

# **Hennepin – Diversity, Non-Discrimination and Respectful Workplace**

## **Resolution & Complaint Processes**

### **Informal Resolution Process**

All employees and volunteers of Hennepin County have several options for seeking resolution of work related situations of concern under this policy, including any discrimination or harassment. Employees seeking an informal resolution have the following options:

- Request that a supervisor or manager from their department take the lead in resolving the situation, including the informal inquiry; and/or
- Request union involvement if, they have access to union representation; and/or
- Contact their department's Human Resources Generalist; volunteers may request assistance through their volunteer coordinator; and/or
- Seek advice from the Employee Assistance Program, recognizing this does not constitute a report to or knowledge on the part of the county.

All county managers and supervisors are responsible for investigating any reported situation of discrimination, including harassment, and taking prompt and appropriate corrective action, which can include informal resolution or more formal action.

Employees and volunteers who are not satisfied with the results of the informal resolution process or who want a formal resolution process may utilize the formal Complaint Process or may seek assistance from the Equal Employment Opportunity Commission (EEOC) or Minnesota Department of Human Rights (MDHR).

### **Formal Internal Complaint Process**

Employees who desire to resolve their concerns through a formal internal process should directly contact Human Resources. The employee may work with either the specialized Organizational Development Unit (OD Unit) or with the Affirmative Action (AA) Director. The nature of the concern determines which of the options works on the concern.

1. Referral may be made to the OD Unit, by an HR Generalist or by the AA Director if protected class is not a factor in the issue. The OD Unit will coordinate the review of the employee's concern with the department and/or parties involved.

The objective for the OD Unit is the expedient and respectful resolution of the issue.

2. If protected class is believed to be a factor in the issue, a formal complaint can be filed with the AA Director in the Human Resources Department, who will conduct a complete and impartial investigation.

The objective of the investigation is to determine, based on the available evidence, whether there is support for the allegation(s) contained in the complaint and to facilitate resolution of any substantial complaint.

### **Filing a complaint**

- Contact may be established with the Human Resources Department by telephone, in writing, or by scheduled appointment. With the telephone or written contact, there will likely be an in-person interview.
- The initial interview involves gathering sufficient information to write a complaint and to develop an investigative plan. The information sought includes, but is not necessarily limited to, the following:
  - *What happened and the names of all participants.*
  - *When the incident(s) occurred.*
  - *Protected class of the complainant and why the complainant feels their protected class in the reason for the adverse occurrence(s)*
  - *How other people, not of the same protected class but similarly situated along work lines, have been treated.*
  - *Lists of witnesses and/or documents that may be useful to the investigation.*
  - *What the complainant is seeking as a remedy to the situation.*
  - *Any other information the complainant feels is relevant to the investigation.*
- If the AA Director determines that the complaint establishes a possible violation of the diversity policy that requires investigation, the AA Director will proceed with a formal complaint.
- The complaint is drafted by AA Director and signed by the complainant. A copy of the complaint is given to complainant and a copy is mailed to the involved departments' director and the person(s) named as having discriminated against the complainant.
- If a complainant is represented by an attorney or retains an attorney during any part of the complaint process, their case will be referred directly to the County Attorney's Office.

### **The investigation by the Affirmative Action Director**

- The department and persons named in the complaint are asked to respond to the allegations in the complaint.
- The complainant may be interviewed again after responses are received to discuss their contents.
- Witness with direct information about the allegations of the complaint are interviewed.
- All relevant documentation is collected.

- All collected information and interview results are analyzed for a determination of whether the allegation(s) has been supported or refuted.
- A formal statement of determination and recommendation(s) is prepared and sent to the complainant, the involved department's director, named persons, the Human Resources Director, County Administration, and the County Attorney's Office
- Most investigations will be completed within 60 days of the filing of the complaints. The time line for completion of an investigation is dependent upon such factors as the availability of witnesses, the time necessary to compile and analyze data, the complexity of allegations in the complaint.

### **The Resolution**

- If the determination is that discrimination did occur, the AA Director will enlist the assistance of the involved department's Human Resources Generalist and the cooperation of the involved department's director to bring the complaint to an appropriate resolution.
- If there is insufficient evidence that discrimination occurred, the AA Director should determine if it is likely the complainant and the department may benefit from some work with the OD Unit to attempt to bring closure on the issue of the complaint. If such a determination is made, the AA Director should make the appropriate recommendation. The complainant is also free to exercise any of the other options listed earlier.
- A complainant who is dissatisfied with the results of an investigation may make any appeal to the Human Resources Director.

### **External Process**

Employee and volunteer who are dissatisfied with the results of an investigation or who want a formal resolution process that is not initiated by Hennepin County may seek assistance from the Equal Employment Opportunity Commission (EEOC) or Minnesota Department of Human Rights.

Equal Employment Opportunity Commission  
651 335-4040  
[www.eeoc.gov/minneapolis](http://www.eeoc.gov/minneapolis)

Minnesota Department of Human Rights  
651 296-5663  
[www.humanrights.state.mn.us](http://www.humanrights.state.mn.us)