

TITLE: EMPLOYEE CONDUCT COMPLAINT POLICY  
DEPTS. AFFECTED: ALL EXCEPT POLICE

### **PURPOSE**

The purpose of this policy is to improve the quality of services provided, to promote a high level of public confidence, and to enhance and maintain the professional integrity of the City and its employees.

The City and its employees will perform their duties within the boundaries of established contemporary legal and ethical standards. The organization will establish and promote these standards through clear, written policy statements and rules and regulations, and the thorough and impartial investigation of all allegations of misconduct.

A formal procedure to receive, document, and investigate all complaints concerning City employee conduct allows the City to monitor and enforce standards, and is the administrative statement that behavior deviating from these standards will not be tolerated. With a meaningful and effective procedure of handling complaints, we believe citizen confidence in the integrity of the City and its employees will be achieved and maintained.

### **ELIGIBILITY**

Except as herein excluded, this Policy is intended to address any complaint by any person, including employees, with respect to employee conduct.

This policy does not apply to employees of a bargaining unit represented by a union where the City and the union have entered into an applicable, alternative Complaint procedure or the City Police Department, which has its own Complaint Process. This Policy does not apply to matters related to an employee's wages, benefits, hours, and other terms and conditions of employment.

Further, allegations or complaints of unlawful discrimination or unlawful harassment or violation of the Americans with Disabilities Act or the Health Insurance Portability and Accountability Act should be resolved according to the processes and policies adopted by the City Commission to address these issues. Allegations or complaints constituting a grievance under any agreement between the City and an employee's Union should be resolved according to the processes and policies set forth in the agreement.

### **PROCEDURE**

In order for formal complaints to become known and to be handled in a timely manner, it is necessary to establish a procedure with time limits. It is the responsibility of all parties involved to be aware of the time limits and to progress the complaint and responses within the time limits. Should the time limits not be observed, the complaint will be considered to have been resolved. If management fails to observe the time limits, the complaining person has the option to take the formal complaint to the next step in the procedure.

Complaint Forms.

Each department shall make available an approved Complaint Form. Complaints shall be made in writing on the approved Complaint Form.

1. **Supervisor Review.**
2. **Department Head Review.**
3. **City Manager Review.**

*Decisions of the City Manager are final and shall be implemented immediately.*

### **RETALIATION**

No person will be subject to retaliation by anyone as a result of initiating the Complaint Process, assisting in the process, or providing information in connection with a Complaint. Any employee who is found to have taken actions determined to be retaliatory shall be subject to appropriate disciplinary action by the City up to and including discharge.

### **CONFIDENTIALITY**

Persons filing Complaints may request to remain anonymous. Persons offering anonymous complaints should be advised that the City's ability to investigate the complaint may be limited by their anonymity.

Persons participating in the Complaint process shall preserve the confidentiality of information that in any way relates to the existence, nature, and resolution of a Complaint except: (a) to the extent necessary to pursue resolution; (b) to the extent that disclosure is required by law, including the Freedom of Information Act; (c) to the extent that disclosure, including disclosure that exculpates, is required by the ordered remedy or corrective action; (d) to the extent that the City Manager reasonably deems disclosure appropriate to effectuate a remedy or corrective action for the benefit of the complaining party, other employees, or the City.

### **COMPLIANCE**

A violation or failure to follow this policy, or portions thereof, by any employee of the City may result in disciplinary action.

**Under no circumstances shall this policy be construed to act as any type of employment contract with any employee of the City and does not modify any employment relationship. Further, this Policy constitutes City policy, and is not intended to enlarge the employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employee's legal duty as imposed by law.**

## COMPLAINT FORM

Name:			Email
Last	First	Middle	
Home Address:			
Work Address:			
Home Phone:	Work Phone:	Other Phone:	
Date/Time of Occurrence:		Date of Complaint:	
Location of Occurrence:			
Name of Employee(s) Involved (if known)			
Name, Addresses of Witnesses (if known)			
Details – (Please state your complaint, including names, times, locations, witnesses, and any other factual, supporting information.) Use additional sheets of paper as necessary.			
Please provide any solution or solutions you believe may remedy the problem?			

**Section I – To be completed by Complainant. (Please Print)**

(Attach Additional Sheets, if Necessary)

\_\_\_\_\_  
Signature of Complainant

*Please return the completed form to the Department Supervisor/Director*