



TOWN OF BRUNSWICK
CITIZEN COMPLAINT RESOLUTION PROCESS
Adopted by Town Council on March 3, 2008

PURPOSE: To provide a fair procedure for addressing citizen complaints with town staff.

DEFINITIONS

Complainant: any person who lodges a complaint against any town employee

Complaint includes the following:

- Perceived conduct by a town employee that violates town policies or ordinances;
- Disagreement with the way the Town's codes, policies, procedures, rules and practices have been applied;

Council Appeals Committee is a panel of 2 Town Councilors. The two Councilors will be one at-large Councilor and the Councilor for the district where the citizen resides. The Council Chair may appoint an alternate Councilor in the event that a Councilor is unable to participate in the Council Appeals Committee for any reason, in the event that the Complainant has a reasonable objection to the participation of a Councilor or if a Complainant does not reside in Brunswick.

Respondent Employee is the town employee who is the subject of a complaint filed by a complainant

Supervisor is the direct supervisor or Department Head of the employee with whom a complaint has been filed.

NATURE OF COMPLAINTS

There are three types of complaints that this policy is intended to cover. The nature of the complaint will determine the role that the Town Manager and the Town Council has or if the role is restricted to one, the other or both. This policy does not and can not replace existing collective bargaining agreements, the Town Personnel Ordinance or the Town Charter. The nature of complaints are the following:

1. A complaint that pertains to the behavior of a Town employee acting in the capacity of their position;
2. A complaint that involves either the failure of an employee to perform certain tasks or of an employee performing certain tasks. These complaints would typically be where an employee is following accepted practices and the complainant is questioning the policy and not the specific employee.
3. A complaint that ultimately is about the actions or lack thereof of the Town Manager.

COMPLAINT RESOLUTION PROCEDURE

1: Communication: Discussion and Dialogue

The preferred method for dealing with any complaint is open discussion and dialogue between the Complainant and the Respondent, or the Complainant and the Respondent's supervisor. If this is not possible, then the Complainant may refer the complaint to the Town Manager unless the complaint is about the Town Manager, in which case the Complainant shall refer the complaint to the Assistant Town Manager as set forth below.

2: Referral to Town Manager

A Complainant may at any time file a formal complaint with the Town Manager. A formal complaint defines in writing the names of those involved, identifies witnesses, describes when the event occurred, and explains the details of the complaint providing the essential facts.

The Town Manager will conduct an informal investigation of the complaint. The Town Manager may meet with the parties involved, together or separately, to discuss the situation. The Town Manager shall take all appropriate steps toward resolution. Where disciplinary action is a possibility, the Town Manager will conduct an investigation in accordance with the town's personnel policies and collective bargaining agreements. The Town Manager will make a decision to finalize the complaint and will inform the parties of the decision in writing, giving reasons for the decision. If the Town Manager deems it advisable, mediation by staff and/or outside mediator services may be recommended or offered. Any disciplinary action imposed by the Town Manager is subject to the collective bargaining agreements, personnel ordinance, Town Charter and State and Federal law. A complainant not satisfied with the outcome of the discipline rendered by the Town Manager can only express their dissatisfaction with the Manager's action to the Council Appeals Committee. Neither the Council Appeals Committee or the Town Council can overrule discipline or lack thereof imposed by the Town Manager unless requested by the employee or as prescribed in the collective bargaining agreements, personnel ordinance, Town Charter or State and Federal law.

Complaints about an employee who is performing tasks consistent with established policy will be referred to the Town Manager. The Manager will explain the policy and offer the Complainant an opportunity to seek reconsideration of the policy by the Town Council.

3: Referral to Council Appeals Committee

A Complainant may refer a complaint to the Council Appeals Committee in the event of a complaint about the alleged actions or inactions of the Town Manager or in the event that the Complainant is dissatisfied with how a complaint has been resolved by the Town Manager. If the complaint is about the alleged actions or inactions of the Town Manager, the Complainant shall file a written complaint to the Assistant Town Manager describing the details of the complaint. The Assistant Town Manager shall refer this complaint to the Council Chair.

Upon receipt of notice of a complaint about the alleged actions or inactions of the Town Manager or notice that a Complainant is dissatisfied with how a complaint has been resolved by the Town Manager, the Council Chair shall appoint a Council Appeals Committee to investigate the complaint.

The Council Appeals Committee shall meet with the Town Manager and the Complainant to hear the nature of the complaint. At all times, any meeting with the Complainant or with the Town Manager will be attended by both Councilors. If either or both of the Councilors find merit with the complaint, they will bring the issue to the full Council for consideration. Such action will follow the principals of employee discipline. If both Councilors find the actions of the Town Manager to be acceptable, then the issue will be deemed closed with a report of such provided to the Complainant and the full Council.

TIME LIMITS

Although time limits are not required in the Citizen Complaint Resolution Process all parties are requested to initiate the process promptly and resolve the conflict in a timely and reasonable fashion.

SUPPORT FROM THE TOWN MANAGER OR ASSISTANT TOWN MANAGER

A complainant may approach the Town Manager or the Assistant Town Manager to request information and assistance about the options available and the steps needed to address a conflict in accordance with the Citizen Complaint Resolution Process.

CONFIDENTIALITY

Personnel laws and policies govern an employee's privacy rights. Disciplinary action is generally not subject to public disclosure. If disciplinary action is taken against a Respondent as a result of the Complaint Process, the Complainant will be advised only that such action has been taken. The specific details of the disciplinary action shall not be disclosed to the Complainant.