

## EUREKA TOWNSHIP

### EMPLOYEE COMPLAINT POLICY & PROCEDURE

The following procedure applies to staff, Planning Commission members and Town Board Supervisors.

1. The approved form must be completed before the complaint is accepted. The complaint must contain enough details to allow the Town Board to identify the subject of the complaint and the nature of the complaint.
2. Prior to final determination on the complaint, and then only if a disciplinary action is warranted, the complaint is considered personnel data (*Minn. Stat. §13.43, Subd. 1*). Copies of the complaint cannot be released to the public, nor does the public have the right to view the complaint. However, the public does have the right to know that a complaint exists and the status of the complaint (*Minn. Stat. §13.43, Subd. 2(a)(4)*).
3. Prior to the Town Board taking any action, the person against whom the complaint is filed has the right to review the entire complaint, including the name of the complainant (*Minn. Stat. §13.04, Subd. 3*).
4. Because the Town Board Supervisors are responsible for and have control over employees of the Township, a supervisor has the right to review all filed complaints (*Minnesota Administrative Rules 1205.0400, Subpart 2*).
5. At the next regular Town Board meeting, the Board will acknowledge receipt of the complaint and schedule a closed meeting to determine whether or not to proceed with the complaint, unless the subject of the complaint requests it to be an open meeting (*Minn. Stat. §13D.05, Subd. 2(b)*).
6. A complaint remains private data until there is a final disposition of the complaint. A decision not to take disciplinary action is not considered a final decision (*Minn. Stat. §13.343, Subd. 4 and PIAD 11-013*). As a result, the complaint would remain private data. In addition, the meeting(s) must be electronically recorded and the recording preserved for at least three (3) years (*Minn. Stat. §13D.05, Subd. 1(d)*). The Board has the right to conduct multiple meetings to determine whether or not to proceed with the complaint. Again, these meetings remain closed unless the subject requests the meetings to be open.
7. If the Board determines a discipline is warranted, all future meetings must be open (*Minn. Stat. §13D.05, Subd. 2(b)*).
8. The method of conducting the disciplinary hearing is at the discretion of the Board. However, due process would require that both the complainant and the subject of the complaint be allowed to present their cases. All testimony should be directed to the Town Board. The only parties allowed to ask questions are the Town

Board Supervisors. However, the Town Board may, at its discretion, allow parties to cross examine all witnesses.

9. After the Board has made a final decision, the entire file, including the original unredacted complaint, becomes public data and may be reviewed by any member of the public. In the case of Planning Commission members, a decision to remove a commission member must be made by a minimum of three (3) Town Board Supervisors (*Ordinance 2, Chapter 3, Section 3*).

# OFFICIAL EMPLOYEE COMPLAINT FORM

## Complaint Lodged against:

Employee:
Date of Offense:
Details of Complaint:
Office Use Only

1<sup>st</sup> Complaint    2<sup>nd</sup> Complaint    Subsequent   Received by \_\_\_\_\_

Date and time received \_\_\_\_\_

Inspected by \_\_\_\_\_ on \_\_\_\_\_

Notes:

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## Complainant:

Name:	Address:
Phone Numbers: (mandatory)	

**I hereby request the Township to commence action under the appropriate laws or rules. I declare under penalty of perjury that the foregoing is true and correct. I hereby further declare that, if required, I will provide or present evidence in support of this complaint at any hearings in a court of law.**

Complainant's Signature/ Date:
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