



SECTION: HR
TOPIC: CMPLT AGST EMPL
NON-CRIMINAL
OCTOBER, 2024

ADMINISTRATIVE PRACTICES MANUAL

SUBJECT: COMPLAINTS AGAINST A COUNTY EMPLOYEE-MANAGEMENT RESPONSE TO NON-CRIMINAL

It is the policy of Dane County that when management receives a complaint made against a County employee the Management Response to Non-Criminal Complaints Made Against a County Employee Procedure must be followed in responding to that complaint.

END OF POLICY



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RESPONSIBILITY

Manager/Supervisor

ACTION

1. When an individual indicates that they are filing a complaint, the manager/supervisor receiving the complaint should immediately request that the complainant submit the complaint to them in writing and encourage the complainant to be specific as to actions taken, statements made, dates, times, places and people involved.
2. The manager/supervisor should immediately assess whether any of the allegations, if valid, would involve a violation of federal laws, state statutes, Dane County ordinances, County work rules, the County's Affirmative Action Plan or the Americans with Disabilities Act (ADA) Transition Plan. If a manager/ supervisor has any questions regarding this determination, this individual should consult with his or her supervisor, department head, the Corporation Counsel's Office, the Employee Relations Division, American with Disabilities Act (ADA) Coordinator, or the Director of the Office for Equity & Inclusion (OEI) as necessary, for assistance in making this determination. If it is determined that the allegations, if valid, would violate the County's Affirmative Action Plan or ADA Transition Plan, then the Director, (OEI) or ADA Coordinator must be notified at this step. If it is determined that any of the allegations, if valid, would violate federal laws, state statutes, Dane County ordinances, County work rules or the County's Affirmative Action Plan or ADA Transition Plan the manager/supervisor shall proceed to the next step. If there is a question as to whether any of the allegations in the complaint, if valid, would violate any criminal laws, the District Attorney's Office should be contacted immediately. Criminal complaints must be handled through that office and are not covered by this procedure.



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3. The allegations in the complaint should be presented by the manager/supervisor to the person being complained about, with a request for their immediate response in writing. If informing the person being complained about puts the complainant at risk, the presentation of allegations to the person being complained about should await further investigation.
4. If the person being complained about acknowledges the validity of the allegations, no further investigation is needed. The manager/supervisor should then assess whether disciplinary action should be taken against the person being complained about, referencing the procedure for imposing discipline in the Dane County Administrative Practices Manual.
5. If the person being complained about denies the allegations, the manager/supervisor should assess whether this individual has a credible explanation for the cause of the allegations being made or compelling evidence regarding the lack of validity of the allegations.
6. If the manager/supervisor determines that the person being complained about is innocent of the allegations, the allegations should be dismissed. The complainant and the person against whom the complaint was filed shall be informed in writing of the dismissal.
7. If the manager/supervisor has reasonable doubts about whether the person being complained about is innocent of the allegations being made, the manager/supervisor should conduct an investigation. Before beginning an investigation, review the following procedures for conducting an investigation. The investigation should be conducted based on the specifics of the allegations. The manager/supervisor should obtain as much



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7. (continued) information as is reasonably possible to assist in assessing the validity of the allegations. It is not the purpose of an investigation to prove someone guilty. The purpose of an investigation is to collect factual information. Depending on the allegations, this could include interviewing other people involved and reviewing any relevant written documents. If other people are interviewed, this should be done immediately, tailoring each interview to the alleged involvement of that individual in the allegations in the complaint.
8. If during the course of an investigation, additional allegations surface regarding the person being complained about, the same process outlined herein should be used regarding those allegations.
9. After obtaining as much information as is reasonably possible regarding the validity of the allegations, the manager/supervisor should do written findings regarding the validity of the allegations.
10. Based on the written findings, the manager/supervisor should determine whether discipline should be imposed, referencing the procedure for imposing discipline in the Dane County Administrative Practices Manual. When a disciplinary decision has been made and if discipline appears to be the appropriate action, it must be done in a manner that conforms to the appropriate collective bargaining agreement and/or County Ordinance. The manager/supervisor should seek the assistance of the Employee Relations Division to ensure that any discipline to be imposed conforms to the appropriate collective bargaining agreement and/or County Ordinance.



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11. At whatever step the process is concluded, the manager/supervisor should communicate in writing to the complainant and the person being complained about regarding their decision. The manager/supervisor should seek the assistance of the Employee Relations Division to ensure that these written communications are complete and appropriate.

END OF PROCEDURE