CITY OF GAYLORD

Employee Citizen Complaint Policy and Procedure Form

Date of Complaint: _____

Complaint Name: _____

Address: _____

Phone# _____

Date of Alleged Misconduct: _____

Respondents Name: _____

Department:_____

Summary of Allegations (Additional paper can be used if necessary to describe):

_____

_____

_____

Name and Address of Witnesses: _____

_____

Signature of Complainant

State of Minnesota)

County of Sibley)

On this _____ day of _____, 2022, before me, a Notary Public, within and for said County, personally appeared _____to me known to be the person described as Complainant.

_____

Notary

Date Received: _____

Directed to: _____

_____

Steve Helget, City Administrator

_____

Dawn Kratzke, Mayor

CITY OF GAYLORD

RESOLUTION NUMBER 2020-19

City of Gaylord
Employee Citizen Complaint Policy and Procedure

I. Introduction. Any person who believes that an employee of the City of Gaylord has acted improperly may bring a complaint to the City's attention pursuant to the following procedure.

II. Definitions. For the purpose of this procedure, the terms set forth below are defined as follows:

(a) Employee means any person who is employed by the City of Gaylord on a full-time, part-time, volunteer basis, or employed as a department head.

(b) Council means the Council of the City of Gaylord as a whole and each Councilmember whether elected or appointed.

(c) Complainant means a person who files a written complaint alleging misconduct by an employee.

(d) Complaint means a statement which is made in writing which alleges misconduct.

(e) Exonerated means a fair preponderance of the evidence established either:

1. The act or acts, complained of did not occur; or
2. The act(s) which provided the basis for the complaint occurred, however the investigation reveals that such act(s) were justified, lawful or proper.

(f) Not Sustained means the investigation failed to disclose sufficient evidence to prove or disprove the allegations made in the complaint.

(g) Sustained means a fair preponderance of the evidence obtained in the investigation established that the accused person's actions constituted misconduct.

(h) Formal Statement means the questioning of an employee in the course of obtaining a recorded or signed statement to be used as evidence in a disciplinary proceeding against the employee.

(i) Respondent means any employee, full-time, part-time, volunteer or temporary, against whom a complaint has been filed.

(j) Misconduct means:

1. A violation of any department policy and procedure governing conduct of employees;
2. The conviction of a criminal offense;
3. Abuse of authority;
4. Conduct which violates a persons' civil rights;
5. Intimidation or retribution towards a complainant or witness involved in an complaint proceeding.

(k) Policies and Procedures means the administrative rules or policies adopted by the City of Gaylord regulating conduct of employees.

III. Procedure for Initiating Complaint.

Anyone who has personal knowledge of facts and wishes to file a formal complaint must do so in writing on forms provided by the City of Gaylord. Forms shall be available at City Hall. All complaints must be personally signed and notarized.

Upon receiving a written complaint, the Mayor or City Administrator shall sign the document, give or mail a copy to the complainant and forward the complaint to the personnel committee of the City Council. If the personnel committee determines that the complaint could, if true, constitute misconduct, the personnel committee shall forward the complaint to an appropriate investigator. If the complaint is against the City Administrator, then the City Administrator shall not participate in the personnel committee's determination regarding the complaint.

IV. Procedure of Investigation of the Complaint.

A. Upon receipt of the complaint the investigator shall review the allegations and make an initial determination as to whether the facts alleged could, if true, constitute misconduct under this policy. If the investigator determines that the facts alleged could not constitute such misconduct even if true, further investigation is not required, the complaint will be dismissed and the complainant shall be notified of the determination. If the investigator determines that the facts alleged could, if true, constitute misconduct under this policy, the investigator shall commence formal investigation to gather evidence regarding the allegations. The investigator may request a formal statement from the respondent.

B. Upon completion of the investigation the investigator shall notify the respondent of the investigation and provide the respondent with a copy of the complaint, unless the investigator determines that such notification and disclosure will impede an ongoing criminal investigation.

C. If the investigator determines that the evidence provides probable cause to believe that the allegations are true the following shall occur:

(1) If the conduct alleged constitutes a criminal violation the information gathered in the investigation shall be forwarded to the appropriate prosecuting authorities. The City of Gaylord shall take no further action under this policy until disposition of any resulting criminal charges.

(2) If the conduct alleged does not constitute a criminal violation, but does constitute misconduct all facts and finding shall be forwarded to the City Council for review. The respondent shall be afforded all due process rights, including the right to Counsel at the respondent's own expense both at the hearing and during any questioning of the respondent. The complainant may also be represented by Counsel at the complainant's own expense.

D. At the hearing the investigator shall testify as to the evidence gathered in the investigation. Any other witness with relevant evidence may also testify. The respondent may call witnesses to testify. The City Council, with advice and

counsel of the City Attorney, shall hear and determine the evidence and shall, by a majority vote make determination.

V. Disposition.

A. If the determination of the investigator is either "Exonerated" or "Not Sustained" the investigator shall immediately notify the complainant and the respondent of this decision which is not subject to appeal.

B. If the determination of the investigator is "Sustained" the City Council, or its designate, shall issue finding of fact including a summary of the misconduct and any statutes, rules, policies, regulations or procedures violated. The complainant and the respondent shall be furnished a copy of the findings of fact.

C. If the determination of the investigator is "Sustained" the City Council shall determine appropriate remedial or disciplinary action. All remedial or disciplinary action imposed shall be consistent with any and all rules, laws or contracts governing the respondent's employment. The City Council shall give written reasons explaining the remedial or disciplinary action imposed.

D. If the determination of the investigator is "Sustained" the respondent may appeal the determination and disposition pursuant to the rules and laws governing the respondent's employment.

VI. Maintenance and Disclosure of Data

A. Maintenance and Disclosure of Data collected, created or received by the City of Gaylord in connection with this policy shall be in accord with applicable Federal Data Privacy Laws and the Minnesota Data Practices Act.

VII. This Employee Citizen Complaint Policy and Procedures repeals and replaces any and all previous Employee Citizen Complaint Policy and Procedures.

VIII. This Employee Citizen Complaint Policy and Procedure will be Appendix Number D. in the City of Gaylord Personnel Policy Manual adopted on January 6th, 2020.

Tabled by the City Council this 19th day of February, 2020.
Adopted by the City Council this 4th day of March, 2020.

Don Boeder, Mayor

Attest: _____
Lory Young, City Administrator

	Aye	Nay	Absent
Lynn Grochow	X		
Jessica Uecker	X		
Tony Padilla	X		
Chad Muchow	X		
Scott Kuphal	X		

seal