

## **Camden County Library District Policy Manual**

### **Section 1. Employees**

#### **Subsection 11. Complaint of Employment Discrimination**

##### **POLICY**

It is the policy of the Camden County Library District (CCLD) 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.

CCLD 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 Business Manager. An Employment Discrimination Complaint (Complaint) alleging prohibited discrimination may be filed with CCLD for consideration and reply as provided herein, except for complaints of sexual harassment, which are addressed in The Sexual Harassment Policy. 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 Business Manager is available to provide clarification and assistance in the administration of this policy.

**NOTE: THE BUSINESS 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.

##### **Complaint of Employment Discrimination**

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 Director or, if the complaint relates to the Director, the Board. However, if the Director is the subject of the Complaint and the CCLD 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 Director (if applicable) and/or Board for decision-making purposes. The Business Manager will serve as the fact finder in the investigative process in all Complaints unless otherwise noted.

Although CCLD 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 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 supervisor or Director cannot resolve the Complaint may the employee bypass Step I and proceed to Step II (see below) of the Complaint process.

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 Director unless the 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 Business Manager is a party to the Complaint, the Business Manager's supervisor will process and investigate the Complaint.

## **Procedures**

- Obtain a Complaint of Employment Discrimination form from the Forms page on the Policies Manual.
- 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 Business Manager will provide technical assistance as needed.

## **Complaint of Employment Discrimination Steps** (Complaint against a person other than the Director)

### Step I

An employee who believes that he or she has a Complaint as defined within this policy may submit the Complaint to the Business Manager within thirty (30) working days of the date of the most recent event. The Business Manager will forward the Complaint to the supervisor within two (2) working days of date of receipt of the Complaint. The Business Manager shall provide a copy of the Complaint to the Director. The supervisor (if applicable) and the Business Manager will meet with Complainant to review the Complaint. The supervisor, after consultation with the Business Manager, will issue a written decision within fifteen (15) working days of their receipt of the Complaint.

### Step I(a)

An employee who believes that he or she has a Complaint as defined within this policy may submit the Complaint to the Business Manager within thirty (30) working days of the date of the most recent event. The Business Manager will forward the Complaint to the Director within two (2) working days of the date of receipt of the Complaint. The Director (if applicable) and the Business Manager will meet with the Complainant to review the situation carefully. The 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 Business Manager.

### Step II

If the Step I decision of the supervisor 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 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 Director will meet with the employee, supervisor (if applicable), and Business Manager to discuss the Complaint. The Director will issue a written decision to the employee within fifteen (15) working days of the date of receipt of the Step II Complaint.

### Step II(a)

If the Step I(a) decision of the 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 Business

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 Business Manager.

Decisions rendered by the Director will be final and binding on all parties unless escalated to the Board.

Decisions rendered by the Board will be final and binding on all parties.

While the investigation is pending, the Director (or the Board, when the Complaint is against the 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 CCLD becomes aware of the conduct. Supervisors are responsible for discussing this policy with their respective employees to ensure consistent application and understanding.