

Policy of Richland County

| Policy Cover | |
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| Title: Filing a Formal Complaint / Concern and Reporting Mismanagement | Effective Date: 19 Jan 2021 |
| | Adoption/Revision Date: 19 January 2021 |
| Custodian: Administrator | Approving Body: Richland County Board of Supervisors (RCBS) |
| | Sponsoring Committee, Board or Commission: Finance and Personnel |

1. Authority

- a. Wis. Stat. 59.02 (Powers, how exercised; quorum);
- b. Wis. Stat. 59.03 9 (Home rule),
- c. Wis. Stat. 59.51 (Board Powers); and
- d. Wis. Stat. 59.18 (County Administrator)

2. References

- a. Adopting Resolution: 21- _____
- b. Richland County Board Committee Structure
- ~~e. Wis Stat. 230.80 (Employee Protection)~~
- ~~d.c.~~ The Handbook of Personnel Policies and Work Rules of Richland County
- ~~e.d.~~ Resolution 21-107 Resolution Approving the County Administrator's Strategic Plan and Administrative Priorities
- ~~f.e.~~ Resolution 20-19 Establishment of Policy

3. Purpose

- a. This policy is intended to allow staff to submit a formal, written complaint / concern without the fear of prejudice or retaliation for reporting their complaint / concern; and to allow management and administration to formally respond.
- b. This policy is intended to allow all employees, staff and elected officials to report mismanagement without fear of prejudice or retaliation; and to allow administration to formally respond.

4. Scope

- a. Applies to Richland County employees, staff, management, members of committees, boards and commissions and chairs of committee, boards and commissions.
 - i. Extends to staff that may be contracted or volunteering
- b. This policy does not apply to employment issues regarding reports of harassment, grievances of discipline or termination, or grievances of workplace safety. Please reference county specific policies regarding these items.

5. Policy Overview

- a. Richland County Board Resolution 20-107 established, as a strategic priority of the Richland County Administrator, a goal to "Develop policy and procedure to address complaint and investigations."
- b. This policy includes procedure language as allowed through "Policy Establishment."

Policy of Richland County

- c. This policy replaces former language found in the “Concern” section of the Handbook of Personnel Policies and Work Rules of Richland County.

6. Policy Performance

- a. Policy and procedural guidance shall be followed in reporting and addressing all formal written concern /complaint and reports of mismanagement.
- b. Deviations from this policy require County Board approval where specified authority is not granted to the sponsoring committee or administration. Interpretation of this policy resides in the sponsoring committee whom may defer to the County Board when deemed appropriate by the sponsoring committee.
- c. This policy may not infringe on policy and procedure established through collective bargaining agreements or statutory authorities held by elected officials.

Policy Content

7. Filing Formal Complaint or Concern

- a. Richland County employees and staff members shall practice effective and professional communication in addressing complaints or concerns with parties involved, and through the established chain of command when problems arise that cannot be remedied between parties.
- ~~a.~~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.
- ~~b.~~c. When problems cannot be remedied through informal discussion between parties and or an informal notification through the chain-of-command, employees may file a formal written complaint/concern regarding the follow items:
 - i. Working conditions,
 - ii. Policies,
 - iii. Procedures,
 - iv. Problems with co-workers, and
 - v. Management decisions
- ~~e.~~d. This policy is intended to allow staff to submit a formal, 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.
- ~~d.~~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.

Policy of Richland County

8. Procedure for Filing a Formal Complaint and Concern

a. Step One — Submitting a Written Formal Complaint/Concern:

- i. 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.
- ii. 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:
 - a) complainant's name and contact information,
 - b) nature of the complaint / concern,
 - c) date(s) of incident or having become aware, and
 - d) recommendation(s) on how the complaint / concern can be remedied.
- iii. 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.

b. 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.
- ii. Managers shall ensure that a copy of the concern/complaint is submitted to the complainant's personnel file.
- iii. Managers will communicate directly with the complainant regarding the complaint/concern and will issue a formal written response, within 10 days, addressing actions taken to remedy the complaint/concern, or why action is not being taken.
- iv. Management will ensure that all responses are submitted to the complainant's personnel file.
- v. If the complainant is not satisfied with the formal response ~~from the immediate management level~~, 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.
- vi. The process shall repeat at management levels until reaching the department head level. In departments with one level of management, the department

Policy of Richland County

head will ensure management actions of steps two and three are fulfilled.

c. Step Three — Actions and Responses from Department Heads

- i. 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.
- ii. At the discretion 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 is necessary regarding county policy and operations.
- iii. 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.
- iv. The Department Head shall ensure that the formal complaint/concern, all issued responses from management, and supplemental documents are submitted to the complainant's file. The Department head will present their supervisory committee with a report regarding the concern / complaint and outcome after issuing a final response.

d. Step Four — Appealing to the Finance and Personnel Committee

- i. 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.
- ii. 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 ~~only~~ when appropriate by Wisconsin Statute 19.85.
- iii. 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.
- iv. 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 ~~and not subject to further review.~~

9. Reporting Mismanagement

- a. 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

Policy of Richland County

Richland County.

- b. 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 regulation;
 - 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 of a department function; or
 - viii. failure to resolve acts of mismanagement at subordinate levels
- c. "Mismanagement" does not mean the mere failure to act in accordance with a particular opinion regarding management techniques.
- d. This policy is intended to allow all employees, staff and elected officials to report mismanagement without fear of prejudice or 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.
- e. 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.

10. Procedure for Reporting Mismanagement

- a. **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:
 - a) the reporting party's name and contact information;

Policy of Richland County

- b) description and summary of mismanagement;
- c) date(s) of incident or having become aware; and
- d) other parties that may be aware of the mismanagement).

b. Step Two — Actions and Responses from Administration

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

| Revision History | | |
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| Adoption/Revision Date | Overview of Adoption/Revision | Adoption/Revision Reference |
| 19 Jan 2020 | Original | Resolution 20- |

Policy of Richland County

Policy Attachments

Attachment A

Policy Review Form

Completed by Policy Custodian

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| Policy Title | Filing Formal Complaint / Concern and Reporting Mismanagement |
| Overview of Adoption/Revision | |
| Policy Submitted By | County Administrator — Clinton Langreck |
| Policy Submitted To | Corporation Counsel — Benjamin Southwick |
| Anticipated Date of Policy Final Approval | 01 Dec 2020 Finance and Personnel; 08 Dec 2020 County Board |
| Existing policies, ordinances, regulations and laws referenced to ensure that conflicts do not exist | “Concern” section of the Handbook of Personnel Policies and Work Rules of Richland County. (See reference section in policy) |

Completed by County Administrator

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| Policy Received On | N/A |
| Policy Reviewed /Denied On w/ Reason | Approved |
| Policy Reviewed/Denied By | Reviewed by Clinton Langreck |
| Policy Storage Location | Official copy will be stored on the county website at: Word document stored at Clinton.langreck(H:) > Policy > Formal Complaint |
| Policy Forwarded to Corporation Counsel | 11 Nov 2020 |

Completed by Corporation Counsel

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| Policy Received On | |
| Policy Reviewed /Denied On w/Reason | |
| Policy Reviewed/Denied By | |
| Policy Forwarded to Custodian | |

Policy of Richland County

Attachment B

Flowchart

Richland County employees and staff members shall practice effective communication in addressing complaints or concerns with parties involved; and when problems arise that cannot be remedied informally, employees will approach the chain of command.

If you have a complaint / concern or report of mismanagement that has not been resolved by voicing your concerns with the party involved, or informally by approaching your chain-of-command, you can file a written complaint which includes: 1) your name, 2) your contact information, 3) a description of your complaint / concern, 4 the date(s) of incident or having become aware, and 5) recommendation to fix or why the action constitutes mismanagement.

If your complaint involves:

- Working conditions,
- Policies,
- Procedures,
- Problems with co-workers, or
- Management decisions

Submit your written complaint to your immediate manager.

If your immediate manager does not resolve the matter, you can request the complaint proceed up the chain-of-command.

Pending the department head decision, the complaint may be appealed to the Finance and Personnel Committee

The complaint will be placed in your personnel file along with management reports and responses.

If your concern involves management's:

- violation of any state or federal law, rule or regulation;
- violation of any county ordinance, resolution, rule or policy;
- actions taken beyond management's legitimate authority or contrary to committee/board;
- guidance or policy;
- substantial waste of public funds or a danger to public health and safety;
- a pattern of incompetent management actions which are wrongful, negligent or arbitrary and capricious; and which adversely affect the efficient accomplishment of a department function; or
- failure to resolve acts of mismanagement at subordinate levels

Submit your written report to the County Administrator, Corporation Counsel, or County Board Chair

Administration will investigate and address your concerns, take appropriate actions, and formally respond to you.

The report will be placed in your personnel file along with management reports and responses.

! Retaliation against an employee for utilizing this process is prohibited!