

## Eli's Rehab Report

### Staffing Strategies: Manage Complaints With The Right Grievance Policy

**Warning: If you don't listen, the feds might.**

Having a complaints process in place can boost morale, increase employee buy-in and help you retain staff. A little-known benefit: It can also help you avoid a nasty noncompliance quagmire. Grievance policies help keep your staff happy because they feel they have some say if something's not going their way.

If your practice doesn't have a complaints policy that helps staff resolve problems internally, disgruntled employees may unnecessarily file lawsuits or take complaints to state and federal officials. Frequently, complaints are trivial, such as personality conflicts, and could be resolved with a policy. Often, all employees want is an apology from management.

**Beware:** If you have a grievance policy, make sure you follow it. If you don't, you could be providing more ammunition for an angry employee.

#### Incorporate Complaints Components

Most policies move the complaint in the following stages up the management ladder. Ideally, the organization or practice will have a grievance coordinator who oversees the whole process and ensures that there is adequate investigation and a final resolution.

**1. The employee delivers the complaint to the direct supervisor.** The complaint should be made in writing within five days after the incident, give the name and address of person filing, and briefly describe the alleged action the employee's complaining about.

**2. The supervisor provides an initial determination and resolution.** Frequently, policies stipulate that the supervisor should make the initial determination within a certain time frame, such as 10 days after receiving the complaint. This allows the supervisor time to investigate the complaint.

**3. Often, the problem is resolved after the first step.** If the supervisor doesn't satisfactorily resolve the employee's issue, the employee next requests a hearing with the vice president of human resources or the supervisor's manager for final determination.

Most policies set a time frame for the final determination, such as 14 days after the complaint presentation. Experts recommend that the employer come down one way or another. The final determination is either that the complaint is valid or not valid.

#### Uncover Serious Compliance Breaches

A staff member's complaint may indicate you have a compliance problem that needs immediate attention. You want to be careful to take the allegation very seriously and fully investigate it.

For example, if a therapist complains that another therapist is billing for more time than he's providing, that's a clear potential compliance violation. You want to check out that allegation and take necessary remedial action. Give your compliance officer a heads up so she knows this is in the works and keep her apprised of the resolution and document everything.

#### Protect Whistleblowers

If an employee complains to a government agency such as the **Occupational Safety and Health Administration** (OSHA) or the **Office of Inspector General** (OIG) about a compliance problem -- such as sexual harassment or discrimination -- you must make sure she isn't punished for issuing the complaint.

Train management to be especially careful about preventing any retaliatory actions -- such as shunning or termination -- that can trigger such additional problems as Equal Employment Opportunity Commission (EEOC) violations.

**Possible scenario:** A PT is working with a patient using lift equipment that's not operating correctly. The PT has complained about the malfunction, but management won't pay to have the equipment fixed, and as a result, the PT injures her back and complains to OSHA. Rather than retaliating, management should clean up its act" and thank the employee for her vigilance.