

RESOLUTION NO. 20 - _____

A Resolution Establishing A Procedure For County Employees To Express Management Concerns.

WHEREAS County Administrator Clinton Langreck has proposed that a procedure, be established for County employees to express concerns about management, and

WHEREAS Mr. Langreck's proposal has been carefully reviewed by the Finance and Personnel Committee which is now presenting this Resolution to the County Board for its consideration.

NOW THEREFORE BE IT RESOLVED by the Richland County Board of Supervisors that the following procedure for County employees to express concerns about management is hereby approved:

PROCEDURE FOR COUNTY EMPLOYEES TO EXPRESS MANAGEMENT CONCERNS

8. Employee concerns about management

Filing Formal Complaint or Concern

- a. Richland County staff members shall practice effective communication in addressing complaint or concern through the established chain of command when problems arise.
- b. For purposes of this policy, the chain of command begins with an employee's immediate manager, the person responsible for giving the employee daily direction and reviewing the employee's performance.
- c. When problems cannot be remedied through informal discussion between parties and notification through the chain-of-command, staff may file a formal written complaint/concern regarding the following items:
 - i. Working conditions,
 - ii Policies,
 - iii. Procedures,
 - iv. Problems with co-workers, and
 - v. Management decisions
- d. This policy is intended to allow staff to submit a form, written complaint/concern without the fear of prejudice or retaliation for reporting their complaint/concern. Retaliation against an employee for utilizing this process is prohibited and may result in disciplinary action up to and including termination.
- e. The filing of a formal complaint/concern does not shield an employee from corrective or disciplinary actions resulting from the employee's violations of policy or performance standards.

Procedure for Filing a Formal Complaint/Concern:

Step One - - Submitting a Written Complaint/Concern:

- f. Employees filing a formal complaint/concern shall submit their complaint or concern to their immediate manager in a timely fashion (within days of incident or having become aware). In small departments without multiple layers of management, this may be the department head.
- g. The formal complaint/concern shall be submitted in writing (email from a county account or an identified personal account is acceptable). No specific format is required; however, the concern/

complaint must include:

- i) complainant's name and contact information,
 - ii) nature of complaint/concern,
 - iii) date(s) of incident or having become aware, and
 - iv) recommendation(s) on how the complaint/concern can be remedied.
- h. Department heads submitting a formal complaint/concern will submit to the County Administrator whom will investigate and proceed to presenting to the Finance and Personnel Committee as described in step four of the procedure for filing a formal complaint and concern.

Step Two – Actions and Responses from Management

- i. Managers should promptly investigate and address complaint/concern with the employee, and parties involved; and make good-faith efforts to remedy the complaint/concern with consideration for county policy, operational needs, and scope of authority.
- j. Managers shall ensure that a copy of the concern/complaint is submitted to the complainant's personnel file.
- k. Managers will communicate directly with the complainant regarding the complaint/concern and will issue a formal written response within 10 days addressing the actions taken to remedy the complaint/concern, or why action is not being taken.
- l. Management will ensure⁴ that all responses are submitted to the complainant's personnel file.
- m. If the complainant is not satisfied with the formal response, the employee may request (in writing) for their written complaint/concern to be forwarded to the next higher level of management, within 10 days of receiving the formal response. Higher levels of management will be presented with the formal complaint/concern, and the responses from lower management.
- n. The process shall repeat at management levels until reaching the department head level. In departments with one level of management the department head will ensure management actions of step two and three are fulfilled.

Step Three – Actions and Responses from Department Heads

- o. Department heads will promptly review, investigate and address complaint/concern with the employee and make good-faith efforts to remedy the complaint or concern with consideration for county policy, operational needs and scope of authority.
- p. At the direction of the department head, the remedy to the complaint/concern, may be recommended to the appropriate committee, commission, board, or official having the authority to grant the remedy. The County Administrator will be notified of such recommendations and may be involved as necessary regarding county policy and operations.
- q. The Department Head shall issue the final response to the employee regarding the complaint/concern and addressing actions taken to remedy the complaint/concern, or why action is not being taken.
- r. management, and supplemental documents are submitted to the complainant's file.

Step Four – Appealing the Finance and Personnel Committee

- s. If the complainant is not satisfied with the final response from their department, the complainant may submit a written appeal to the county administrator, within 10 days of receiving the final response.

- t. The County Administrator will coordinate with the Chair of the Finance and Personnel Committee to have the complaint/concern scheduled for their next available meeting. The complaint/concern may be handled in closed session when appropriate by Wisconsin Statute 19.85.
- u. The County Administrator will review the complaint/concern, responses of management and shall present to the committee: 1) an opinion on whether policy was followed, 2) an opinion on management's effort to remedy in good-faith, and 3) a recommendation for committee action.
- v. The Finance and Personnel may take actions or make recommendations to other committee, board, commissions, elected officials or administration. Such actions or recommendations will be final.

Reporting Mismanagement

- w. Richland County Management is obligated to follow all federal, state, county and department regulations, statutes, ordinances, resolutions, rules and ethical standards to ensure the responsible and effective administration of the people and resources of Richland County.
- x. Employees, staff and elected officials shall report mismanagement when observing elected officials, administration, department heads, or management engaging in the following acts:
 - i. violation of any state or federal law, rule or regulations;
 - ii. violation of any county ordinance, resolution, rule or policy;
 - iii. actions taken beyond management's legitimate authority or contrary to committee/board;
 - iv. guidance or policy;
 - v. substantial waste of public funds or a danger to public health and safety;
 - vi. a pattern of incompetent management actions which are wrongful, negligent or arbitrary and capricious;
 - vii. and which adversely affect the efficient accomplishment for a department function; or
 - viii. failure to resolve acts of mismanagement at subordinate levels.
- y. "Mismanagement" does not mean the mere failure to act in accordance with a particular opinion regarding management techniques.
- aa. This policy is intended to allow all employees, staff and elected officials to report mismanagement without fear or prejudice of retaliation. Retaliation against an employee, staff or elected official for utilizing this process is prohibited and may result in disciplinary action up to and including termination.
- bb. Filing a report of mismanagement does not shield an employee from corrective or disciplinary actions resulting from the employee's violations of policy or performance standards.

Procedure for Reporting Mismanagement

cc. Step One – Submitting a Written Report of Mismanagement

- i. Reports of mismanagement shall be submitted to the County Administrator, Corporation Counsel, or County Board Chair (within days of incident or having become aware).
- ii. In the event the report of mismanagement involves one (or multiple) of the above administrative positions the County Clerk and County Board Vice Chair may also be approached when submitting a written report of mismanagement.

- iii. The report of mismanagement shall be submitted in writing (email from a county account or an identified personal account is acceptable).
- iv. No specific format is required; however, the report should include:
 - i) the reporting party’s name and contact information;
 - ii) description and summary of mismanagement;
 - iii) date(s) of incident or having become aware; and
 - iv) other parties that may be aware of this mismanagement).

Step Two – Actions and Responses from Administration.

- dd. The Administration shall review the report and collaborate to promptly investigate the claim of mismanagement.
- ee. The appropriate committees, boards and commissions, and/or law enforcement shall be involved as appropriate.
- ff. Administration shall communicate directly with the reporting party regarding and will issue a formal written response addressing actions taken to remedy the management, or why action is not being taken, within 10 days of receiving the report.
- gg. The report and response documentation shall be submitted to the report party’s personnel file, and

BE IT FURTHER RESOLVED that subsection 7 entitled “Concerns” under the heading “Hiring and Employment Considerations” is hereby repealed, and

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately upon its passage and publication.

VOTE ON FOREGOING RESOLUTION		RESOLUTION OFFERED BY THE FINANCE AND PERSONNEL COMMITTEE	
AYES _____NOES _____			
RESOLUTION _____			FOR AGAINST
_____		Shaun Murphy-Lopez	X
COUNTY CLERK		Marc Couey	X
DATED _____		Marty Brewer	X
		Linda Gentes	X
		Melissa Luck	X
		Donald Seep	X
		David Turk	X