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## City of North Port

### RESOLUTION NO. 2019-R-07

**A RESOLUTION OF THE CITY OF NORTH PORT, FLORIDA, ADOPTING A HUMAN RESOURCES POLICY FOR THE INVESTIGATION OF ALLEGATIONS AND COMPLAINTS AGAINST CHARTER OFFICERS; INCORPORATING RECITALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, it is the City's intent to establish a procedure for investigating allegations and complaints that a charter officer engaged in unlawful discrimination, harassment, or other violation of law or City policy, rule, or standard of conduct; and

**WHEREAS**, the implementation of a procedure will ensure uniformity and consistency in the processing of such an allegation or complaint; and

**WHEREAS**, the City Commission of the City of North Port, Florida finds that it serves the public health, safety, and welfare of the citizens of the City to adopt the policy as presented.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, AS FOLLOWS:**

#### **SECTION 1 – INCORPORATION OF RECITALS**

1.01 The recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.

#### **SECTION 2 – RESOLUTION**

2.01 The City Commission hereby adopts the "Human Resources Investigation Policy for Charter Officers" as an administrative policy, which is attached hereto as Exhibit "A" and incorporated as if set forth herein.

#### **SECTION 3 – CONFLICTS**

3.01 In the event of any conflict between the provisions of this resolution and any other resolution or portions thereof, the provisions of this resolution shall prevail to the extent of such conflict.

**SECTION 4 – SEVERABILITY**

4.01 If any section, subsection, sentence, clause, or phrase of this resolution is held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 5 - EFFECTIVE DATE**


5.01 This resolution shall take effect immediately after adoption by the City Commission of the City of North Port, Florida.

PASSED and DULY ADOPTED by the City Commission of the City of North Port this 9th day of July 2019.


CITY OF NORTH PORT, FLORIDA

  
CHRISTOPHER HANKS  
MAYOR

ATTEST:

  
KATHRYN WONG  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

  
AMBER L. SLAYTON  
CITY ATTORNEY

**EXHIBIT A****HUMAN RESOURCES INVESTIGATION POLICY FOR CHARTER POSITIONS**

When Human Resources receives an allegation or complaint that a Charter Officer is currently or was previously engaging in unlawful discrimination, harassment, or other violation of law or City policy, rule, or standard of conduct, the Human Resources Department will be responsible for determining whether an investigation into the allegation or complaint is necessary. If determined to be necessary, Human Resources shall ensure that an investigation into the allegation or complaint is promptly initiated. Human Resources will review any allegation or complaint involving a Charter Officer received from any person or group, through an outside agency such as the Equal Employment Opportunity Commission (EEOC), or through the filing of a lawsuit.

Investigations will be conducted in order to gather facts and determine details surrounding an allegation or complaint. At the conclusion of an investigation, Human Resources will draft a report that includes, at a minimum, a summary of the allegation or complaint, a summary of the facts and details determined as a result of the investigation, and a recommendation as to any further action that should be taken. Commissioners shall be notified when an investigation has started and shall receive a copy of the report upon its conclusion.

The City is committed to ensuring that all investigations initiated by Human Resources are fair, impartial, thorough, and in compliance with all applicable laws.

**Purpose**

To present an overview of the importance, benefits, and key elements of conducting an impartial and prompt workplace investigation involving Charter Officers. Investigations can serve as a demonstration to City staff that their employer is committed to objective and fair treatment of employees.

**Procedures**

A City employee may seek guidance and information from Human Resources at any time regarding questions they have regarding anything contained in this policy. Each allegation or complaint received by the Human Resources Department against a Charter Officer will be evaluated on a case-by-case basis.

**Cause for Investigation:**

If determined necessary by the Human Resources Department, the following allegations or complaints shall require the initiation of an investigation into the actions of a Charter Officer. This is not a complete list; the determination to conduct an investigation will be made on a case-by-case basis:

1. Harassment, discrimination, and/or retaliation as prohibited by the City's personnel policy or law.
2. Violence or the threat of violence in the workplace, while on City property, or while performing City responsibilities.
3. Non-compliance with, or any violation of, the Charter Officer's employment contract.
4. Being under the influence of alcohol or any illegal drug while on City property, while performing City responsibilities, or while operating a vehicle or equipment owned or leased by the City.

5. The use, transfer, or possession of illegal drugs or drug paraphernalia while on City property or while performing City responsibilities.
6. Violation of the law.

If determined necessary by the Human Resources Department, the following allegations or complaints may require the initiation of an investigation into the actions of a Charter Officer. This is not a complete list; the determination to conduct an investigation will be made on a case-by-case basis:

1. Non-compliance with, or any violation of, the City's personnel policy manual.

Investigation Procedure for Charter Officer (other than the City Manager):

Where Human Resources determines that cause for an investigation exists pursuant to this policy, the Human Resources Department shall ensure that an investigation is promptly initiated. Alternatively, the City Manager or designee may direct Human Resources to initiate an investigation. If it is determined by Human Resources or the City Manager that an investigation is necessary, the following shall occur:

1. Human Resources shall notify the Charter Officer against whom the allegation or complaint was made of the allegation and the pending investigation.
2. The City Manager shall notify the City Commission of the pending investigation and its cause.
3. Human Resources may conduct or authorize an outside entity to conduct an investigation of the allegation or complaint.
4. The City Manager may direct or authorize an outside investigation of the allegation or complaint.

Investigation Procedure for City Manager:

When Human Resources receives an allegation or complaint against the City Manager, Human Resources shall consult with the City Attorney in order to determine if an investigation is necessary. If either Human Resources or the City Attorney determines that an investigation is necessary, the following shall occur:

1. Human Resources shall notify the City Manager of the allegation or complaint and the pending investigation.
2. The City Attorney shall notify the City Commission of the pending investigation and its cause.
3. Human Resources may authorize an outside entity to conduct an investigation of the allegation or complaint.
4. The City Attorney may conduct or authorize an outside investigation of the allegation or complaint.

Investigation Findings and Recommendations:

Upon the completion of an investigation, a report containing its findings and recommendations will be provided to the Commission and to the Charter Officer investigated. Any action taken pursuant to the investigation's findings and recommendations shall be determined by the City Commission.

Final disciplinary actions of a Charter Officer will be kept in the employee's personnel file. The investigation file will be stored in its entirety by the Human Resources Department pursuant to the City's applicable retention schedule and stored separately from the Charter Officer's personnel file. The final investigation file should contain the following documents:

1. The initial allegation or complaint if made in writing.
2. All documents sent or received from the complainant, respondent, or witnesses.
3. Records of any interim actions taken prior to the issuance of the final report.
4. A copy of the investigation report submitted to the City Commission.
5. All supporting documentation created during or pursuant to the investigation.

The City will strive to address all allegations and complaints in an expeditious manner.