

REGULATION ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: Policy GAHH, GAFF, and GAGG
Responsible Office: EMPLOYEE RELATIONS

EMPLOYEE COMPLAINTS

A. PURPOSE

To establish procedures for a prompt and equitable response to employee complaints and to encourage the informal resolution of such complaints whenever possible.

B. DEFINITIONS

1. ***Complaint*** - an allegation that challenges the interpretation, application or enforcement of workplace policies and regulations (except those governed by negotiated agreements, other policies, regulations, or state or federal laws).
2. ***Complainant*** - an employee who alleges that an action violated policies, administrative regulations, or state or federal laws.
3. ***Employee*** - a part-time or full-time permanent employee of the Anne Arundel County Public Schools (AACPS), including employees who are members of Units I, II, III, IV, V and VI.
4. ***Grievance*** - a dispute concerning the meaning, interpretation or application of provisions of the applicable Negotiated Agreement concerning the salaries, hours, or working conditions of employees in Units I, II, III, and IV. Grievances are not subject to the complaint process and must be handled through the agreed-upon process in the applicable negotiated agreement.
5. ***Unlawful harassment and discrimination*** - defined in administrative regulation GAGG-RA. Complaints or appeals brought on the basis of unlawful harassment or discrimination must be brought in accordance with said policy and regulation.
6. ***Work day*** - a day, other than a Saturday, Sunday or legal holiday, on which the central office of AACPS is open for the transaction of business.
7. ***On-going incident*** - a pattern of related, recurring, discriminatory acts that occurs over a period of time.

C. PROCEDURES

1. General

- a. This regulation shall be implemented in compliance with the provisions of the applicable negotiated agreements, the provisions of which shall supersede any language that may be inconsistent.
- b. Throughout the complaint process the complainant shall make him/herself available to the appropriate reviewer. If the complainant does not make him/herself available the complaint is subject to dismissal.
- c. Nothing in this regulation shall be construed as limiting the rights of any employee having a concern to discuss the matter with any appropriate member of the administration.
- d. At all formal levels of the procedure (Level One and above), an employee may be represented, at his/her option, by counsel. However, meetings or conferences are not required to be delayed so that counsel may appear.
- e. A complainant is entitled to administrative leave with pay, to attend meetings or conferences regarding his/her Employee Complaint. Other individuals required to attend by the designee shall receive administrative leave with pay. If a meeting or hearing is held outside of the workday, an employee is not entitled to compensation for attendance.
- f. The classification of positions may not be the subject of a complaint or grievance. It is the prerogative of management to determine work assignments.

2. Informal Process

The purpose of this procedure is to secure, at the lowest administrative level, equitable resolutions regarding employee complaints.

- a. An informal complaint shall be presented to the employee's principal/supervisor so that the employee's principal/supervisor is given an opportunity to address any concern(s) before the employee begins the formal employee complaint process, unless the complaint alleges unlawful discrimination or harassment against the principal or immediate supervisor. In those instances, the complainant shall follow the procedures set forth in Policy GAGG and its accompanying regulation.
- b. If the complaint is against the employee's immediate supervisor the complainant may bypass that step and report it to the next level supervisor or the EEO Compliance Specialist in the Division of Human Resources.

- c. The informal process shall be used as a method for the complainant and the principal/supervisor to informally resolve the complaint through discussion. An employee with a complaint shall discuss it with the principal or immediate supervisor to seek an informal resolution of the matter within ten (10) work days of the event giving rise to the complaint, which may include a formal meeting. If the complainant is not satisfied with the outcome of the informal process he/she may submit a formal employee complaint to the Office of Employee Relations within five (5) work days from the date of the receipt of the informal response.
3. All complaints must be initiated within fifteen (15) workdays from the date the complainant knew or should have known of the facts giving rise to the complaint. Additional consideration shall be made for continuing alleged violations resulting in a complaint.
4. Failure to appeal at any level within the specified times shall be taken to mean an acceptance of the last decision rendered.
5. Formal Process - Level One
 - a. If the complaint cannot be resolved to the satisfaction of the complainant through the informal process, the complainant shall file the Employee Complaint Form with the Office of Employee Relations. Upon filing the Employee Complaint Form the complainant shall receive a register number and move to Level One of the complaint process. If the Office of Employee Relations determines that an employee complaint should be addressed under this Regulation, it shall assign a respondent/designee for an inquiry or resolution. When appropriate, the Office of Employee Relations will gather additional information regarding the complaint and provide a resolution. The Office of Employee Relations reserves the right to eliminate one or more levels of this process.
 - b. The respondent/designee has ten (10) workdays to:
 - i. review the written complaint, and
 - ii. issue a written decision to the complainant through hand delivery, electronic mail, or U.S. postal service. A copy shall be provided to the Office of Employee Relations. .
6. Formal Process - Level Two
 - a. If the complainant is not satisfied with the decision at Level One, or if no decision has been rendered within the required timeframe, the complainant shall notify The Office of Employee Relations in writing within five (5) work days to move their complaint to the next level. The complaint must specify the grounds on which the Level One decision should be overturned.

- b. The Office of Employee Relations shall assign the complaint to the respondent/designee for an inquiry or resolution. The respondent/designee has ten (10) workdays to:
 - i. review the written complaint, and
 - ii. issue a written decision to the complainant through hand delivery, electronic mail, or U.S. postal service. A copy shall be provided to the Office of Employee Relations.

7. Formal Process - Level Three
 - a. If the complainant is not satisfied with the decision at Level Two or if no decision has been rendered within the required timeframe, the complainant shall notify The Office of Employee Relations in writing within five (5) work days to move their complaint to the next level.
 - b. The Superintendent/designee has ten (10) workdays to:
 - i. review the written complaint, and
 - ii. issue a written decision to the complainant through hand delivery, electronic mail, or U.S. postal service. A copy shall be provided to the Office of Employee Relations.

8. The timelines and availability requirement referenced above may be adjusted at the discretion of the Superintendent or his/her designee in the cases of documented emergency and/or extraordinary circumstances.

9. At all levels of the appeal process the Respondent/Designee may consult with previous level supervisors and others in order to make his/her determination

10. Appeal to the Board of Education
 - a. If the complainant is not satisfied with the decision at Level Three and the decision is subject to the appeal process as outlined in Section 4-205 of the Education Article, the complainant may appeal the matter to the Board of Education. For the purposes of this regulation, there must be a final decision of the Superintendent or his/her designee prior to any appeal pursuant to Section 4-205 of the Education Article to the Board of Education of Anne Arundel County.
 - b. The appeal must be made in writing within thirty (30) calendar days of the date of the Superintendent or designee's decision and addressed the President of the Board of Education of Anne Arundel County, 2644 Riva Road, Annapolis, Maryland 21401.

- c. The Board Office shall acknowledge receipt of the appeal within ten (10) workdays of receipt.

Regulation History: Developed by Superintendent 01/07/15
Reviewed by Board of Education 01/07/15
Issued 01/07/15

Note previous regulation history: Issued 06/15/05