

**HR/LR Policy #1432
Respectful Workplace**

Issued April 10, 2015
Revised N/A
Authority Enterprise Human Resources

OVERVIEW

Objective	To build and maintain a workplace that is respectful and professional toward all employees, volunteers, contractors, and other persons visiting the workplace and public service environment.
Policy Statement	The State of Minnesota is committed to providing a positive environment in which all staff, members of the public and others doing business with the state are treated with professionalism and respect.
Scope	This policy applies to employees of executive branch agencies and classified employees in the Office of Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement System, and Teachers' Retirement System. It also applies to non-status employees and non-employees such as volunteers and contractors.
Definitions	<p>Professionalism: Displaying the good judgment and proper behavior that is reasonably expected in the workplace.</p> <p>Public Service Environment: A location that is not the workplace where public service is being provided.</p> <p>Respect: Behavior or communication that demonstrates positive consideration and treats individuals in a manner that a reasonable person would find appropriate.</p> <p>Third Parties: Volunteers, contractors, customers and other non-employees in the workplace or public service environment.</p>
Exclusions	This policy solely addresses communications and behavior that do not involve protected class status. Communications and behavior that involve protected class status are addressed in the State of Minnesota Policy on Zero Tolerance of Sexual Harassment and Administrative Procedure, 1.2 Harassment.
Statutory References	

GENERAL STANDARDS AND EXPECTATIONS

I. OBJECTIVE

The State of Minnesota is committed to providing a respectful and professional workplace and public service environment for employees and third parties. Respect for one another is fundamental to working in an effective, efficient and innovative manner. Disrespectful or unprofessional communications and behavior can disrupt the proper functioning of work units. Therefore, it is the intent of the State of Minnesota to:

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- Ensure a respectful workplace and public service environment free of disrespectful or unprofessional communications or behavior; and
- Provide effective and non-retaliatory problem-solving processes that address concerns regarding respectful or professional communications or behavior.

II. RESPONSIBILITIES

Employees and third parties are expected to:

- Conduct themselves in a manner that demonstrates professionalism and respect for others in the workplace and public service environment;
- Use informal means to address issues with the individual(s) involved whenever possible;
- Participate fully and in good faith in any informal resolution process or formal complaint and investigative process for which they may have relevant information; and
- Report incidents that may violate this policy in accordance with processes identified by the agency.

In addition to their responsibilities as employees as described above, agency heads, managers and supervisors are also expected to:

- Inform their employees and third parties for whom they are responsible of the expectations outlined in this policy;
- Achieve and maintain compliance with this policy; and
- Take timely and appropriate action when a complaint is made alleging violation of this policy.

Failure to comply with this policy and its procedures may result in disciplinary action, up to and including termination, or ending a contractor or volunteer relationship with the agency.

III. RETALIATION PROHIBITED

Retaliation is prohibited against any employee or third party who:

- Initiates a complaint;
- Reports an incident that may violate this policy;
- Participates in an investigation related to a complaint; or
- Is associated or perceived to be associated with a person who initiates a complaint or participates in the investigation of a complaint under this policy.

IV. RESPECTFUL AND/OR PROFESSIONAL BEHAVIOR

Context is important in understanding the difference between respectful and/or professional behavior and disrespectful and/or unprofessional behavior. Individuals may experience stress or discomfort in the workplace that is not related to disrespectful and/or unprofessional behavior. For example, disrespectful and/or unprofessional behavior does not include any of the following:

- The normal exercise of supervisory or managerial responsibilities, including, but not limited to performance reviews, work direction, performance management, and disciplinary action provided they are conducted in a respectful, professional manner.
- Disagreements, misunderstandings, miscommunication or conflict situations where the behavior remains professional and respectful.

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Disrespectful and/or unprofessional behavior may or may not be intentional. Unintentionally disrespectful and/or unprofessional behavior may still violate this policy. Examples of *disrespectful and/or unprofessional* behavior include but are not limited to:

- Exhibiting aggressive behaviors including shouting, abusive language, threats of violence, the use of obscenities or other non-verbal expressions of aggression;
- Behavior that a reasonable person would find to be demeaning, humiliating, or bullying;
- Deliberately destroying, damaging or obstructing someone's work performance, work product, tools, or materials; and/or
- Use of this policy and procedure to make knowingly false complaint(s).

V. PROCEDURES

As with all allegations of misconduct, informal resolution and formal investigatory processes related to this policy will be conducted in a timely, fair, and objective manner.

Individuals are encouraged to informally resolve concerns whenever possible. In addition to the options provided in this procedure and those identified within the agency, the involved parties and the agency, by mutual agreement, may at any point seek mediation through the Bureau of Mediation Services (BMS).

a. Informal Resolution

If possible, the employee or third party who feels a violation has occurred should have a conversation with the other individual(s) involved.

Employees and third parties are encouraged to speak with their supervisor, agency Human Resources office, union representative, or Employee Assistance Program (EAP) representative for assistance or guidance on how to resolve the situation.

If a direct approach is not possible or does not resolve the concern, employees and third parties are encouraged to meet with their supervisor or manager to discuss next steps.

If the concern is about the supervisor or manager, parties are encouraged to contact the Human Resources office or an EAP counselor to determine options for resolution.

b. Formal Complaints

Any employee or third party may choose to initiate a formal complaint under this policy. Complaints should be submitted to the Human Resources office or as provided by agency procedure. If the complaint concerns a member of the Human Resources office, the complainant may contact their supervisor or manager or the Human Resources Director. If the complaint concerns an agency head, the complainant may contact the Assistant Commissioner of Enterprise Human Resources at MMB.

- Complaints must contain details of the situation and the identity of the person or persons against whom the complaint is being made.
- A person against whom a formal complaint is made may be informed of the complaint.
- As a matter of best practice, the agency or Human Resources office receiving a complaint made pursuant to this policy is encouraged to acknowledge receipt of any complaint in writing, to the complainant, with a statement that would include:
 - The date that the complaint was made;

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- A statement that the agency or Human Resources office retains the discretion to determine whether an investigation is warranted;
- A statement that if it is determined that an investigation is warranted, all investigations will be conducted in a timely, fair and objective manner; and
- A statement that all data associated with a complaint, including any investigation and any outcome, are government data, and that the release or non-release of data is governed by the Minnesota Government Data Practices Act (MGDPA).
- MMB Labor Relations and Enterprise Human Resources are available to consult and offer guidance on implementation of this policy and procedure.

This process does not supersede any applicable grievance or dispute resolution process under a collective bargaining agreement or plan.

RESPONSIBILITIES

Agencies are responsible for:	Achieving and maintaining agency compliance with this policy and procedure.
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MMB is responsible for:	Maintaining the statewide policy and procedure.
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FORMS AND INSTRUCTIONS

Recommended content for an agency Complaint Form and Complaint Acknowledgment Form are included below. As a matter of best practice, agencies are encouraged to update their existing complaint forms consistent with the guidelines of this policy.

SAMPLE COMPLAINT FORM

Name:

Date:

Summary of Concerns:

Summary of any Documentation Related to Allegations (please include with complaint):

Witnesses (please describe what they might know re: allegations.):

SAMPLE COMPLAINT ACKNOWLEDGMENT FORM

This form acknowledges receipt of a complaint made under the Respectful Workplace policy on ____ (date). Responsible authorities will review the complaint to determine whether an investigation is warranted. If an investigation proceeds, it will be conducted in a timely, fair, and objective manner.

Investigations and other actions taken in response to this complaint are subject to any applicable processes under applicable collective bargaining agreements and plans, including applicable review and/or appeal procedures.

All data associated with this complaint, including any investigation and any outcome, are government data. The release or non-release of this data is governed by the Minnesota Government Data Practices Act (MGDPA).

FORMS AND INSTRUCTIONS

MMB Labor Relations and MMB Enterprise Human Resources are available to consult and offer guidance on implementation of this policy and procedure. As provided by relevant collective bargaining agreements, union representatives may also be available to assist.

Contacts	Director, Human Resource Management
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References	
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