

Personnel Complaints

1001.1 PURPOSE AND SCOPE

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This document provides procedures for receiving and processing complaints against department members.

Corresponding Policies:

- Conflict of Interest
- Solicitation of Funds
- Use of Department-Owned and Personal Property
- Non-Official Use of Department Property
- Discriminatory Harassment
- Conduct and Behavior
- Personnel Complaints
- Workplace Violence
- Anti-Retaliation

1001.2 INITIAL STEPS

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Complaints may come in a variety of ways including but not limited to:

a. Complaints received in person or by phone

Personnel who receive a complaint about a department member should refer to the Personnel Complaints Policy and follow these steps:

- Obtain and complete a department complaint form. Whenever possible, this form should be completed in person with the complainant or while on the phone. If the form cannot be completed while in direct contact with the complainant, detailed notes should be taken that will allow for the completion of the form. After completing the form, the department member receiving the complaint should immediately forward the complaint to the next appropriate level in the chain of command.
- A Chief/Administrator or designee who is investigating the complaint should:
 - Determine the nature of the complaint and refer to the Personnel Complaints Policy, as well as the corresponding policy for the specific type of complaint, for any specific actions the investigating member should take. If the complaint involves a possible violation of a department policy or rule or federal, state, or local law, notify the chain of command.
 - Explain to the complainant that the investigating member may be asking some of the same questions that were answered when the complaint was originally filed.
 - Give complete attention to the complainant and ensure that the complainant is given the full opportunity to discuss the nature and basis of the complaint.

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- Where necessary, the investigating member should seek additional details from the complainant that provide the most complete information possible.
- Prepare documentation of the complaint investigation per department policy.

b. Complaints received in writing, including electronic communication

Personnel who receive a complaint about a department member should follow these steps:

- Obtain and complete a department complaint form. After completing the form, the department member receiving the complaint should immediately forward the complaint to the next appropriate level in the chain of command.
- A department member who is investigating the complaint should:
 - Determine the nature of the complaint and refer to the Personnel Complaints Policy, as well as the corresponding policy for the specific type of complaint, for any specific actions the investigating member should take. If the complaint involves a possible violation of a department policy or rule or federal, state, or local law, notify the chain of command.
 - Give complete attention to the complainant and ensure the complainant is given the full opportunity to discuss the nature and basis of the complaint.
 - Where necessary, the investigating member should seek additional details from the complainant to provide the most complete information possible.
 - Prepare documentation of the complaint investigation per department policy.

c. Complaints received from an anonymous source

Personnel who receive a complaint from an anonymous source should follow these steps:

- Obtain and complete a department complaint form to the extent possible with the information received. After completing the form, the department member receiving the complaint should immediately forward the complaint to the next appropriate level in the chain of command.
- A department member who is investigating the complaint should:
 - Determine the nature of the complaint and refer to the Personnel Complaints Policy, as well as the corresponding policy for the specific type of complaint, for any specific actions the investigating member should take. If the complaint involves a possible violation of a department policy or rule or federal, state, or local law, notify the chain of command.
 - Where necessary, the investigating member should seek additional details from the complainant to provide the most complete information possible.
 - Prepare documentation of the complaint investigation per department policy.

1001.3 TYPES OF COMPLAINTS AND CORRESPONDING POLICIES

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Use the following examples as a guide to determine which policy should be referenced, based upon the wording used in the complaint, with an understanding that some complaints may apply to more than one policy:

- Policies: Conflict of Interest, Solicitation of Funds
 - What the complainant might say:
 - Money has been taken or is missing or unaccounted for.
 - Someone who does business with the agency, an agency member, an elected official, or a family member of any of these is asking the member to give money in order to remain a member of the fire department or be given a specific assignment.
 - A member demanded money in exchange for delivery of services or in or to receive a permit or passing inspection.
 - A member works for someone who provides goods or services to the agency.
- Policies: Use of Department-Owned and Personal Property, Non-Official Use of Department Property
 - What the complainant might say:
 - A member took a chain saw off an engine and used it to do work on personal property.
 - A member is using an agency vehicle out of the designated area for family trips and personal errands.
- Policy: Discriminatory Harassment
 - What the complainant might say:
 - I experience or am experiencing [insert negative activity] because of my [insert actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, or any other classification or status protected by law].
- Policy: Conduct and Behavior
 - What the complainant might say:
 - I saw a member of my company working on his second job as a roofer while out on an on-the-job-injury.
 - I saw multiple members of your department get into a bar fight while in uniform.
- Policy: Workplace Violence
 - What the complainant might say:
 - I found mouse traps in my boots this morning as I was checking out my gear and there was a note that read, "You better watch your back."

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- A member who has been complaining about getting passed over for promotion said, "Somebody is going to pay."
- Policy: Anti-Retaliation
 - What the complainant might say:
 - Since filing a complaint about the mouse traps in my boots, the Fire Chief has been continually denying my time-off requests.
 - The Fire Chief transferred me to the fire academy because I refused to submit to her sexual advances.

1001.4 COMPLAINTS PROCESSING

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Upon completing the complaint form, the member receiving the complaint should use the Complaint Procedure Checklist to begin processing of the complaint along the appropriate track.

1001.5 UNIVERSAL PRACTICES

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- Active listening and thorough note-taking are critical.
- Understand that the complainant may be emotional and may have experienced some level of stress or trauma.
- Emphasize that an internal complainant should not discuss the complaint with co-workers. If they already have, find out whom, and note for the investigation.
- The investigating member should confirm that the complaint will be handled as confidentially as possible, considering that there is an obligation to act on the complaint under the appropriate policy, and that an investigation will take place.
- The investigating member should explain to the complainant that no retaliation or negative actions should take place as a result of the complaint and, if they do, the complainant should immediately report the negative or retaliatory activity to the investigating member.
- The investigating member should not express any doubt about the complaint or express concern for the complainant.
- The investigating member should avoid providing a definite timeline, but should keep the complainant advised of what progress is being made.

1001.6 CORRESPONDING PROCEDURES

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Administrative Investigations and Interviews

Discipline

Guide to Interpersonal Communications

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Report Writing and Documentation

1001.7 PERSONNEL COMPLAINTS WORKSHEETS

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Key Dates

Activity	MM/DD/YYYY	Responsible Member	Acknowledgement of Receipt of Investigation File
Complaint received/taken			N/A
Complaint form completed by receiving officer			N/A
Investigator(s) assigned			N/A
Investigation complete			N/A
Investigation report delivered to Fire Chief and District Office with recommendations, if applicable			
Investigation report delivered to Fire Chief and District Office with recommendations, if applicable			
Action taken			N/A
Matter resolved			
Matter referred to Human Resources			
File delivered to Custodian of Records			

Department Personnel Complaint Intake and Processing Worksheet

Receiving Member Last Name	Receiving Member First Name	Rank/Badge #	Date Complaint Procedure Initiated (MM/DD/YYYY)

Instructions:

Where a specific complaint does not require a step, fill the corresponding boxes with "N/A".

Where a specific complaint requires a step that could not be completed, note the reason.

Where a specific complaint requires a "yes / no" decision, note the reason for the decision.

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Personnel Complaint Worksheet

Activity	Responsible Member	Date Completed (MM/DD/YYYY)	Comments/Status
Intake Form complete			
Within 24 hours of receipt, notify complainant that the complaint was received			
Notify the chain of command			
Classify the complaint	Fire Chief		
If complaint involves possible criminal activity, refer to appropriate law enforcement			
If complaint is serious or allowing the accused to remain on-duty will negatively impact the mission of the Department, place the accused on administrative leave pending the outcome of the investigation			
Investigator assigned	Fire Chief		

Retaliation Avoidance Worksheet

Activity	Responsible Member	Comments/Status
Give complete, undivided, and sincere attention to the complainant, witnesses, and the accused		
Document all conversations and correspondence, including voicemails and emails, with the complainant, witnesses, and the accused		

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Avoid any personnel actions that may be interpreted as a reprisal or intimidation against a member for filing a complaint, participating in the investigation, or opposing a discriminatory practice		
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Resolution Options Worksheet

Activity	Responsible Officer	Date Completed (MM/DD/YYYY)	Comments/Status
Investigator(s) meet with superior officer and, if needed, Human Resources for any necessary advice and discussion			
Meet with complainant and representatives to discuss outcome of the investigation			
Meet with the accused and representatives to discuss the outcome of the investigation			
Prior to resolving the complaint and/or imposing discipline, give the accused a copy of any supporting materials as well as recommended discipline and offer an opportunity to provide an oral or written response			
Matter resolved through meeting with the accused and complainant			
Conference with complainant, alone			
Conference with accused, alone			
Matter resolved through dismissal of complaint			
Matter resolved through discipline against the accused			

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Resolution documented in complaint file			
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File Closeout Worksheet

Activity	Member Responsible	Date Completed (MM/DD/YYYY)	Comments/Status
Check file to ensure it contains the original intake form, this worksheet, all investigation notes and reports, and all resolution notes and reports			
If evidence exists in another place or file, note where the evidence is located			
Ensure copies of the file have been distributed as required by policy, law, or labor agreement			
Ensure that any adverse action is documented in affected member's personnel file			
Deliver the original file to the records manager			