

SECTION 9

COMPLAINT PROCEDURE AND APPEALS

9.01 DEFINITION OF A COMPLAINT

9.02 COMPLAINT PROCEDURE

9.03 APPEALS – STATE PERSONNEL BOARD OF REVIEW

Original Adoption Date

7/31/96

Revision Number

2

Date

07/06/05

Approved

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- A. A complaint is any dispute or disagreement with management regarding the employment relationship.
- B. A formal complaint exists when an informal resolution to a dispute cannot be achieved, and the employee making the complaint has submitted a written complaint to his/her immediate supervisor according to the procedures set forth in Section 9.02 herein.
- C. If the complaint alleges discriminatory harassment of any type, the policy and reporting process as described in Section 8.06 should be followed.
- D. If the complaint alleges a violation of equal employment, or a violation of the Americans with Disabilities Act (ADA), then the procedures as described in Section 1.07 should be followed.

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- A. It is intended that complaints be settled at the earliest possible step of the procedure. The employee must proceed through each step of the complaint procedure in proper order and within the prescribed time limits. Where a complaint cites issues of law that the individual hearing the complaint cannot address, the complaint may be sent to the Prosecutor's office for an opinion before proceeding. If the complaint involves the Prosecutor's office or any of the Prosecutor's staff, it should be reviewed by the Attorney General for an opinion before proceeding. All time limits stated in this procedure will be held in abeyance until a response from the Prosecutor or Attorney General is received. If the complaint involves issues related to discriminatory harassment, please follow the procedures outlined in Section 8.06.
- B. Nothing in this policy is intended to deny employees any rights available at law to have redress to their legal rights, including the right to appeal to the State Personnel Board of Review where that body has jurisdiction, the Ohio Civil Rights Commission, the Equal Employment Opportunity Commission, or any court of competent jurisdiction. However, if the employee elects to file a complaint on a matter over which another appeals body has jurisdiction, it is the employee's responsibility to meet the criteria for filing with that appeals body. The filing of an internal complaint may not affect or extend required filing deadlines.
- C. A written complaint must state the reason for the complaint and the requested resolution.
- D. Complaints will not be made a part of an employee's personnel file, but may be filed separately.
- E. The following procedure will be followed in processing a complaint:
1. Level One (Informal Resolution): Within five (5) workdays of the event prompting the complaint, the employee will meet with his/her supervisor or an appropriate management level employee to try to resolve the issue.
 2. Level Two: If the issue is not successfully resolved through the informal resolution step, the employee may, within five (5) workdays of the Level One/Informal Resolution meeting, file a written complaint with his/her supervisor. The supervisor will reply in writing to the written complaint within five (5) workdays of its receipt.
 3. Level Three: If the Level Two response is not acceptable to the employee or if the issue is not resolved, he/she may, within five (5) workdays of its receipt, appeal in writing to the Appointing Authority, and a copy of said appeal must be given to the employee's supervisor at the same time. The Appointing Authority will respond in writing within five (5) workdays of receipt of the appeal.
 4. Illegal Activity by an Appointing Authority: If an employee's complaint alleges illegal activity that involves the Appointing Authority, the employee should report the incident to the County Prosecutor. If the County Prosecutor is the subject of the complaint, the employee should report the incident to the County Sheriff.

- F. If an employee does not appeal within the established time limits, the complaint is deemed settled with the last management response.
- G. Copies of each complaint, response, and correspondence about the complaint will be filed with the Appointing Authority on the day of its execution or receipt.

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A. Personnel actions such as:

1. dismissals or suspensions of more than twenty-four (24) working hours¹,
2. fines of more than twenty-four (24) working hours¹ pay,
3. demotions,
4. layoffs

may be appealed by affected, qualified employees through the complaint procedure outlined in Section 9.02, and/or may be appealed to the State Personnel Board of Review (SPBR).

Suspensions of twenty-four (24) or less working hours and fines of twenty-four (24) or less working hours pay may be appealed through the complaint procedure only. (This is less than forty (40) working hours in the case of an employee exempt from the payment of overtime.)

B. Disciplinary action based on conviction of a "felony" within the meaning of RC124.34 may not be appealed to the SPBR.

1. Appeals from removal, demotion, fines, or suspension must be filed with the State Personnel Board of Review within ten (10) days following the date on which the employee is served with the order.
2. Appeals from layoffs must be made within ten (10) days after the employee receives his/her notice of layoff. Utilization of the complaint procedure does not affect or extend these time limits.

C. The SPBR has the authority to decide whether an appeal warrants a hearing. When an appeal is heard, the Board may affirm, disaffirm, or modify personnel decisions made by the Appointing Authority.

¹ This is forty (40) working hours or more in the case of an employee exempt from the payment of overtime.

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