

**KERN COUNTY SUPERINTENDENT OF SCHOOLS OFFICE****PERSONNEL****COMPLAINTS AGAINST EMPLOYEES**

The Kern County Superintendent of Schools Office desires to maintain a positive educational and working environment for its employees and the community it serves. Constructive criticism is welcome when it is motivated by a sincere desire to improve the quality of the educational programs and to equip the Kern County Superintendent of Schools Office to perform its task more effectively.

The Kern County Superintendent of Schools Office places trust in its employees and desires to support their lawful conduct in such a manner that employees are protected from unwarranted or spiteful criticism and complaints. Complaints against county personnel shall be investigated according to the procedures designated in this policy (see items 1-10).

It is the desire and expectation of the Kern County Superintendent of Schools Office that all parties will make every effort to resolve complaints informally before resorting to formal complaint procedures.

Complaints for which a specific method of review is provided by statute, policies or regulations of the Kern County Superintendent of Schools Office or which are arguably covered by a current collective bargaining agreement are not subject to this procedure. This policy also does not apply to complaints involving accusations of child abuse, sexual harassment, or compliance with state and federal laws and regulations governing educational programs.

The Superintendent or designee shall determine whether a complaint should be considered a complaint against the Kern County Superintendent of Schools Office and/or the individual, and whether it should be resolved by the office's process for complaints concerning personnel, other office procedures, or both.

In order to promote fair and constructive communication, the following procedures shall govern the resolution of complaints against of the Kern County Superintendent of Schools Office employees.

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, complaints should be made directly by the complainant to the person against whom the complaint is made. Complainants are encouraged to attempt to orally resolve concerns with the employee personally.

2. Except in the limited case of an employee complaint of discrimination, a complainant shall attempt to resolve the complaint directly with the person involved. If thereafter the complaint is unresolved, or in the case of an employee complaint of discrimination, the complainant may submit the complaint to the employee's immediate supervisor in writing.
3. Written complaints shall be on the Kern County Superintendent of Schools Office complaint form or appended thereto.
4. When a complaint is received, the employee shall be notified in accordance with applicable collective bargaining agreements.
5. All complaints related to office personnel shall be submitted in writing to the Human Resources Division.
6. A written complaint must include:
  - a. The names of each employee involved;
  - b. A brief but specific summary of the complaint and the facts surrounding it; and
  - c. A specific description of any prior attempt to discuss the complaint and the failure to resolve the matter.
7. The administrator for the Division of Human Resources and Special Services or his/her designee will attempt to resolve the complaint to the satisfaction of the persons involved.
8. The complainant may appeal a decision by the administrator for the Division of Human Resources and Special Services to the Superintendent or designee.
9. Complaints should consider and accept the Superintendent's decision as final.
10. Appeals to the Superintendent's decision may be forwarded to:

Industrial Relations Department, Labor Commissioner's Office  
5555 California Ave.  
Bakersfield, CA 93309  
(661) 395-2710