

## **Complaint Procedure - Staff**

A complaint is:

1. Where an employee contends he or she has been subject to a violation, misinterpretation, or inappropriate application of ESD policies and/or administrative procedures;

**OR**

2. When an employee believes that another staff member, including an administrator, is violating a WESD policy or administrative regulation.

A complaint may be oral or in writing, but if oral, then must be reduced to writing before proceeding with the complaint procedure. The complainant must sign the written complaint.

A rebuttal by an employee to his or her disciplinary matter is not a complaint for the purposes of this procedure.

This complaint procedure will not be used to resolve disputes and disagreements related to the provisions of any collective bargaining agreement, nor will it be used in any instance where a collective bargaining agreement provides a dispute resolution procedure. Disputes concerning an employee's dismissal, contract nonrenewal, or contract nonextension will not be processed under this procedure. Any complaint or sexual harassment information shall be filed under the administrative procedure found in GBN/JBA-AR – Sexual Harassment Complaint Procedure.

To facilitate informal settlement of complaints, the person making the complaint shall at the first level of the complaint process try to resolve the matters complained of at the lowest administrative level, normally with the complainant's immediate supervisor.

The procedure for handling a complaint is for the supervisor to review the complaint. If the supervisor is part of the complaint, then the director of the department will review the complaint. In the absence of a director, the Superintendent may appoint another director or the human resources administrator to review the complaint. Complaints against the superintendent shall be filed with and reviewed through the Board chair.

The complaint is to be reviewed within 10 agency working days after receipt in writing. If the complaint cannot be reviewed within that period, the ESD official reviewing the complaint may extend the period of time by giving the person filing the complaint notice of their intent to do so and the reasons supporting the extension. The extension must be for a reasonable time designed for efficient resolution of the complaint.

The fact reviewer may investigate the claim(s) of the person making the complaint up to and including interviewing any person who has information that may be relevant to resolution of the complaint. The fact reviewer is to make a written determination based on the facts. Notice of the determination shall be either hand delivered or sent to the complainant at his or her last known address.

If notice was mailed to the complainant, then he or she shall be deemed to have received it on the third business day following the mailing. If the complainant is not satisfied with the determination, the complainant has 10 agency working days to file a written notice requesting review of the determination and the basis for believing the determination was in error. The 10 days to file a written notice requesting review of the determination shall start on that third day.

If the complainant files a request of the determination to the Superintendent, then the person directed to review the determination shall do so and give the decision to the complainant, the supervisor, and the director.

If a complainant is not satisfied with the determination from the Superintendent, he/she may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the determination decision. The Board shall, within 30 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

The Board's decision will be final.

A copy of all written complaints and documentation will be maintained in a confidential file and stored at the ESD office.



