elected office hear it.

- (3) Hearings before the department head, elected official, or designee shall be initially convened within seven (7) calendar days after receiving the written complaint.
 - (a) Hearings may not be postponed after agreement by both sides of the hearing date except in cases where written justification is submitted twenty-four (24) hours in advance of the hearing.
 - (b) Hearings may only be postponed twice, and continuances shall be limited to fifteen (15) calendar days.
- (4) Notice: At least seven (7) calendar days in advance of the hearing, the department head, elected official, or designated representative will notify the employee and appropriate supervisor of the time and place of the hearing. This notification will be delivered to the employee in person or mailed by certified mail to the employee's last known home address.
- (5) Procedure at the Hearing: The hearing held before a department head, elected official, or designated representative is not a formal adversarial hearing but shall consist of an inquiry into the complainant's position and an attempt to resolve the differences between the complainant and supervisor or administrator. The employee may present his or her case personally. An audio recording of the proceedings may be kept by either party at their discretion. Witnesses may be called and heard and/or witness statements may be presented by the parties in writing or orally. Written documentary evidence may be presented and considered.
 - (a) The hearing shall not be bound either by the Utah Rules of Civil Procedures or by the Utah Rules of Evidence.
 - (b) All relevant information must be made available at the time of the hearing in order to facilitate a thorough review of the complaint.
- (6) The department head, elected official, or designee shall prepare and deliver to the employee a written decision within seven (7) calendar days after the date of the hearing.
 - (a) The decision by the department head or elected official shall be delivered to the employee. The decision by the department head or elected official is not appealable.
 - (b) If the decision by the department head or elected official rescinds an action that was documented in the employee's personnel file (official), then notification shall be sent to the Human Resource Department to remove the action from the employee's official personnel file.