

City of Rice Lake, Wisconsin
Citizen Complaint Against City Employee(s) Policy

The purpose of this policy is to provide procedures for processing and resolving complaints regarding the conduct of City of Rice Lake employees, including Police and Fire employees governed by Wis. Stat. 62.13. The City strives to maintain the quality of services, improve the relationship between City employees and citizens, and provide citizens with a fair and effective avenue for resolving legitimate complaints against City employees. It is the policy of the City to accept, promptly investigate, and resolve complaints by any person regarding the conduct of its employees. When appropriate, effective action will be taken to address and remedy a complaint.

Note to Persons with Disabilities: Documents in alternative formats and other reasonable accommodations may be requested by disabled persons or their representatives to: Kathleen V. Morse, Clerk-Treasurer, 30 East Eau Claire Street, Rice Lake, WI 54868, 715-234-7089 (phone), 715-234-6829 (fax), 715-736-9680 (TDD) or kmorse@ci.rice-lake.wi.us. As necessary, City staff shall assist complainant in completing the City's "Citizen Complaint Against City Employee(s)" form.

Complaint Procedure

The steps of City's Citizen Complaint Against City Employee(s) procedure are set forth below:

- Step 1.** The complaint should be filed on the Citizen Complaint Against City Employee(s) Form, copy attached. If the complaint is not filed on said form, it should nonetheless contain the following information:
- Name, address and phone number of the person filing complaint;
 - Name, address and phone number of the person alleging complaint (if other than the person filing complaint);
 - Name, address and phone number of witness(es);
 - List of City department(s) and employee(s) involved in the incident;
 - Description of the incident;
 - Remedy sought; and
 - Signature of the complainant and the date the complaint is filed.

In the event the written complaint is received at the Rice Lake City Hall, the City Hall staff will provide the complainant a copy of his/her written complaint and the name and contact information of the appropriate department head. The written complaint will be immediately forwarded to the appropriate department head.

Note: In the event the complaint is against a department head, the complaint will be forwarded to the City Administrator. In the event the complaint is against the City Administrator, the complaint will be forwarded to the Mayor.

In the event the complaint, if true, could result in the removal of the employee, and if such is desired by the complainant, the complaint will be forwarded to the Police and Fire Commission, Common Council, or other hiring authority, as appropriate.

In the event the complaint is received at the City department where the complaint originated; the Department Head or his/her designee may attempt to immediately resolve the complaint by discussing the situation with the complainant utilizing applicable City and departmental policies and procedures. When more than a routine amount of resources is spent attempting to resolve a complaint, such shall be noted as part of a complaint report.

- Step 2.** Upon receipt of a written complaint, the appropriate Department Head will thoroughly review the written complaint and determine whether the complaint is based on procedure, minor misconduct or serious misconduct, and whether the complaint would best be resolved through informal inquiry, internal investigation, or criminal investigation. The City Administrator shall be immediately advised of circumstances serious enough to warrant immediate removal of an employee from the workplace, or the use of an outside investigative agency.

If appropriate, the Department Head will arrange to meet with the complainant to discuss the matter and attempt to reach an informal resolution of the complaint. Any informal resolution of the complaint

shall be documented in the Department Head's files. Within 30 calendar days of receipt, the City will complete the investigation necessary to determine the validity of the alleged complaint.

Step 4. In the event an informal resolution of the complaint is not reached in Step 3, within 45 calendar days of receipt of the complaint, the complaint shall be forwarded by the Department Head to the City Administrator. If appropriate, the City Administrator will arrange to meet with the complainant to discuss the matter and attempt to reach a formal resolution of the complaint.

Step 5. The City's determination and resolution shall be communicated to the complainant within 60 calendar days of receipt of the complaint, unless the City Administrator authorizes additional time for further consideration of the complaint. Any authorized extension of time will be communicated to the complainant. Any request for reconsideration of the Department Head's response to the complaint shall be at the discretion of the City Administrator.

Resolution

Alternative

If the complainant is dissatisfied with the Department Head's and/or City Administrator's handling of the complaint at any stage of the process, or does not wish to file a complaint through City's Policy, the complainant may file a complaint directly with the Personnel and Negotiating Committee, Police and Fire Commission, Office of the Mayor, or appropriate state or federal agency. Use of City's complaint procedure is not a prerequisite to the pursuit of other remedies.

Non-precedential

The resolution of any specific complaint will require consideration of varying circumstances, such as the specific nature of the complaint. Accordingly, the resolution by the City of any one complaint does not constitute a precedent upon which the City is bound or upon which other complaining parties may rely.

Complaint Disposition

The investigation of a complaint may result in one of the following outcomes:

- **Unfounded.** The investigation indicates that the allegations are false.
- **Unsubstantiated.** Insufficient evidence to either prove or disprove the allegation exists.
- **Substantiated.** The allegations are supported by sufficient evidence to conclude they are true and an appropriate departmental action is warranted. The City shall take such action against the employee as is appropriate, which may include disciplinary action against the employee pursuant to Wis. Statute 62.13(5), and/or favorably respond to the remedy requested by the complainant.
- **Exonerated.** The investigation indicates that the incident occurred, but was justified, lawful and proper under the circumstances.
- **Policy Failure.** The investigation reveals that the allegations are true, however, the employee was acting in accordance with established City policy. Further, it is determined that the City policy is in need of updating, revision or rewriting or that an exception to policy should be submitted to the Common Council for its consideration.

File Maintenance

The City shall maintain a record of each written complaint for a period of three years.

**City of Rice Lake, Wisconsin
Citizen Complaint Against City Employee(s) Form**

Instructions – Complete (please print) and send to:
Office of the City Clerk, 30 East Eau Claire Street, Rice Lake, WI 54868
Phone: 715-234-7089 Fax: 715-234-6829

Complaint Against - check all departments that apply

- Administration
- City Cab
- Community Development
- Parks/Recreation/Cemeteries
- Streets
 - for Department Head review
 - for Common Council review
 - for Administrative / Executive review

- Fire (governed by Wisconsin Statutes 62.13)
 - for Fire Chief review
 - for Police & Fire Commission review

- Police (governed by Wisconsin Statutes 62.13)
 - for Police Chief review
 - for Police & Fire Commission review

Wisconsin Statute 946.66 - Whoever knowingly makes a false complaint regarding the conduct of a law enforcement officer is subject to a Class A forfeiture.

Right to Appeal - Upon completion of an investigation of officer misconduct, complainant shall receive a written or verbal explanation of the disposition of the investigation. If, within 30 days of receiving such notification, complainant is not satisfied with the results of the investigation, complainant may file a complaint with the Police & Fire Commission Chair.

- Business Improvement District
- Housing Authority
- Library
- Public Access Channel 14
- Rice Lake Utilities
- Tourism Commission
 - for Department Head review
 - for Board/Commission review
 - for Administrative / Executive review

Complainant Information

Name _____
 Address _____
 City, State, Zip _____
 Home Phone _____ Business Phone _____
 Email _____ Cell Phone _____

Person Completing Form (if other than above complainant)

Name _____
 Address _____
 City, State, Zip _____
 Home Phone _____ Business Phone _____
 Email _____ Cell Phone _____

Witness(es) to Incident (use additional paper if necessary)

1. Name _____
 Address _____
 City, State, Zip _____
 Home Phone _____ Business Phone _____
2. Name _____
 Address _____
 City, State, Zip _____
 Home Phone _____ Business Phone _____

Details of Complaint

Incident Date _____ Time _____

Incident Location _____

City Employees Involved _____

Description of Incident (use additional paper if necessary) _____

Remedy Requested_____

Other Comments_____

I, _____, acknowledge that I have received a copy of the City of Rice Lake's Complaint Against City Employee(s) Policy and completed or caused to be completed the above Complaint. I solemnly swear/affirm that the information contained herein is the truth, the whole truth and nothing but the truth. I understand that I may be subpoenaed to testify in court regarding the above facts.

Complainant Signature (required)_____
Date**Required Notary**STATE OF WISCONSIN)
BARRON COUNTY)

Affix Notary Seal Here

The above named personally came this _____ day of _____, 20____ to me known to be the person who executed the foregoing instrument and acknowledge the same.

Notary Signature

My Commission is permanent If not, state expiration date

Expiration date _____

CITY OF RICE LAKE USE ONLY

Date/Time Received: _____

Received By: _____

Notes & Action(s) Taken to Resolve the Incident: _____

Mar08

