



## **PROCEDURE FOR SOLVING PROBLEMS IN THE WORKPLACE**

### **PURPOSE**

This document describes the procedure for solving problems in the workplace. The procedure recommends direct communication with your supervisor to resolve problems. A formal review process has also been established for instances where informal communication is not possible or practical.

This document sets forth the applicability, Research Foundation policy, definitions, and procedure for informal resolution and the formal review process.

### **APPLICABILITY**

This procedure is available to all current and former employees of the Research Foundation. Fellows and independent contractors are not covered by this procedure. In the case of contractors, individual contractual agreements will cover disputes.

Allegations of discrimination are subject to the Research Foundation “Procedure for Resolving Allegations of Discrimination.” Situations other than a complaint of discrimination are handled under this procedure.

Where a complaint involves an issue such as misconduct in science or conflict of interest, which is subject to review under established campus guidelines, those guidelines must be followed.

### **POLICY STATEMENT**

The Research Foundation of State University of New York is committed to protecting the legitimate interests of its employees. Employees should not be subjected to violation, misrepresentation or improper application of any laws, rules, procedures, regulations, administrative orders, or work rules of the Research Foundation directly affecting the terms and conditions of employment.

It is Research Foundation policy to attempt to resolve problems that arise in the course of employment quickly and fairly.

An employee will not be retaliated against or treated adversely by reason of initiating a complaint. Decisions that are made in accordance with this policy and related procedure shall not add to, subtract from, or otherwise alter any other Foundation policies or practices.



## DEFINITIONS

This section provides definitions for some of the terms found within this document.

*Campus President:* The person who is responsible for implementing this procedure at the location.

*Operations Manager:* The person at a campus holding authority from the Research Foundation's Board of Directors to conduct RF business and financial affairs at the location.

*Complaint Manager:* An office or person designated by the operations manager as responsible for the management of the Research Foundation workplace complaint procedure at the location.

*Supervisor:* The person who usually assigns and is responsible for an employee's work. The project director and the supervisor may be the same person.

*Project Director:* The person responsible for conducting a sponsored program. The project director may be an employee of either the State University of New York or the Research Foundation.

*Fellow:* An individual who is paid a stipend through the Research Foundation and is not required to perform a service to receive the stipend.

*Independent Contractor:* Any individual or firm who offers services to the public in return for an established fee and over whom the Research Foundation exercises no control or direction as to the details or means by which a result is accomplished.

*Working Days:* In calculating working days for purposes of this procedure, Saturdays, Sundays, and holidays are excluded.



## **PROCEDURE**

The review process for employee complaints provides a means for you to clarify a situation that you perceive as a violation of the terms and conditions of your employment. The review and resolution may be carried out informally or may, at your option, involve the filing of a written complaint.

### **Informal Resolution**

You and your supervisor are encouraged to resolve on-the-job complaints in an atmosphere of mutual respect. You should bring any work-related problems to the attention of your immediate supervisor as soon as possible so the problem may be resolved. Your supervisor should discuss those concerns with you in an effort to resolve the problem in a timely fashion.

If you wish, you and/or your supervisor may seek assistance from the complaint manager at your location.

### **Formal Review Process**

The formal complaint procedure may be used at any time by an employee or former employee to request the review of a complaint. The formal process allows you to file a written complaint with your supervisor, provides for management review of your supervisor's decision, and provides for final review in an appeal process. Each complaint filed must be made in the name of an individual employee.

#### *1. Initial Written Complaint*

To initiate a formal review, you must notify your supervisor in writing within 40 working days of the occurrence on which the complaint is based. You should retain the original written complaint and send a copy to your supervisor and to the complaint manager (who will retain the copy at your location).

The written complaint should contain the following information:

- Your name and address (home or work)
- Position
- Description in detail of the nature of the complaint
- The time and date when the basis for the complaint is alleged to have occurred
- The names and positions of all persons involved in the complaint
- Other supporting material
- Date submitted
- Your signature



Within ten (10) working days after receiving the complaint, your supervisor will confer with you to discuss the complaint. In addition, he or she may make additional inquiry regarding the complaint.

Within ten (10) working days after conferring with you, your supervisor will render a decision in writing, furnishing a copy to you and to the complaint manager. If you accept your supervisor's decision in writing, the complaint is resolved. If your supervisor does not render a decision on your complaint within the prescribed time limit, the complaint will be considered denied, and you may ask for a review at the next supervisory level.

When your supervisor renders a decision in writing regarding the complaint, he or she must provide a written decision to you and to the complaint manager. Your supervisor will retain a copy of the decision.

## *2. Review of Supervisor's Decision*

If you are dissatisfied with your supervisor's decision, you may request a review of that decision by the next supervisory level. If your immediate supervisor is the project director, Research Foundation operations manager, or an individual reporting to the campus president, the review of the supervisor's decision will be at the appeal level.

You must submit a signed statement to the next supervisory or appeal level within ten (10) working days after you are informed of your supervisor's decision. The statement should explain why you feel your supervisor's decision should be overruled or modified. You must forward a copy of this statement to the complaint manager and should retain the original written statement for your files.

The reviewer will consider your complaint and your immediate supervisor's decision, taking into account the initial formal complaint and all the material you submitted. The reviewer may make additional inquiry regarding your complaint.

Within twenty (20) working days after receiving a request for a review, the reviewer will render a decision in writing to you with a copy to your supervisor and to the complaint manager. The reviewer should retain a copy of the decision.

## *3. Appeal Process*

If you are dissatisfied with the review of your supervisor's decision, you must forward an appeal to the complaint manager within ten (10) working days. The appeal will be in writing and include the reason(s) for the appeal. You should retain the original written appeal. The complaint manager will notify the campus president (or delegate) that a timely appeal has been received. A copy of all complaints involving appeal reviews will be forwarded to the Research Foundation Central Office of Employee Relations.



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The location's operations manager or *ad hoc* review committee will conduct the appeal proceeding within fifteen (15) working days and, within twenty (20) working days after the conclusion of the proceeding, will render a final decision. The complaint manager must notify you in writing of the final decision. A copy of the appeal decision will be forwarded to the Research Foundation Central Office of Employee Relations.

The time limits specified in this complaint procedure will be observed and applied strictly and will not be extended without the prior written consent of you and the applicable level of supervision responsible for the review. If you fail to comply with any time limit, the complaint will be automatically deemed withdrawn and the proceeding terminated.