

## **Public Complaints regarding City Employees**

### **I. PURPOSE AND APPLICATION**

The purpose of this policy is to establish procedures and guidelines for the filing, processing and prompt resolution of formal or informal complaints submitted to the City by a resident or other member of the public with regard to the actions or conduct of Oregon City employees. The City of Oregon City takes all complaints seriously regarding the service provided by its employees, and shall be addressed in a timely manner. Human Resources or the responsible Department will accept, investigate and attempt to resolve all complaints of improper actions by City employees, in accordance with this policy and any applicable federal, state or local law, municipal or county rules, or the requirements of any applicable collective bargaining agreement.

### **II. COMPLAINTS NOT COVERED BY THIS POLICY**

Complaints against the City Manager or Municipal Court Judge will be subject to the Commission Policy 1-21, Charter Employee Complaint Reporting Procedure.

Complaints against law enforcement personnel will be governed by the policies and procedures of the City's Police Department, and should be referred immediately to that Department.

Complaints regarding workplace harassment of employees, volunteers, public officials or interns are governed by the reporting procedure in the City's workplace harassment policy.

Additional information regarding complaints that are not covered by this policy can be found on the City's website, under the "How do I make a complaint about the City or a City employee" tab.

### **III. SUBMITTING A COMPLAINT**

#### **A. Complaints Submitted Directly to the Responsible Department**

If the complaining party is aware of the responsible City Department, the complaint should be submitted to that Department. The complaining party may submit the complaint by email, by phone, or in person. Each Department shall designate one or more individuals authorized to receive complaints and perform the intake process discussed below. A Department may modify the procedures under this policy for handling informal complaints, with the approval of the Human Resources Director.

#### **B. Complaints Submitted to the Human Resources Director**

A complaining party may submit a complaint to the Human Resources Director by email at [hr@orc.org](mailto:hr@orc.org), or by phone at (503) 657-0891. The Human Resources Director will gather information from the complaining party and determine whether to immediately refer the complaint to the responsible Department.

C. Complaints Submitted on the City's Website through the Complaint Form

The City's website will provide information and an online complaint form under the "How Do I Make a Complaint About the City or a City Employee" tab.

D. Complaints Initially Presented to the Commission or an Individual Commissioner

The complaining party should be referred to the appropriate Department Head, if known, or the Human Resources Director. The complaining party should also be advised of the option to complete a complaint form on the City's website. The Commission should be notified as soon as possible of the City employee or Department responsible for resolving the complaint and whether the complaint has been designated as an Informal Complaint or a Formal Complaint (discussed below).

E. Intake Requirements

The Human Resources Director or authorized Department staff member receiving the complaint should ensure that the following information is documented by the complaining party:

1. Date the complaint is presented
2. Name or other identifying information regarding the employee(s) involved, if known.
3. Complainant contact information:
  - Name
  - Address
  - Phone number and
  - email
4. Nature of the complaint, including providing as much detail as possible to assist the department that will work to resolve the issue.
5. Desired outcome/remedy sought.

If a complaining party needs assistance with documenting the information as an accommodation, the City shall make reasonable efforts to provide the assistance. The complaining party should be provided with the name, telephone number and email address of a City employee to contact with questions or for information about the status of the complaint.

**IV. PROCEDURES FOR RESOLVING COMPLAINTS**

A. Informal Complaint

If a complaint can be quickly resolved without the need for further investigation or potential disciplinary action of the involved City employee(s), the complaint should be classified as an "Informal Complaint." The resolution/outcome should be communicated to the complaining party and documented on the complaint form.

Informal complaints also include concerns or inquiries about actions by City representatives that, based on the facts alleged by the complaining party, would be consistent with a City policy or procedure, or applicable law. The Human Resources Director or responsible Department will provide the person raising the concern or inquiry with a written explanation of the applicable policy, procedure, or law that supports the action in question. If an informal complaint is resolved by the responsible Department, a copy of the documentation shall be provided to the Human Resources Director.

#### B. Assessment of Formal Complaints

Any complaint regarding the conduct or action of a City employee that is not resolved as an Informal Complaint should be classified as a Formal Complaint. If the complaint was submitted to the responsible Department, the Human Resources Director should be notified immediately of the Formal Complaint.

The Human Resources Director is responsible for ensuring that an initial assessment is conducted of each Formal Complaint, including:

- Whether an investigation is needed;
- Whether the investigation, if any, should be conducted by Human Resources or the responsible Department;
- Whether the City Manager and/or the City Commission should be advised of the complaint; and
- Other appropriate steps for resolving the complaint.

The Human Resources Director or authorized designee will notify the complaining party of the outcome of the initial assessment (or keep the complaining party updated regarding the progress of the assessment if there is a delay), consistent with any applicable confidentiality laws or City policies. The Human Resources Director shall advise the complaining party of the proposed time frame for completing the investigation and resolving the complaint.

If the complaint was presented initially to the Commission or an individual Commissioner, the Commission shall receive notice that the initial assessment has been completed and of the City employee or Department responsible for investigating and resolving the complaint.

#### C. Resolution of Formal Complaints – Notice to Complainant Party

The Human Resources Director or an authorized designee shall ensure that the complaining party is notified when the City's investigation is completed. The notification may include a statement regarding any of the following outcomes:

- The investigation showed that the alleged acts did not occur or did not involve City employees (i.e. the allegations were "unfounded").
- The investigation was inconclusive as to whether the acts occurred as reported, or whether there was a violation of the City's policies or standards (i.e. the allegations were "not sustained"). The complaining party may be advised of any non-disciplinary remedial actions

being considered by the City, including training or clarification of policies or standards of conduct.

- The investigation showed that the actions of the City's employee(s) were lawful, and/or consistent with the City's standards and policies (i.e. the accused employee is "exonerated").
- If the investigation showed that the alleged action or conduct occurred and was not consistent with the City's standards or expectations (i.e. the allegations were "sustained"), the complaining party should only be advised that the investigation is concluded, and that appropriate action will be taken. The complaining party shall not be advised of the outcome of the investigation except pursuant to any confidentiality restrictions in the Public Records Law or other applicable law, policy or collective bargaining agreement.

D. Resolution of Formal Complaints - Notice to Commission

If the allegations of a Formal Complaint have generated media attention or were presented initially to the Commission or an individual Commissioner, the Human Resources Director will ensure that the Commission and City Manager receives updates regarding the status of the complaint and notification when the complaint has been resolved. The Commission may request information regarding the outcome of the Formal Complaint, and the City Manager should respond to the request in accordance with the Public Records Law and any other applicable confidentiality restrictions.