

Report on Personnel Complaint Form

Recommendation

Review and provide direction regarding the personnel complaint form and procedure.

Background

At the City Council meeting of December 9, 2003, Council Member Edgerton presented staff with a proposed personnel complaint form and, on his own motion, the City Council directed staff to place the form on a City Council agenda for consideration.

Analysis

Developing a form and establishing a more formal process for the public to file complaints allows the City to both confirm that services are provided in a professional and competent manner and also provides an opportunity to correct problems in city operations. This needs to be balanced against the employees' statutorily guaranteed right to privacy with regard to personnel matters. In addition, there are currently provisions in the municipal code, personnel rules, and the memoranda of understanding that govern administrative investigations and the disciplinary process.

Staff has reviewed the form and recommends that the basic information requested in the form and the format be implemented. There are some changes in the procedures proposed on the form that are recommended. This form and the procedures proposed are meant to apply to City employees other than police officers. A formal procedure exists for police officers and is codified in legislation known as the Police Officers' Procedural Bill of Rights.

It is proposed that the forms would be submitted to the City Clerk's Office as suggested on the form. The City Clerk's Office would date stamp the form and return a copy to the complainant. It is proposed that the City Clerk would maintain a log of complaints that lists complainant's name and the date and time received. If desired by the City Council, the City Clerk could provide monthly or quarterly reports on the number of complaints received. The complaint would then be forwarded to the Personnel Director's Office for investigation and determination whether the complaint would be handled as a confidential personnel matter. A written response to the complaint would be provided to the complainant within ten (10) days. Because of the confidentiality of personnel matters, the complainant cannot be provided with information concerning any action taken, or not taken, against any employee. The complainant would be provided with any information regarding corrective action taken or changes in policy or procedure that are specific to his or her complaint.

The City Clerk shall forward complaints specifically concerning the City Manager or City Attorney directly to the City Council. The City Council may then schedule a closed session to address those complaints.

Forms would be available on all public counters and could be requested through the City Clerk's Office or the Personnel Director.

Respectfully submitted:

Concur:

Michael Earl
Personnel Director

Stephen Burrell
City Manager