



TOWN OF PEMBROKE PARK

Investigation Procedures

Approved by: Town Commission

Date Approved: March 8, 2023

Effective Date: March 8, 2023

Last Updated: March 8, 2023

PURPOSE

The purpose of this policy is to establish procedures for conducting investigations when a complaint is made about anyone who receives remuneration from the Town. If a complaint is made about a Town employee, it will be investigated internally by Human Resources. If a complaint is made about the Town Manager, Town Attorney, Human Resources Director, or Town Commission, the Town will obtain an outside investigator to investigate the complaint. Depending on the nature of the complaint, investigations of Town employees may also be conducted by an outside investigator.

OBJECTIVE

The Town of Pembroke Park strives to create and maintain a work environment in which people are treated with dignity, decency, and respect. The Town seeks to create an environment characterized by mutual trust and the absence of intimidation. The Town of Pembroke Park will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and through education of employees, The Town of Pembroke Park seeks to prevent, correct, and discipline behavior that violates any Town, State, or Federal policy, procedure, rule, or regulation.

All employees, regardless of their position, are covered by and required to comply with all Town policies and to take appropriate measures to ensure that prohibited conduct does not occur. Disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination of employment.

Employees who knowingly allow or tolerate discrimination, harassment or retaliation, including the failure to immediately report such misconduct to Human Resources (HR), are in violation of this policy and are subject to discipline. Malicious or false allegations may result in disciplinary action.

RETALIATION

The Town has a zero-tolerance policy with regard to retaliation. This applies to everyone, whether a Town employee, Manager, Human Resources Director, Attorney, or Commission member initiates a complaint, or the person is a witness to matters related to a complaint. There will be no

retaliation for making a report, for cooperating in the Town's investigation, for giving a statement, or for providing any information related to an investigation or a complaint. Any person who engages in direct or indirect retaliatory conduct will be subject to discipline, up to and including termination from employment. If an individual believes that they are being retaliated against in violation of this policy, the individual must report the retaliation to Human Resources immediately. If someone from Human Resources is retaliating against an individual, the individual must report the retaliation to the Town Manager immediately.

CONFIDENTIALITY

A complaint of misconduct filed with the Town against a Town employee, and all information obtained pursuant to an investigation by the Town of the complaint of misconduct, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the investigation ceases to be active, or until the Town provides written notice to the employee who is the subject of the complaint, either personally or by mail, that the Town has either:

1. Concluded the investigation with a finding not to proceed with disciplinary action or file charges; or
2. Concluded the investigation with a finding to proceed with disciplinary action or file charges.

This section also means that all witnesses and all employees must maintain confidentiality about the investigation, before, during, and after their interviews with investigators. Employees and individuals are prohibited from discussing an ongoing investigation or discussing their interviews related to an investigation. Failure to maintain confidentiality during an ongoing investigation is subject to disciplinary action, up to and including termination.

INTERFERENCE/INTIMIDATION

Employees and individuals are prohibited from interfering with an investigation. Employees and individuals are prohibited from intimidating or questioning victims, witnesses, complainants, or anyone involved in an investigation. There is a wide scope of behavior that can be considered interference or intimidation. The Town Manager will determine whether interference or intimidation during an ongoing investigation has occurred. Violating the above policies regarding Retaliation and Confidentiality is regarded as interfering with an investigation.

COMPLAINT PROCEDURE

Employees are required to cooperate fully with and assist in all investigations if requested to do so. Employees are required to provide honest and truthful information. Refusal to cooperate in an investigation, providing dishonest or false information in an investigation, or retaliating against any employee who participates in an investigation, may result in disciplinary action, up to and including termination of employment. Where circumstances warrant, the Town Manager may place an employee on administrative leave with pay, pending the completion of an investigation.

When a formal complaint is filed, the initial complaint will be reviewed by the Town Manager, Town Attorney, and Human Resources Director. Once reviewed, the committee will determine whether an investigation is necessary in order to address the employee's complaint.

The procedure for the making and investigating all complaints is as follows:

Step 1: Any Employee who observes misconduct or believes they are the recipient of misconduct may request a meeting, within ten (10) working days of the occurrence, with the Human Resources Director to discuss the Employee's complaint. The Human Resources Director will also receive complaints from any non-employee who observes a Town employee engaging in potential misconduct.

Meetings with Human Resources to discuss complaints will be on an informal basis; however, a written record of the meeting will be made. The individual should provide Human Resources with any documents or information which support the individual's complaint. The Human Resources Director will review the complaint with the Town Manager and Town attorney (the committee) to determine whether an investigation is necessary to address the individual's complaint.

If the committee determines that an investigation is appropriate the Human Resources director will investigate the complaint. Interviews conducted during an investigation will be audio recorded. Human Resources will issue a written statement of findings, typically within thirty (30) working days of the initial meeting with the complainant. Investigations may extend beyond thirty (30) working days depending on the nature and scope of the investigation.

Step 2: In the event that an Employee who filed a complaint is not satisfied with the decision of the Human Resources Director, the Employee may prepare written objections to the Human Resources Director's decision, which must be submitted within ten (10) working days of the date of the decision. The objections must be delivered to the Town Manager who will schedule a meeting with the Employee within ten (10) working days of receipt of the objections. At this meeting, the Employee will have the opportunity to present any relevant documents and information which supports the Employee's objections. This meeting will be audio recorded. Following this meeting, the Town Manager will further investigate the matter and issue a written statement of findings to the complainant, within ten (10) working days. The decision of the Town Manager is final.

INVESTIGATION PROCEDURE

A. At a minimum, the investigation must include interviews of the complainant, the alleged victim, the alleged offender(s), and all individual(s) who have been identified as those with knowledge of the alleged infraction(s). The Town will maintain the confidentiality of the complainant unless disclosure is required by law, by agreement, or is necessary to complete a thorough investigation;

B. If the complaint is sustained, a copy of the investigative summary report and the resulting corrective action will be immediately placed in the offending Employee's personnel file. All investigative supporting documents must be retained in the investigative file in accordance with state public records retention requirements;

C. The Human Resources Director will send, by certified mail or hand delivery, copies of all written statements and documents related to the complaint, to the individual(s) who are the subject of the investigation and to the Town Manager on the date of issuance of the report; and

D. If, during the investigation of the complaint, the complainant or any witness complains of retaliation, the investigator, will verification of the retaliation, will recommend, and the Town Manager shall order, such interim relief deemed necessary to protect the complainant and the witness(es). Such relief may include, but need not be limited to, discipline or transfer of the offenders and/or transfer of the complainant or witness(es) if requested by the complainant or witness(es). The determination of the appropriate type of interim relief is in the sole and exclusive discretion of the Town Manager.

PENALTIES AND DISCIPLINE

Any Employee determined to have violated this policy or any Town, State, or Federal policy, procedure, rule, or regulation, will be subject to discipline, up to and including the termination of the Employee's employment from the Town.