

## **PRO-301.3 EMPLOYEE COMPLAINT ADMINISTRATIVE PROCEDURE**

### **1.0 Purpose.**

The purpose of this Administrative Procedure is to implement Section 301.7.6 of TRWD Board Policy 301 Employment Practices regarding the establishment of a process for receiving and responding to employee complaints, including complaints of workplace discrimination, harassment, including sexual harassment, bullying, retaliation against an employee for making a good faith report of a violation of law by TRWD or a TRWD employee to an appropriate law enforcement authority, and other employment-related complaints. This Administrative Procedure establishes a fair and consistent process for resolving employee complaints. Employees who use this Complaint Procedure may do so with knowledge that they will be protected from retaliation or reprisal of any nature for making a complaint or invoking this Complaint Procedure, consistent with the Prohibition on Retaliation set forth in Section 301.7.3 of TRWD Board Policy 301 Employment Practices.

### **2.0 Scope.**

This Employee Complaint Administrative Procedure applies to all departments, divisions, and offices within TRWD, and to all TRWD employees.

This Employee Complaint Administrative Procedure applies to employee or supervisor's reports or complaints, including but not limited to:

- Reports or complaints of employment discrimination, harassment, sexual harassment, and retaliation prohibited by *TRWD Prohibition on Discrimination, Harassment, Workplace Bullying, and Retaliation Administrative Procedure*;
- Reports or complaints of workplace bullying or cyberbullying prohibited by *TRWD Prohibition on Discrimination, Harassment, Workplace Bullying, and Retaliation Administrative Procedure*;
- Reports or complaints of discrimination on the basis of disability prohibited by *TRWD Americans With Disabilities Act (ADA) Administrative Procedure*;
- Reports or complaints of whistleblower retaliation prohibited by *TRWD Prohibition on Retaliation Against Whistleblowers Administrative Procedure*;
- Any other employee report or complaint involving wages, hours, or conditions of work, or any adverse action.

### **3.0 Definitions.**

The following definitions apply to this Employee Complaint Administrative Procedure.

Complaint– A complaint is a dispute or disagreement by a TRWD employee involving wages, hours, conditions of work, or other adverse employment action.

Complainant– The term “complainant” includes the employee or employees filing a complaint.

Days – Days shall be defined as TRWD business days in accordance with the TRWD-wide staff calendar, unless otherwise noted.

Response – The term “response” shall mean a written communication to the employee from the appropriate TRWD administrative personnel regarding any non-confidential outcome related to the complaint.

#### **4.0 Informal Resolution.**

TRWD encourages employees to discuss their concerns with their supervisor or other appropriate TRWD administrative personnel who have the authority to address the employee’s concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible level and to encourage resolution of complaints informally.

#### **5.0 Filing a Complaint.**

If an employee’s concern cannot be resolved informally to the employee’s satisfaction, the employee may initiate the employee complaint process under this Administrative Procedure by timely filing a written complaint with the appropriate TRWD administrative personnel, as set forth below. The written complaint should include the following information:

- An explanation of the complainant’s specific concern(s);
- The individual against whom the complaint is filed and/or the individual who engaged in any alleged misconduct;
- A description of how the complainant’s employment has been affected;
- The policy and/or procedure that has been violated; and,
- A description of any remedy, relief, or action the complainant is seeking.

**Whistleblower complaints.** Employees who believe their employment with TRWD has been adversely impacted in retaliation for reporting a violation of law to an appropriate law enforcement authority, as set forth in *TRWD 302.7 Prohibition on Retaliation Against Whistleblowers Administrative Procedure*, shall initiate TRWD’s employee complaint process on or before the 90th day after the date the adverse employment action occurred or was discovered by the employee through reasonable diligence. An employee may initiate TRWD’s employee complaint process by submitting a written complaint to TRWD’s General Counsel by email, mail, or hand delivery as set forth below:

Stephen Tatum  
General Counsel, Tarrant Regional Water District  
[Stephen.Tatum@trwd.com](mailto:Stephen.Tatum@trwd.com)  
800 East Northside Drive, Fort Worth, Texas 76102

**Employment discrimination, harassment, retaliation and workplace bullying complaints.** Employees who believe that they, or another TRWD employee, has been subjected to discrimination (including disability discrimination), harassment (including sexual harassment), bullying, and/or retaliation for reporting or participating in the complaint process regarding prohibited employment discrimination or harassment, should notify the Human Resources Department and his or her department manager immediately. Employees may also initiate TRWD's employee complaint process by submitting a written complaint to TRWD's Human Resources Director by email, mail, or hand delivery as set forth below:

Shelby Lyon  
Human Resources Director, Tarrant Regional Water District  
[Shelby.Lyon@trwd.com](mailto:Shelby.Lyon@trwd.com)  
804 East Northside Drive, Fort Worth, Texas 76102

**Other complaints.** Employees may file other employment-related complaints, including those, regarding wages, hours, or conditions of work, other than those set forth in the above Sections, *Whistleblower complaints and Employment discrimination, harassment, retaliation and workplace bullying complaints*, by submitting a written complaint TRWD's Human Resources Director by email, mail, or hand delivery, as follows:

Shelby Lyon  
Human Resources Director, Tarrant Regional Water District  
[Shelby.Lyon@trwd.com](mailto:Shelby.Lyon@trwd.com)  
804 East Northside Drive, Fort Worth, Texas 76102

**Alternative complaint procedures.** An employee shall not be required to file a complaint with the person alleged to have engaged in the conduct that is the subject of the complaint. Reports or complaints about TRWD's Chief Human Resources Officer of Human Resources Director, or reports or complaints that the Chief Human Resources Officer or Human Resources Director is perceived as contributing to the problem may be directed to TRWD's General Manager by email, mail, or hand delivery as set below:

Dan Buhman  
General Manager, Tarrant Regional Water District  
[Dan.Buhman@trwd.com](mailto:Dan.Buhman@trwd.com)  
800 East Northside Drive, Fort Worth, Texas 76102

Complaints against TRWD's General Counsel may be directed to the Human Resources Director by email, mail, or hand delivery, as set forth in the above Sections, *Employment discrimination, harassment, retaliation and workplace bullying complaints and Other complaints*.

Complaints against TRWD's General Manager may be directed to the President of TRWD's Board of Directors or the Board's Administration and Policy Committee.

**Timeline to file a complaint.** Other than for Whistleblower Complaints discussed in the above Section *Whistleblower complaints*, a complaint must be filed no later than 15 business days from the date the employee first knew or, with reasonable diligence, should have known of the event which is the basis of the complaint. If a complaint is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point during the complaint process.

The timeline to file a complaint may be extended to exclude the time an employee uses to engage in the informal resolution of an employee complaint described in *Section 4.0. of this Administrative Procedure*.

## **6.0 Complaint Resolution.**

After a complaint has been received, the Human Resources Director or their designee will promptly review the complaint and, when necessary, investigate the allegations. The Human Resources Department may work in conjunction with, or assign investigations to, legal counsel to conduct investigations regarding employee reports or complaints.

As part of the complaint resolution process, the Human Resources Director, or their designee may meet or hold a conference with the complainant regarding their complaint.

When appropriate or necessary, the Human Resources Director, or their designee, may issue a written response to the complainant regarding their complaint. A response will set forth the basis of the decision. In reaching a decision, the administrator or his or her designee may consider information contained in the complaint and any other relevant documents or information the administrator or their designee believes will help resolve the complaint. Absent extenuating circumstances, the response should be issued to the employee within 30 business days from the date of the complaint. The TRWD administrator, however, shall take additional time, if necessary, to complete a thorough response. The administrator will notify the complainant in writing if additional time is needed.

## **7.0 Appeals.**

If the complainant did not receive the relief requested in the response to his or her complaint, the complainant may appeal the decision by filing a written appeal within 10 business days of the date of the response to the complaint. The appeal should include the following information:

- An explanation of the complainant's specific concern;
- A description of how the employee's employment has been affected;
- The policy and/or procedure that has been violated;
- A statement of why the complainant disagrees with the response provided or outcome of the Complaint Resolution and the basis for the disagreement; and,
- A description of the remedy the employee is seeking.

**Submitting an Appeal.** Appeals must be directed to TRWD's Chief Human Resources Officer, except in cases where the appeal concerns a decision or action of

the Chief Human Resources Officer. Appeals may be filed with the Chief Human Resources Officer by email, mail, or hand delivery as follows:

**Lisa Cabrera**

Chief Human Resources Officer, Tarrant Regional Water District

[Lisa.Cabrera@trwd.com](mailto:Lisa.Cabrera@trwd.com)

800 East Northside Drive, Fort Worth, Texas 76102

In the event an appeal concerns the decision or action of the Chief Human Resources Officer, the appeal may be directed to the TRWD General Manager by email, mail, or hand delivery as follows:

**Dan Buhman**

General Manager, Tarrant Regional Water District

[Dan.Buhman@trwd.com](mailto:Dan.Buhman@trwd.com)

800 East Northside Drive, Fort Worth, Texas 76102

**Appeal decision.** After an appeal has been received by the appropriate TRWD administrator in accordance with Section *Submitting an Appeal* of this Administrative Procedure, that administrator may review the matter or refer the appeal to an appropriate designee. The administrator considering the appeal may proceed in any manner he or she feels appropriate based on the circumstances.

For example, the administrator considering the appeal may elect to independently review the written appeal, any decision or response issued during the Complaint resolution process, and any relevant documents or information, and issue a written decision based on this independent review. The administrator considering the appeal may elect to conduct a conference or meeting with the complainant and any individual against whom the complaint is filed in addition to independently reviewing the written decision, response, and relevant documents and information.

The administrator considering the appeal should consult with the Chief Human Resources Officer regarding both the process for the appeal and the administrator's decision regarding the appeal.

The TRWD administrator considering the appeal shall provide the employee a written decision on the appeal that shall set forth the basis of the decision. Absent extenuating circumstances, the TRWD administrator should issue the decision on the appeal within 15 business days from the date of the appeal. The TRWD administrator, however, shall take additional time, if necessary, to complete a thorough review. The TRWD administrator will notify the complainant in writing if additional time is needed to consider the appeal. The decision of the TRWD administrator shall be final and binding on the employee.

## **8.0 Prohibition on Retaliation.**

TRWD prohibits retaliation against an employee who files a report or complaint under this Administrative Procedure. TRWD also prohibits retaliation against any employee who

serves as a witness or otherwise participates in TRWD's complaint process. No retaliation or reprisals of any kind shall be taken against any employee for invoking this complaint procedure or participating in TRWD's complaint process.

Employees who engage in retaliatory actions in violation of this prohibition will be subject to disciplinary action, up to and including termination.

### **9.0 Consolidating Complaints.**

Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint. When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, TRWD may consolidate the complaints. TRWD should notify the complainant in writing if TRWD consolidates a complainant's complaints.

### **10. Expectations for Employees in the Complaint Process.**

During the complaint process, employees are expected to:

Employees must act in good faith in submitting complaints and throughout the complaint process.

- Employees must participate throughout the complaint process in a professional, truthful, and cooperative manner.
- Employees should provide all relevant information necessary or requested to enable TRWD administration to understand the complaint and the facts and background relating to the complaint.
- Employees must comply with any deadlines in the complaint process, cooperate in the scheduling of any meetings necessary to address or resolve the complaint, and respond accurately and completely to any requests for information.

### **11.0 Expectations for Administrators in the Complaint Process.**

During the complaint process, TRWD administrators are expected to:

- TRWD administrators should respond to a complaint in a timely manner.
- TRWD administrators should serve impartially in the complaint process and serve without any bias or prejudice.
- TRWD administrators shall maintain the integrity of the complaint process by conducting a thorough inquiry and providing thoughtful and well-reasoned responses and/or decisions.
- TRWD administrators shall refrain from publicizing employee complaints and should keep information regarding employee complaints and complaint process confidential to the extent possible. Administrators shall exercise appropriate judgment and discretion regarding employee confidentiality and should refrain from discussing employee complaints except as may be reasonably necessary to appropriately address or respond to the complaint.

- TRWD administrators should take action, as necessary, to prevent retaliation against employees who file complaints under this Administrative Procedure.

### **12.0 Retention of Complaint Records.**

TRWD shall retain copies of employee complaints, responses, appeals, appeal decisions, and related documents in accordance with the District's record retention policies and schedules, but not less than the time period required by law.

### **13.0 Confidentiality.**

To the extent possible, TRWD shall respect the privacy of the parties involved in the complaint process. Some limited disclosures may be necessary to adequately respond to the complaint and/or to comply with state or federal law.

### **14.0 Disciplinary Action for False Statements, Failure to Cooperate, or Serial Unfounded Complaints.**

An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate during TRWD's complaint process may be subject to disciplinary action, including termination. TRWD employees who submit serial complaints or repeated allegations that have previously been unfounded and/or unsubstantiated in the complaint process may be subject to disciplinary action, including termination.