

Overview of Process and Documentation of Employee Complaints

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Presentation By:
Human Resources Department
and Office of Labor Relations
& Risk Management

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COMPLAINTS

All complaints are taken seriously. When complaints against employees are received, the City's management, the Office of Labor Relations or Human Resources Department will triage at an early stage as not all complaints require the same level of priority or investigation.

- ❑ **Review and Assess.**
- ❑ **Investigate** *as deemed necessary.*
- ❑ **Take Appropriate Action** (*as applicable*). In certain circumstances and depending on the outcome of the investigation, disciplinary action may be taken. However, before a determination is made, every employee is afforded **due process**.

REVIEW AND ASSESS

SEVERAL FACTORS TO CONSIDER:

- ❑ Determine nature and severity of the conduct at issue for proper handling:
 - Type of allegation(s) (e.g., harassment, discrimination, retaliation, ethics/compliance breaches, illegal conduct, health/safety, etc.).
 - Repetitive behavioral and performance patterns (e.g., violations of employee code of conduct, rudeness, unprofessionalism, etc.).
 - Number of employees are involved.
- ❑ Determine type of employee involved:
 - Union employees are governed by City's Rules & Regulations, their respective collective bargaining agreement and any departmental standard operating procedures (SOPs). Office of Labor Relations manages disciplinary processes for union employees
 - Excluded employees are governed by City's Rules & Regulations as well as departmental SOPs. Human Resources as well as the Office of Labor Relations manage the disciplinary process for these employees

REVIEW AND ASSESS

(Continued)

- ❑ Determine whether interim action might be necessary.
- ❑ Determine priority.
- ❑ Determine whether an investigation must be conducted.
- ❑ Determine type of investigation (**formal versus informal**).
- ❑ Determine who will handle investigation (e.g., who should oversee and respond, outside agency, IA, etc.).
- ❑ Determine applicable provisions in CBA, Florida Statutes and Due Process Regulations (e.g., Law Enforcement Officer's Bill of Rights, Firefighter's Bill of Rights, Weingarten, Garrity Warning, etc.).
- ❑ Determine potential violation of City rule(s) based on allegations.

INVESTIGATION

KEY PRINCIPLES REQUIRED TO CONDUCT AN APPROPRIATE AND COMPLETE INVESTIGATION:

- ❑ Review and analyze the allegations.
- ❑ Provide procedural fairness (compliance with all applicable CBAs, Florida Statutes, and Rules and Regulations).
- ❑ Timeliness.
- ❑ Thoroughness.
 - Interview all parties
 - Review all relevant documentation
- ❑ Analyze the information gathered.
- ❑ Prepare a written report (with formal investigations).

TAKE APPROPRIATE ACTION

UPON CONCLUSION OF THE INVESTIGATION:

- ❑ A determination is made whether any rules and regulations were violated
- ❑ If any rules and regulations were violated, potential courses of action may include:
 - Training
 - Policy change
 - Counseling
 - Discipline
- ❑ If discipline is necessary, all employees must be provided with due process.
- ❑ Types of discipline include:
 - Counseling (Teamster employees)
 - Written Warning
 - Suspension
 - Demotion
 - Termination
- ❑ **Records of complaints resulting in employee discipline are placed in the employee's personnel file** and remains for 50 fiscal years after separation or termination of employment (per FL retention schedule).

QUESTIONS?

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