

**SOUTH CAROLINA
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

THE LANGUAGE USED IN THIS POLICY DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

HR012.00 **General Complaint Policy and Procedures**

EFFECTIVE: August 7, 2009

APPLIES TO: Employees of the South Carolina Department of Health and Human Services in Full Time Equivalent, Temporary Grant or Time-Limited Project Positions

POLICY

It is the policy of the Department of Health and Human Services (the Department) for the Office of Human Resources to receive General Complaints from employees in accordance with the procedures described herein.

PURPOSE

The purpose of this Policy and Procedure is to provide a uniform method for Department employees in full time equivalent, temporary grant or time-limited project positions to use when submitting a General Complaint. To the extent possible, all concerns regarding routine operations should be directed to an immediate supervisor and/or through their chain of command. In the event that a routine matter is not addressed or if you believe it would be inappropriate to discuss the matter with your supervisor or chain of command you may report the complaint using the General Complaint Form to the Office of Human Resources. If further clarification is needed for an understanding of this policy, please contact the Office of Human Resources.

**SOUTH CAROLINA
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

12.01 General Complaint

- A. A “General Complaint” is any personnel related complaint other than a Formal Complaint under the Anti-Discrimination/Anti-Harassment Policy (HR011.00) or for covered employees a grievance submitted under the Employee Grievance Policy (6.00).
- B. A “General Complaint” does not include reports of fraud or abuse of the Medicaid Program. For reports of fraud or abuse of the Medicaid program, please follow the reporting process on the Department’s website.
- C. A “General Complaint” does not include reports of privacy or security violation(s) of the Health Information Privacy Accountability Act (HIPAA). All complaints or reports of violation related to HIPAA Privacy and Security must be filed in writing in accordance with the Department’s HIPAA Privacy Complaints Procedures (HP001.00).

12.02 Submitting a General Complaint

- A. Any employee who has a personnel related complaint/issue should report the complaint/issue to their immediate supervisor or chain of command first.
- B. If an employee does not feel comfortable reporting the personnel related complaint/issue to their chain of command, the employee should make a General Complaint to the Department’s Office of Human Resources.
- C. General Complaints may initially be reported verbally or in writing using the General Complaint Form. Employees who initially report a complaint verbally will be required to submit a completed General Complaint Form. The Department’s General Complaint Form must be used for general complaints only.
- D. The General Complaint Form should be filled out completely and signed by the complainant. The General Complaint Form will be held confidential only as allowed by law.
- E. General Complaints which are accompanied by a fully completed General Complaint Form, including the Employee Information and Employee Signature sections, will be investigated by the Department to determine what, if any, actions

**SOUTH CAROLINA
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

are necessary.

- F. The Department will maintain confidentiality in its analysis of General Complaints to the extent possible; however, complete confidentiality cannot be guaranteed.
- G. In order to effectively investigate and resolve complaints, the Department advises that employees with a General Complaint report it within one-hundred and twenty (120) calendar days of the alleged incident.
- H. All employees are expected to conduct themselves in a professional manner and extend courtesy and respect to management, supervisors, co-workers, constituents and the general public at all times. These expectations should be followed when completing the General Complaint Form.

12.03 Anonymous Complaints

- A. An anonymous complaint is one in which the complainant refuses to be identified. This includes, but is not limited to, complaints made directly to the Department, forwarded from other agencies, officials, constituents or other outside entities.
- B. Anonymous complaints will not be investigated unless the Department, at its discretion, determines the complaint warrants investigation.

12.04 Retaliation

- A. No hardship, loss of benefit and/or other penalty may be imposed on an employee as punishment for submitting a legitimate General Complaint Form.
- B. Retaliation or attempted retaliation is a violation of this policy and anyone who does so is subject to disciplinary action up to and including termination.

12.05 False Reports

- A. Filing groundless, false or malicious general complaints is an abuse of this policy and is strictly prohibited. Such actions are subject to disciplinary action, up to and including termination.
- B. Anonymous complaints of a groundless, false or malicious nature may be

**SOUTH CAROLINA
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

investigated to determine the sender's identity. Such actions are subject to disciplinary action, up to and including termination if the identity of the complainant is determined to be an employee of the Department.

12.06 Definitions

- A. Formal Complaint Form – Form used to report violations of the Department's Anti-Discrimination/Anti-Harassment Policy (HR011.00).
- B. Full Time Equivalent (FTE) Employee - Any person in the service of an agency in a full time equivalent position who receives compensation from the agency and where the agency has the right to control and direct the employee in how the work is performed.
- C. General Complaint – Any personnel related complaint except those specifically noted above as not covered by this Policy (HR012.00).
- D. Grievance - A complaint filed by a covered employee in an FTE position or the employee's representative regarding an adverse employment action taken by the Department, as defined by the State Employee Grievance Procedure Act.
- E. Office of Human Resources - An office of the Department responsible for personnel administration for full time equivalent employees, temporary grant employees, state temporary employees, interns, and volunteers.
- F. Temporary Grant Employee – A full-time employee who does not occupy an FTE position and is hired to fill a position specified in and funded by a federal grant, public charity grant, private foundation grant or research grant and who is not a covered employee.
- G. Time-Limited Project Employee – A full-time employee who does not occupy an FTE position and is hired to fill a project specific position funded by a federal grant, public charity grant, private foundation grant or research grant and who is not a covered employee.