

To the Mayor and Members of the City Council**March 1, 2016**

Page 1 of 2

**SUBJECT: COMPLAINT RESOLUTION PROCESS OVERVIEW**

The Employee and Labor Relations Division (ELRD) of the Human Resources Department receives employee complaints and determines an appropriate manner in which to resolve those complaints. ELRD serves as a neutral internal entity that provides managers and employees guidance and policy information; addresses complaints; facilitates certain appeals (e.g., suspensions, demotions, disciplinary probation and termination) of non-civil service employees; and provides management with information so that they can make informed decisions when handling disciplinary matters. ELRD uses a number of methods to address complaints depending on the nature of the complaint; the severity and the frequency of issues being complained of; and whether or not the complaints implicate City policies prohibiting discrimination, harassment and retaliation.

General Complaint Resolution Process

In general the process for addressing employee complaints is as follows:

- Employees reach out to ELRD via phone, e-mail, ACT hotline, or walk-in.
- An ELRD consultant will visit with the employee to obtain information and ask clarifying questions.
- The ELRD consultant may discuss the employee's issue with the employee's team members and/or manager and, witnesses to determine an appropriate manner in which to approach the case.
- Depending on the nature of the complaint, the issue may be referred to the employee's department for review and action as appropriate or ELRD may undertake a fact-finding investigation and provide notification of the outcome and recommendations to the employee and the employee's department managers.

Complaints Involving Discrimination, Harassment and/or Retaliation

Complaints of this nature are considered claims against the City and are investigated by ELRD for review and advice of legal counsel, unless determined to be facially invalid by ELRD.

- Once the information is received from the employee, ELRD communicates with the employee's department if there is a recommendation being made to place anyone on paid Administrative Leave during the course of the investigation. This typically happens in instances where complaints involve violence in the workplace, safety concerns, sexual harassment, or other issues where it is felt that the presence of the accused employee(s) in the workplace may be detrimental to the welfare of the complaining employee.
- An investigation is initiated using a two-member team approach to ensure a well-rounded and thorough review. The team consists of a member from ELRD and a person within the complainant's department, if appropriate, or two investigators from ELRD.
- Investigators meet with witnesses that may have information to provide related to the complaint and review all evidence which may include such things as personnel files, work

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Page 2 of 2

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history, relevant policies, and other documentation (e.g., emails, work reports/forms, audio and video files, etc.)

- Investigators prepare a report about the process, the evidence collected and findings for the Law Department to review, as a part of the investigatory process.
- An executive summary meeting is then scheduled with the appropriate executive management of the department, an attorney from the Law department and ELRD personnel where findings, recommendations and resolutions are discussed. There may be an exception to the executive summary meeting if the facts of the situation make that inappropriate, in which case the findings are forwarded to the appropriate Assistant City Manager.
- ELRD then typically shares the findings with the complainant and notifies the complainant that the findings have been given to the complainant's department director or Assistant City Manager for action as appropriate.

Additional Information about ELRD

In the last full fiscal year, approximately 40 investigations were conducted by ELRD. The investigation process can be lengthy, approximately 40 to 60 hours of work per complaint. The typical investigation can include:

- 10 – 15 hours of interviews
- 10 – 20 hours of evidence review
- 15 – 20 hours of documenting the process and findings; and
- 5 hours of meetings/discussions with Law and the executive summary process

In addition to complaints, ELRD also receives approximately 17 appeals of disciplinary action annually which may include allegations of discrimination, retaliation, and/or harassment as a basis requiring investigation.

ELRD also conducts approximately 140 consultations per month on average with both employees and management. These can include items such as: general questions; policy interpretation; mediation coordination; "temperature check" assessments; and disciplinary action reviews.

Finally, in addition to the investigatory efforts by ELRD, education efforts with employees and supervisors have also increased including revisions/clarifications of policy and developing training curriculums that address discrimination, harassment, hostile work environment, retaliation, and inappropriate conduct. ELRD provides ad hoc training, new employee orientation training, and a training curriculum for supervisors.

David Cooke
City Manager