

APPENDIX J

DEPARTMENT OF AGRICULTURE COMPLAINT PROCESS

It is the law of the State of Delaware, and the policy of the Department of Agriculture, that no person shall be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination on the basis of race, religion, color, national origin, sex, age, Vietnam-era veteran status, or physical disability. This policy is in keeping with that of the State of Delaware as established by State law and Executive Order. This policy also certifies full compliance with Title VII of the Civil Rights Act of 1964.

This Department will not tolerate the existence of such discriminatory practices with regard to any aspect of employment, treatment of employees, services rendered, or facilities supplied.

COMPLAINT PROCEDURES

When problems arise, an employee shall, as soon as possible, meet and discuss the claims of Merit Rule or Merit law violations with their immediate supervisor unless the complaint involves improper activity by the supervisor. Employee complaints involving supervisor shall be brought to the next higher level in the chain of command. It is the responsibility of each level of supervision to informally conduct such discussions objectively, and to initiate action to resolve problems at the lowest organizational level possible. If after such informal actions, the problem is not resolved to the employee's satisfaction and the employee wishes to take formal action, the employee may present a grievance in accordance with the procedures below and Merit Rules 18.2 – 18.11.

1. A Department of Agriculture employee who believes he/she has been adversely affected by an employment decision resulting from bias, discrimination or lack of equal employment opportunity must present the complaint in written form to the Department Human Resources Specialist. The employee should include in the written complaint all of the details, time frames, names of employees involved and the nature of their involvement, along with any quotes or statements that he/she attributes to anyone involved.
2. The Investigator (supervisor) with the assistance of the Human Resources Specialist should conduct an investigation as a neutral party advocating neither for the complainant, the alleged violator, or the employer. Written statement should be obtained from all parties involved. The investigation should be thorough, expedient, and result in a written document that reaches a conclusion and, if appropriate recommends discipline of the offender(s), establishes a system to assure future compliance with Department policy, provides for training, if applicable, and monitoring of the workplace environment. If the alleged violator is the employee's supervisor, the Section Manager will conduct the investigation.
3. Following the investigation, the investigator should prepare a written report outlining the findings and actions, if any; (disciplinary or remedial) that will be recommended to be taken against the other party. The Human Resources Specialist will discuss with the employee's manager, Deputy Secretary and Cabinet Secretary and appropriate actions will be determined. If the complaint and the investigation result in disciplinary action against the alleged violator, the complainant will be informed that the alleged violator will be held accountable. However, the exact nature of the disciplinary action imposed will remain confidential. This report will remain as a confidential document and be retained within the Human Resources Office.