

City of Millville, NJ
Thursday, July 23, 2015

Chapter 46. Personnel Policies

Article XIII. Employee Complaint Policy

§ 46-61. Reporting requirement.

Employees who wish to complain of harassment or any other wrongdoing in the workplace are requested to immediately report the matter to their supervisor or, if they prefer, to their department head, or the City Administrator. Employees are encouraged to complain in writing using the employee complaint form and the formal complaint system, but they may make a verbal complaint at their discretion.

§ 46-62. Confidentiality and retaliation.

No retaliatory measures shall be taken against any employee who complains of workplace wrongdoing. The City will, to the maximum extent feasible, maintain the confidentiality of such complaints on a need-to-know basis. However, investigation of such complaints may require disclosure to the accused party and other witnesses in order to gather pertinent facts.

§ 46-63. Procedure for processing complaints.

- A. An employee who believes that he or she has been subjected to or is aware of wrongdoing in the workplace shall submit a complaint to the City Administrator within 20 days from the date of the alleged incident. The complaint shall set forth the following information:
 - (1) Date of the incident;
 - (2) Specific acts complained of;
 - (3) Parties involved;
 - (4) Names of any witnesses; and
 - (5) Location of the incident.
- B. Upon receipt of the complaint, the City Administrator shall advise the Commissioner in charge of the department where the complainant is employed. The Commissioner shall designate a person to investigate the complaint, which person shall be employed outside the department where the complainant and accused are employed. The Affirmative Action Officer may be designated to investigate the complaint
- C. The investigator shall review the complaint and conduct interviews of the complainant and any person accused of wrongdoing. The investigator also may conduct interviews of all persons who may have knowledge of relevant information about the matter. Every effort shall be made to complete the investigation within a reasonable period of time from the date when the complaint was submitted to

the City Administrator.

- D. A confidential written report shall be prepared and submitted to the City Administrator. The report shall contain the investigator's findings as to whether the complaint is justified and substantiated. If a finding is made by the investigator that the complaint is justified and substantiated, the investigator shall submit any recommendations he or she has in the report.

§ 46-64. Final decision.

The City Administrator shall discuss the conclusions contained in the investigator's report with the City Attorney and render a final decision within 14 days after the receipt of the report.

- A. Response plan-no corrective action required. If the validity of the complaint cannot be determined or the complaint is groundless, the City Administrator shall notify the complaining employee, in writing, the results of the investigation.
- B. Response plan-corrective action required. If the investigation reveals that the complaint is justified and substantiated, the City Administrator shall formulate, with the advice of the City Attorney, a corrective action plan as well as possible disciplinary action. The City Administrator shall notify the complaining party, in writing, the results of the investigation.