

**CITY OF TRAVERSE CITY
OFFICE OF THE CITY MANAGER
PERSONNEL POLICY NO. 219P**

TITLE: EMPLOYEE CONDUCT COMPLAINT POLICY
DEPTS. AFFECTED: ALL EXCEPT POLICE
EFFECTIVE DATE: APRIL 2014

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.

The first step in the process is to seek resolution from the employee's immediate supervisor unless the complaint involves a member of the public, elected official, the supervisor, the supervisor has condoned the activity, or the supervisor has failed to acknowledge receipt of the Complaint within 5 days without good cause in which case, the Complaint should be filed directly with the Department Head.

Once a Complaint has been filed, the supervisor shall notify the employee.

The supervisor shall document the Complaint, investigate the Complaint, and make a decision on the outcome.

A written response will be presented to the complainant, the employee, and the Department Head within 30 calendar days of the supervisor's receipt of the written request, unless further time is necessary in which case both parties shall be notified of the expected date of response. Subject to legal constraints on disclosure, the response shall include a summary of the supervisor's findings as well as the supervisor's determination as to the resolution of the complaint, including any remedy or corrective action to be taken (the "Supervisor Response"). The Supervisor Response shall be implemented immediately, unless appealed.

If either party is unsatisfied with the Supervisor Response, either party may appeal in writing to the employee's Department Head within 5 calendar days from the date of the Supervisor Response on an approved appeal form.

2. Department Head Review.

The second or next step in the process is to seek resolution from the Department Head unless the complaint involves the Department Head, the Department Head has condoned the activity, or failed to acknowledge receipt of the Complaint within 5 days without good cause, in which case the complainant should address the Complaint to the City Manager.

The Department Head shall notify the employee that a Complaint has been filed. The Department Head shall document the Complaint, investigate the Complaint, interview the parties involved and make a decision on the outcome.

A written response to the complaint shall be given to the complainant, the employee, and the City Manager within 30 calendar days of the date the dispute was filed, unless additional time is needed in which case both parties will be informed of the expected date of response. Subject to legal constraints on disclosure, the response shall include a summary of the Department Head's findings as well as the Department Head's determination as to the resolution of the dispute (the "Department Head Response"). The Department Head Response shall be implemented immediately, unless appealed.

If either party is unsatisfied with the Department Head Response, either party may request in writing that the dispute be resolved by the City Manager or his or her designee (the "City Manager") within 5 calendar days from the date of the Department Head Response and on an approved appeal form.

3. City Manager Review.

The City Manager will notify the employee that a Complaint or appeal has been filed. The City Manager will document the Complaint, investigate the Complaint, including review of any prior Responses, and make a decision on the outcome.

A written response to the dispute will be given to the complainant and the employee by the City Manager within 30 calendar days of the date the dispute was filed, unless additional time is needed in which case both parties will be informed of the expected date of response. Subject to legal constraints on disclosure, the response shall include a summary of the City Manager's findings as well as the City Manager's determination as to the resolution of the dispute.

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.



Jefe Ottenwess, City Manager

History: Supersedes Executive Order #357 dated February 19, 2009; Administrative Order #18 dated October 2010; and Personnel Policy No. 219P dated October 2011

COMPLAINT FORM

Name:			Date of Birth:
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.			

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

(Attach Additional Sheets, if Necessary)

LE0381

Signature of Complainant

APPEAL FORM

To be completed by Appellant. (Please Print)

Name:			
Last	First	Middle	
Home Address:			
Work Address:			
Home Phone:	Work Phone:	Other Phone:	
Date of Complaint:		Date of Determination:	
Determination made by:			
Basis of your Appeal: (Please state the basis of your appeal, include the Determination appealed from, any other Determinations, and supporting information.) Use additional sheets of paper as necessary.			

(Attach Additional Sheets, if Necessary)

Signature of Complainant

LE0381