



**MINNESOTA DEPARTMENT OF MILITARY AFFAIRS
OFFICE OF THE ADJUTANT GENERAL
20 12TH STREET WEST
SAINT PAUL, MN 55155-2004**

RESPECTFUL WORKPLACE POLICY

Policy # 1002-AD

Date Revised: September 9, 2022

Date Issued: April 10, 2015

Policy Statement

The Department of Military Affairs (DMA) fully adopts the Minnesota Management and Budget's Respectful Workplace Policy (HR/LR Policy #1432), 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.

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 DMA to:

- 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.

Any form of retaliation directed against an employee or third party who initiates a complaint or who participates in any investigation concerning this policy is strictly prohibited and will not be tolerated.

Violations of this policy by employees will be subject to discipline, up to and including discharge. Violations of this policy by third parties will be subject to appropriate action including ending a contractor or volunteer relationship with the agency.

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.

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).

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.

Employee and Third-Party Responsibilities and Complaint Procedure

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. Reporting procedures, investigations and discipline will be based upon the DMA employee status of the alleged perpetrator. If the alleged perpetrator is a state employee this policy will apply. If the alleged perpetrator is a federal employee or military service member their specific harassment reporting, policy and procedures will apply.

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).

1. 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.

2. 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. If the complaint concerns a member of the Human Resources office, the complainant may contact their manager. 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.
- The agency or Human Resources office receiving a complaint made pursuant to this policy will acknowledge receipt of any complaint in writing, to the complainant, with a statement that will include:
 - The date that the complaint was made;
 - 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).

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

Investigation and Discipline

All complaints of misconduct will be taken seriously. Timely and appropriate corrective action will be taken when there is a violation of this policy. Employees who are found to have engaged in misconduct in violation of this policy will be subject to disciplinary action, up to and including discharge.

Third parties who are found to have engaged in misconduct in violation of this policy will be subject to appropriate action.

Non-Retaliation

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.

SHAWN P. MANKE
Major General, MNARNG
Adjutant General

Employee Acknowledgement

I acknowledge that I have received and read the Respectful Workplace Policy and accompanying complaint procedure. I understand that disrespectful or unprofessional communications or behavior and retaliation are strictly prohibited. I understand that if I engage in conduct in violation of the policy toward any employee and/or third party (i.e., applicant for employment, vendor, contractor, volunteer, customer, or business partner), I will be subject to disciplinary action, up to and including discharge.

I understand that if I have been subjected to disrespectful or unprofessional communications or behavior or retaliation by any employee and/or third party, I am encouraged to report that behavior. I understand that I can make a report to agency managers/supervisors, agency human resources, or agency management, up to and including the Adjutant General. I understand that if my complaint concerns an agency head, I may contact Minnesota Management & Budget.

Employee Name: _____

Signed: _____

Date: _____

**MILITARY AFFAIRS RESPECTFUL WORKPLACE
COMPLAINT FORM**

Name:

Date:

Summary of Concerns:

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

Witnesses (please describe what they might know regarding the allegations):

**MILITARY AFFAIRS RESPECTFUL WORKPLACE
COMPLAINT ACKNOWLEDGEMENT FORM**

Name of Complainant: _____

Date Received: _____

This form acknowledges receipt of a complaint made under the Respectful Workplace Policy.

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 are subject to applicable processes under collective bargaining agreements and plans, including review and/or appeal procedures.

All data associated with this complaint, including any investigation and any outcome, is government data and is governed by the Minnesota Government Data Practices Act (MGDPA) and Data Practices Act.

Name (Agency Representative): _____

Date: _____

Signature: _____

**MILITARY AFFAIRS RESPECTFUL WORKPLACE POLICY
FORMAL COMPLAINT NOTIFICATION FORM**

Name of Complainant: _____

Date Received: _____

Summary of Concerns:

This form acknowledges receipt of a formal complaint made under the Respectful Workplace policy in which you are named.

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.

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 collective bargaining agreements and plans, including review and/or appeal procedures.

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

Name (Agency Representative): _____

Date: _____

Signature: _____