

Complaints and Grievances

General Requirements

Current employees may file a complaint regarding workplace concerns; former employees may file a grievance when they believe they have been wrongfully terminated under certain circumstances.

Current employees wishing to file a complaint, or former employees wishing to file a grievance, must comply with this policy, including the required deadlines, and identify the basis of the complaint or grievance, including specific facts, and provide relevant documents or other pertinent information. Complaints and grievances should also include the employee's desired outcome. Incomplete complaints and grievances may not be considered.

Complaints by Current Employees

Current employees may file a complaint regarding any workplace concern, including work hours or conditions; workplace relationships; performance evaluations; disciplinary actions; the interpretation or application of a rule, regulation or policy; adverse employment actions; or allegations of discrimination, harassment, retaliation or other unlawful act.

Employees may file their complaint verbally or in writing through the following three channels:

1. **Management:** Employees are encouraged to resolve complaints through their chain of command. Employees should report any complaint to their immediate supervisor. If their immediate supervisor is the object of the complaint, the employee should report to the next higher person in their chain of command.
2. **Human Resources:** Although not required, an employee may file a complaint with an Employee Relations Specialist in Human Resources. The Employee Relations Specialist, acting as a neutral third party, will attempt to resolve the complaint in the most appropriate manner based on the nature of the complaint. Possible actions include:
 - investigating the complaint to determine recommended action(s);
 - offering to facilitate a discussion between the employee and their management about the complaint;

- suggesting training, counseling, or changes in an employee's or manager's approach to the issue;
- recommending participation in a mediation process; or
- requiring the employee to file a formal written complaint.

Management should allow employees a reasonable amount of time during work hours to meet with an Employee Relations Specialist, if requested.

3. **The Network Hotline:** Employees may also file complaints through the Network — an outside hotline — at 1-866-420-8369. Employees are encouraged to leave their name and a telephone number so the agency can contact them for further information. The agency may be limited in addressing the concern without all of the relevant information.

Management or Human Resources will conduct an investigation, when required by the circumstances. An employee who files a complaint that requires an investigation may be asked to provide a written account of the facts and allegations that form the basis of the complaint.

During an investigation, the appropriate manager or an Employee Relations Specialist may conduct interviews with any person(s) with knowledge about the underlying facts of the complaint. They may request documents or other information relevant to the complaint from the employee's chain of command or other divisions in the agency, and may follow additional leads uncovered in the course of the original investigation.

If warranted, the employee who filed the complaint and/or any person accused of improper or illegal behavior may be sent home on leave with pay while the investigation is conducted to avoid further misconduct, interference with the investigation or retaliation by the accused.

When an investigation is complete, Human Resources and Management will determine the appropriate course of action. The employee making the complaint may, or may not, be informed of the specific action(s) taken by the agency to resolve a complaint.

The agency will use discretion when investigating any complaint and will only share information on a need to know basis. Information protected by law, such as an employee's medical information, will not be shared with others. Employees should be aware, however, that certain employee information may be subject to public disclosure by law.

Grievances by Terminated Employees

An employee who is terminated, including by resignation in lieu of termination, may file a grievance only if the employee is claiming wrongful termination based on:

- retaliation for reporting in good faith a violation of law, or
- violation of civil rights laws administered by the Equal Employment Opportunity Commission (EEOC) or Texas Workforce Commission (TWC).

A grievance must be filed in writing with the agency's General Counsel within 14 calendar days of the termination. The General Counsel or executive-level management with authority to sustain, overrule, or alter the disputed action will conduct an appropriate investigation and notify the terminated employee in writing of the agency's determination. There is no hearing as part of the grievance process and no right to appeal.

Prohibited Acts

The Comptroller's office encourages reporting of all workplace concerns, perceived incidents of discrimination or harassment, and any conduct violating law or policy.

The Comptroller's office prohibits retaliation against any individual for the following:

- reporting in good faith a violation of law or policy;
- opposing an unlawful act or practice;
- exercising the individual's legal right; or
- participating in an investigation or legal proceeding involving allegations of unlawful discrimination or harassment, or other violations of law or policy.

An employee may be subject to disciplinary action up to, and including, termination of employment for the following:

- committing or attempting to commit an unlawful act;
- reporting a violation of law or policy he or she knows to be false;
- interfering with an investigation regarding a reported violation of law or policy by failing to cooperate with investigators or by providing false information; or
- failing to maintain the confidential nature of an investigation if asked to do so.