

DANIEL BOONE REGIONAL LIBRARY

SUBJECT: Complaint of Employment Discrimination

ADMIN 1-290

BOARD

SECTION: 200 – Employment Policies

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POLICY

It is the policy of the Daniel Boone Regional Library (DBRL) to achieve equal opportunity in all aspects of employment including, but not limited to, recruitment, hiring, training, transfer, promotion, compensation and other employment benefits. Unlawful discrimination in employment opportunity against protected individuals based on race, color, sex, pregnancy, age, religion, national origin, ancestry, alienage or citizenship status, disability, marital status, sexual orientation, gender identity or expression, receipt of governmental assistance, military service or affiliation, genetic information, veteran status, status as a victim of sexual or domestic, or order of protection, is strictly prohibited.

DBRL provides a work environment free from employment civil rights discrimination. To accomplish this task, prompt and definitive action shall be taken to resolve applicant and employee complaints of civil rights violations.

Open communication with a supervisor is encouraged to resolve any concerns of employment discrimination prohibited hereby; however, if the employee feels these discussions do not satisfactorily address such concerns, he or she should discuss the issue with the Human Resource Manager. An Employment Discrimination Complaint (Complaint) alleging prohibited discrimination may be filed with DBRL for consideration and reply as provided herein, except for complaints of sexual harassment, which are addressed in Policy 1-291 Sexual Harassment. Each member of management is responsible for assuring that every employee under his or her supervision is aware of the right to use the internal Complaint process. Complaint response adjustments, if any, are to be consistent with personnel policy and administrative procedures. The Human Resource Manager is available to provide clarification and assistance in the administration of this policy.

NOTE: THE HUMAN RESOURCE MANAGER'S ROLE IN THE COMPLAINT PROCESS IS TO PROVIDE FACTUAL, NEUTRAL INFORMATION TO BOTH MANAGEMENT AND STAFF.

Information regarding Complaints will be kept confidential to the extent possible and will be investigated for resolution in a thorough, private and timely manner. All records of Complaints, and the investigation and disposition thereof, will be maintained by the investigator and will not become a part of the employee's official personnel file.

Notation of transfer, suspension, termination or other disciplinary action resulting from a Complaint may be noted in an employee's official personnel file. Access to such records will be limited to the investigator of the Complaint and the Executive Director or, if the Complaint relates to the Executive Director, the Board. However, if the Executive Director is the subject of the Complaint and the DBRL Board (Board) votes to discipline him or her regarding the Complaint, certain information regarding disciplinary action taken by the Board will be made public as required by law.

As a result of the investigative process, investigative findings will be prepared and made available to the Executive Director (if applicable) and/or Board for decision-making purposes. The Human Resource Manager will serve as the fact finder in the investigative process in all Complaints, unless otherwise noted.

Although DBRL encourages staff to resolve any employment differences through internal processes, staff may also or alternatively file a complaint with the appropriate fair employment enforcement agency. This policy prohibits retaliation against any employee who files a Complaint or assists in the Complaint process. Employees who participate in the process will not be adversely affected in the terms and conditions of employment, discriminated against, or discharged because of the Complaint.

Employees have the right to present employment discrimination concerns under the provisions of this process free of restraint, interference, coercion, or fear of reprisal. Any violation of this right will subject the violator to disciplinary action and should be reported to the Executive Director or Board, as appropriate.

The presentation of a Complaint by an employee must follow the designated sequence in an orderly fashion from one authority to the next higher authority. Only if the Department Manager or Executive Director cannot resolve the Complaint may the employee bypass Step I of the Complaint process and proceed to Step II.

Time frames given in the procedure are intended to ensure that prompt and thorough action is taken. Any of the time frames specified in the procedure may be extended by mutual agreement of the parties involved or by the Executive Director, unless the Executive Director is a party to the complaint, in which case the Board may extend applicable time frames. The time periods stipulated do not include Saturday, Sundays or holidays.

If the Human Resource Manager is a party to the Complaint, the Human Resource Manager's supervisor will process and investigate the Complaint.

Procedures

1. Obtain a Complaint of Employment Discrimination form from the Forms page on the Intranet.
2. Complete the Complaint of Employment Discrimination form as instructed. Briefly state the Complaint in a clear and concise manner, making sure that all relevant circumstances, dates and witnesses are included. Sign and date the form in the spaces provided. The Human Resource Manager will provide technical assistance as needed.

Complaint of Employment Discrimination Steps

Complaint against a person other than the Executive Director

Complaint against the Executive Director

<p>Step I</p> <p>An employee who believes that he or she has a Complaint as defined within this policy may submit the Complaint to the Human Resource Manager within thirty (30) working days of the date of the most recent event. The Human Resources Manager will forward the Complaint to the Department Manager within two (2) working days of date of receipt of the Complaint. The Human Resources Manager shall provide a copy of the Complaint to the Executive Director. The immediate supervisor (if applicable), Department Manager, and Human Resources Manager will meet with Complainant to review the Complaint. The Department Manager, after consultation with the immediate supervisor and the Human Resources Manager, will issue a written decision within fifteen (15) working days of their receipt of the Complaint.</p>	<p>Step I(a)</p> <p>An employee who believes that he or she has a Complaint as defined within this policy may submit the Complaint to the Human Resources Manager within thirty (30) working days of the date of the most recent event. The Human Resources Manager will forward the Complaint to the Executive Director within two (2) working days of the date of receipt of the Complaint. The Executive Director (if applicable) and the Human Resources Manager will meet with the Complainant to review the situation carefully. The Executive Director will give the Complainant a written response to the Complaint within fifteen (15) working days of the date of receipt of the Complaint from the Human Resources Manager.</p>
<p>Step II</p> <p>If the Step I decision of the Department Manager is not satisfactory to the Complainant, or a decision has not been rendered within the stated Step I time frame, the employee may present the Complaint to the Executive Director within five (5) working days of the receipt of the Step I decision or, if the decision was not timely received, then within five (5) working days from the expiration of the stated Step I time frame. The Executive Director will meet with the employee, supervisor (if applicable), Department Manager, and Human Resources Manager to discuss the Complaint. The Executive Director will issue a written decision to the employee within fifteen (15) working days of the date of receipt of the Step II Complaint.</p>	<p>Step II(a)</p> <p>If the Step I(a) decision of the Executive Director is not satisfactory to the Complainant, or a decision has not been rendered within the stated Step I(a) time frame, the employee may request presentation of the Complaint to the Board within five (5) working days of the date of receipt of the Step I(a) decision, or if a timely decision is not received, then within five (5) working days of the expiration of the stated Step I(a) time frame. The Human Resources Manager will submit the Step II(a) Complaint, with all appropriate findings, to the Board President within two (2) working days of the date of receipt of the request for presentation to the Board. After reviewing all relevant information, the Board will consider the Complaint and render a written decision to the Complainant within thirty (30) working days of the date of receipt of the Step II(a) Complaint from the Human Resources Manager.</p>
<p>Decisions rendered by the Executive Director will be final and binding on all parties.</p>	<p>Decisions rendered by the Board will be final and binding on all parties.</p>

While the investigation is pending, the Executive Director (or the Board, when the Complaint is against the Executive Director) may take action as deemed appropriate to protect the Complainant.

Although employees are encouraged to proceed with the Complaint process as outlined above, management personnel are responsible for taking appropriate action upon receipt of notice of potentially discriminatory conduct by non-supervisory personnel or others. Management is responsible for taking action regardless of the manner in which DBRL becomes aware of the conduct. Supervisors and Department Managers are responsible for discussing this policy with their respective employees to ensure consistent application and understanding.