



TAXATION & REVENUE DEPARTMENT
Administrative Manual *Origin: Administrative Services Division*

Title: *Problem Resolution*

Policy Number: 09-11	Issued Date: June 2, 1999 Effective Date: June 2, 1999; July 1, 2013 Revised Date: April 1, 95; Dec. 1, 1994; June 10, 2013	Number of Pages: 5
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1.0 PURPOSE

To provide employees of the Taxation and Revenue Department (TRD) with a uniform and fair method in which they can address general work issues and/or complaints relating to violations, misinterpretation or misapplication of any State Personnel Board Rules and/or departmental policy, including but not limited to, any form of discrimination. This policy does not apply to reporting criminal violations of law (refer to TRD Policy 09-12) or sexual harassment complaints (refer to TRD Policy 09-10) or Collective Bargaining Agreement (CBA) issues (refer to the CBA).

2.0 SCOPE

This policy applies to all employees of the Department although, those employees who are part of the bargaining unit, may file a grievance under the Collective Bargaining Agreement for violation, misapplication, or misinterpretation of the agreement.

3.0 DEFINITIONS

- 3.1 "Discrimination" is intentional or unintentional different treatment of a person or group based on race, color, national origin, ancestry, religion, age, sex, physical or mental disability, veteran status, spousal affiliation, sexual orientation, gender identity, or serious medical condition.
- 3.2 "Computation of Time" in computing any period of time prescribed or allowed by the State Personnel Board Rules, the day from which period of time begins to run shall not be included. The last calendar day of the time period shall be included in the computation unless it is a Saturday, Sunday or a day on which a legal holiday is observed. In such a case, the period of time runs to the close of business on the next regular workday. If the period is less than 11 days, a Saturday, Sunday or legal holiday is excluded from the computation.

4.0 POLICY

- 4.1 It is the policy of the Department to ensure that the rules, policies, and procedures of the Department and the State Personnel Board are followed and applied uniformly to all employees.
- 4.2 Employees are encouraged to utilize the TRD problem resolution procedures to address any work issues and/or complaints relating to violations, misinterpretation or misapplication of any State Personnel Board Rule and/or departmental policy, including but not limited to, any form of discrimination.
- 4.3 Management will attempt to resolve all employee concerns and/or complaints at the lowest level in the chain of command.
- 4.4 Employees should initially use the informal process before filing a written complaint, which is to attempt resolution at the lowest level possible. If the problem is not resolved to the employee's satisfaction through the informal process, it is the employee's right and responsibility to continue the process as a formal written complaint.
- 4.5 Employees have the right to present or make known their concerns and/or complaints, free from interference, restraint, or reprisal.
- 4.6 The problem resolution procedures outlined in this policy do not apply to formal disciplinary actions. Employees should utilize the informal hearing process and the appeal process outlined in State Personnel Board Rules, as set forth in the letters of disciplinary action.
- 4.7 Supervisors should consult with the Human Resources Bureau during each step of the problem resolution process.
- 4.8 Time limits prescribed herein may be extended only if both parties agree to such extensions in writing.
- 4.9 Employees, covered under the Collective Bargaining Agreement, who file a written complaint utilizing the Taxation and Revenue Department's internal problem resolution procedures, should forego filing a grievance under the union contract grievance procedure for the same issue until the internal grievance procedure has been exhausted.
- 4.10 Once the process has started, the employee shall not introduce new issues to the original complaint. Any new issues should be

addressed and brought forth at the lowest level of the chain of command to resolve.

- 4.11 A complaint may be withdrawn by the employee at any step by submitting written notice of withdrawal to the supervisor at that level.
- 4.12 Written documentation resulting from a complaint will not be placed in any employee personnel file, unless required to implement a resolution or decision.
- 4.13 A copy of the complaint and the responses will be kept in the HRB Office.
- 4.14 The supervisor making a decision is responsible for implementation of that decision.
- 4.15 Employees found to have engaged in conduct in violation of any State Personnel Board Rule or Department Policy may be subject to disciplinary action, up to and including dismissal.
- 4.16 Employees pursuing a grievance and any other employee participating in this grievance procedure are assured of confidentiality to every extent possible.
- 4.17 Information related to the complaint shall be given only to individuals with a legitimate need-to-know.
- 4.18 If the complaint is disclosed to third persons, who do not have a need-to-know, the person disclosing that information may be subject to disciplinary action.
- 4.19 Disciplinary action issued as the result of a complaint shall remain confidential.
- 4.20 A thorough review of the complaint cannot be conducted without a review of applicable documents and records, and interview with appropriate personnel, if applicable.
- 4.21 Failure of an employee to process a written complaint within the times, or agreed upon extensions, shall automatically terminate the complaint process.
- 4.22 Failure by the supervisor to respond to the times, or agreed upon extensions, shall be considered a denial of any relief to the employee.

- 4.23 If an employee knowingly files a false/untrue complaint, the Department may take appropriate action against that employee, up to and including dismissal.

5.0 TRD INFORMAL PROBLEM RESOLUTION PROCEDURE

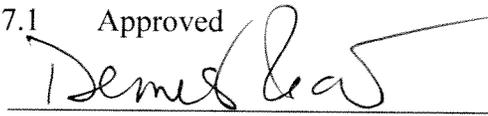
- 5.1 Employees shall meet with their immediate supervisor within ten (10) calendar days of the incident giving rise to the complaint. If the incident involves repeated, continuous or ongoing circumstances, the complaint can be addressed at any time.
- 5.2 If the issue or complaint is against the immediate supervisor, the employee should meet with the next supervisor in the chain of command to attempt to resolve the issues at hand.
- 5.3 The supervisor, or the next in the chain of command, will meet with the employee and discuss the issue and attempt resolution of the issue. This process may include the utilization of the ADR process (alternative dispute resolution) which is coordinated through the ADR coordinator in HR along with the Risk Management Division of the General Services Department.
- 5.4 If the issue is not resolved through the informal process, the employee may move on to the formal problem resolution procedures.

6.0 TRD FORMAL PROBLEM RESOLUTION PROCEDURE

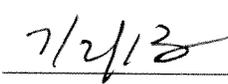
- 6.1 The employee must submit a written statement beginning with the next supervisor in the chain of command to begin the formal problem resolution process. The supervisor may designate another supervisor to respond on his/her behalf only under extraordinary circumstances, such as a conflict of interest or illness. The written employee statement must be submitted within ten (10) calendar days from the date of the last meeting held with management, which will include a description of the incident, a reference to the policy(s) violated (if applicable), evidence in support of the violations and the relief requested.
- 6.2 If a formal written complaint is filed with a supervisor who is unable to grant the relief requested, that supervisor shall notify the employee that the complaint has been referred to the appropriate supervisor.
- 6.3 Management will inform HRB within three (3) working days of receipt of the formal written complaint.

- 6.4 Management will review the complaint with HRB and will inquire into the appropriate steps to take under the circumstances, which may include interviewing other Department personnel.
 - 6.4.1 Authorized time spent by the employee (s) responding to the complaint, or by other witnesses asked to provide information to the investigator, will be considered work time.
- 6.5 Management will schedule a meeting with the employee in an attempt to resolve the issue within five (5) work days of receipt of the employee's written statement provided that management is not interviewing other individuals in which case the time may be extended by up to five (5) work days.
- 6.6 If there is not a satisfactory resolution, the employee can then send a written complaint to the Cabinet Secretary. The original complaint and responses should be attached and given during each step of the process.
- 6.7 The Cabinet Secretary is the final internal step in the problem resolution process for violations or complaints regarding TRD policies.
- 6.8 In addition, an employee can submit complaints involving discrimination through the Human Rights Commission within 180 days from the alleged incident or the Equal Employment Opportunity Commission within 300 days from the alleged incident.
- 6.9 Complaints involving a violation of the State Personnel Board Rules and Regulations must be filed with the State Personnel Director within 30 calendar days of the agencies final decision if; the complaint involves an interpretation of the rules.

7.0 APPROVAL

7.1 Approved


Demesia Padilla, CPA, Cabinet Secretary



DATE