



## Minnesota Department of Health: Human Resources Complaint Management

**It was unclear whether the Minnesota Department of Health’s (MDH’s) Human Resources Management Division (HR) consistently managed many aspects of employee complaints, due in part to its lack of written procedures.**

### Report Summary

#### Complaint Submission

- The large majority of MDH employees who responded to our survey indicated that they knew how to submit a complaint, but some expressed reluctance to do so. (p. 17)
- Based on survey responses, training seems to be an important factor in supervisors’ understanding of when to refer complaints to HR. (p. 18)

**Recommendation** ► MDH should require all MDH supervisors to attend periodic training about when to refer employee complaints. (pp. 18-19)

#### Complaint Management

- Although MDH employees, union representatives, and HR investigators generally shared positive perceptions of the HR division’s complaint management, some expressed less confidence in how the division manages certain steps. (pp. 14-16)
- The HR division does not have written procedures to help ensure consistency in complaint management. (pp. 19-20)
- A lack of documentation often made it unclear whether the HR division took consistent approaches when deciding how to manage complaints. (p. 24)
- While investigators routinely documented delivery of required data practices and antiretaliation notices during *investigation* interviews, they did not document delivery of these notices during *complaint intake*. (pp. 21-22)
- Based on our file review, investigators did not consistently document having acknowledged complaint receipt. (pp. 25-26)

#### Background

State employees are entitled to certain workplace protections, and state agencies have a duty to enforce these protections. If an employee feels their protections have been violated, they may report their concern to their agency’s HR division. An agency generally cannot discipline an employee for a policy violation without an investigation that substantiates an allegation of wrongdoing. It is illegal to retaliate against an employee who submits a complaint or participates in a complaint investigation.

Minnesota Management and Budget provides best practices for investigations of complaint allegations. Over the last two years, MDH’s HR division developed its current processes for managing complaints. These processes involve (1) receiving complaints; (2) determining if a complaint warrants an investigation; (3) if necessary, investigating a complaint’s allegation(s), and if substantiated; (4) advising on appropriate discipline.

- The HR division notified *subjects* when it closed investigations, but it inconsistently notified *complainants* of both intake closure and investigation closure. (pp. 26-27)

**Recommendation** ► The HR division should establish complaint management procedures that address the following issues:

**Rights and Protections:** Investigators should issue, and document the issuance of, verbal and written data practices and antiretaliation notices during both intake conversations and investigation interviews.

**Decision Making:** Investigators should consider certain factors when deciding whether to (1) investigate complaint allegation(s) and (2) interview people identified as having relevant information, and document these decisions.

**Status Notifications:** Investigators should communicate with each complainant to acknowledge their complaint and at other predetermined points during complaint management; they should document these communications. (pp. 28-29)

## Retaliation

- There is little evidence that the HR division consistently followed up on reports of retaliation that arose during complaint intake or investigation. (p. 32)
- In their survey responses, some current and former MDH employees indicated that they believed they experienced retaliation as a result of submitting a complaint to HR. However, some chose not to report the perceived retaliation. (pp. 33-35)

**Recommendation** ► The HR division should develop procedures to address retaliation fears or experiences that emerge through complaint intake or investigation. (p. 33)

- Since state law and labor contracts generally include stronger protections for certified employees, probationary employees are particularly vulnerable to retaliation. (pp. 35-36)

**Recommendation** ► The HR division should develop a procedure for examining instances of noncertification of probationary employees who previously submitted complaints. (p. 36)

## Summary of Agency Response

In a letter dated January 29, 2025, Commissioner Cunningham said that “MDH is committed to a fair and equitable human resources complaint management process” and that the department values OLA’s feedback as it “serves as an important tool for growth and development.” The commissioner said that MDH had either begun to implement or would soon implement most of OLA’s recommendations. For example, she reported that MDH has developed a departmentwide complaint and investigation procedure, as well as an internal guidance on which documents must be saved in the HR division’s case management files. Further, Commissioner Cunningham said that MDH has begun developing resources for all department staff to raise awareness of retaliation and instill confidence in staff to come forward to report retaliation. These include “internal news articles outlining the process for filing a retaliation complaint, ...and [MDH’s] process for addressing concerns.”