



Complaint Procedures Policy

Policy No. A-08¹

The Scope of this policy includes the following individuals:²

- ✓ Employees (including Appointed Officials, Probationary Employees, Full-Time At-Will Employees, Part-Time Employees, Temporary Employees, Civil Service Employees, Teamsters Employees, HPOA, HPSA, and IAFF Employees)
- ✓ Full-Time Elected Officials
- ✓ Board and Commission Members
- ✓ Volunteers

I. PURPOSE

To provide employees with information regarding how and where to file certain kinds of complaints, how the complaint will be handled and processed once received by the City, and setting forth the City's prohibition on retaliating against employees who file such complaints.

II. POLICY APPLICATION

A. How to File an Ethics Complaint

The City Ethics Code is enforced by the City Attorney's Office. The City Attorney, in coordination with the Director of Human Resources, shall have the authority to review and investigate complaints and recommend corrective or other action to the City Manager. Any person who believes that a public servant has violated the City's Ethics Code may file a complaint with the City Attorney in writing or report a violation of the City Ethics Code and/or Ethics Policy, Administrative Policy No. A-06, to the City Attorney's Office by calling (702) 267-1200 or emailing the City Attorney. Anonymous ethics complaints will not be investigated.

¹ This policy is not to be construed as a contract or an implied contract concerning any employment-related decision or term or condition of employment. The City reserves the right to revise, delete or add to any and all policies, procedures, work rules or benefits stated in this policy at its sole discretion. See Introduction, Administrative Policy No. A-01.

² The relevant definitions for the individuals identified in the Scope of this policy are defined in Introduction, Administrative Policy No. A-01.

The State of Nevada Ethics Code is enforced by the Nevada Commission on Ethics. If an individual wants to report a violation of the State of Nevada Ethics Code, they should contact the Nevada Commission on Ethics at (775) 687-5469. The City Attorney may, as warranted, refer a complaint to the state ethics commission or other appropriate entity.

B. How to File a Fraud, Waste or Abuse Complaint

Fraud is defined as “wrongful or criminal deception intended to result in financial or personal gain for an employee or other individual or entity.” Waste is defined as “excessive use of City funds for other resources.” Abuse is defined as “to use wrongly or improperly.”

If an individual believes that an employee(s) or department have engaged in fraud, waste, or abuse, the individual may submit a complaint through one of the following avenues:

- By phone call to the Fraud, Waste, and Abuse Hotline at (702) 267-1880
- By email to coauditcommittee@cityofhenderson.com
- By visiting the Internal Audit offices located on the 4th floor of City Hall
- By interoffice mail to MSC 143

The complaint should include as much detail as possible about the alleged fraud, waste, or abuse, including:

- A description of the alleged fraud, waste, or abuse
- Name(s) of all individual(s) involved, whether City employees or other individuals
- How the alleged incident was committed
- Where the alleged incident occurred
- When the alleged incident was committed
- If known, a description of any documents, emails, or other records related to the incident

Although complaints may be filed anonymously, doing so may result in the investigator(s) not being able to contact the complainant for additional information, which means the investigator(s) may not have sufficient information needed to conduct a thorough investigation, and further, will be unable to assess the complainant’s credibility. The City Auditor may make determinations as to the motive behind filing an anonymous complaint, which may be taken into consideration in the overall findings and recommendations.

C. How to File an Employment Discrimination/Harassment/Workplace Professionalism Complaint

Employees or individuals who interact with employees (i.e., vendors, citizens, volunteers) during the employee's worktime, who believe that they have been subjected to discrimination, harassment, or actions in violation of the Workplace Professionalism Policy have several avenues for submitting complaints to the City. The allegations in the complaint should relate to workplace conduct or explain how off-duty conduct is interfering with workplace conduct. Unless the complainant and witnesses are employees within the Human Resources Department, the Human Resources Department is responsible for the review and resolution of these complaints. If the complainant and the witnesses are employees within the Human Resources Department, the City Attorney's Office and/or the City Manager's Office will handle the review and resolution of the complaint.

The City encourages employees to file their complaints as close as possible to the time of the alleged wrongdoing. If a complaint is filed long after the alleged wrongdoing, then it makes it more difficult for the acts to be investigated and may mean the City is unable to substantiate findings due to witnesses no longer being available, evidence being lost, and/or witnesses are no longer able to remember the events involved in the complaint. In all cases, the City requests that complaints be made at least within 325 calendar days of the last act of discrimination, harassment, or a violation of the Workplace Professionalism Policy.

There are several avenues for reporting a discrimination/harassment/Workplace Professionalism complaint:

- To the complainant's supervisor or any supervisor in the complainant's chain of supervision
- To the complainant's Human Resources Business Partner
- To the Director of Human Resources
- Through the Workplace Related Concerns Hotline (1-833-3Inform or [InformSomeone.net](https://www.informsomeone.net))
- Where the complainant and the witnesses are employees within the Human Resources Department, the employee can report the complaint to the City Attorney and/or the City Manager

Although we encourage a complainant to submit their complaints to the City first, to allow the City the ability to investigate and take corrective action where needed, nothing in this policy is meant to prevent an employee from filing a complaint with the Nevada Equal Rights Commission (NERC) or the Equal Employment Opportunity Commission (EEOC).

Anonymous complaints are discouraged, as they may impede on the City's ability to perform a thorough investigation. Although employees or individuals who interact with employees (i.e., vendors, citizens, volunteers) during the employee's worktime are not prohibited from reporting an anonymous complaint, please note that without sufficient information, the City may not be able to conduct an investigation into such complaint. In order to file an anonymous complaint that will be investigated by the City, a complainant MUST submit the complaint through the Workplace Related Concerns Hotline (1-833-3Inform or [InformSomeone.net](https://www.informsomeone.net)) and answer certain questions. The third-party provides complainants with a mechanism to obtain updates via the web portal or by telephone. The City is likely to contact the complainant with necessary follow-up questions. It is the complainant's sole responsibility to regularly check for follow-up questions. If the anonymous complainant fails to use the Workplace Related Concerns Hotline (1-833-3Inform or [InformSomeone.net](https://www.informsomeone.net)) and/or fails to respond to questions within two (2) weeks of question submission, the anonymous complaint will be closed and will not be investigated further.

Because the complainant cannot be questioned, the investigator may be unable to assess the complainant's credibility. Accordingly, the assigned investigator may make determinations as to the motive behind filing an anonymous complaint, which may be taken into consideration when the investigator makes their overall findings and recommendations.

All complaints should include the following information:

- Name and contact information of the complainant, unless it is an anonymous complaint. If a complainant is submitting an anonymous complaint, the complainant will be directed to go through the Workplace Related Concerns Hotline (1-833-3Inform or [InformSomeone.net](https://www.informsomeone.net)) and will be required to log in or call the third-party to inquire about any possible follow-up questions (where complainant and the witnesses are employees within the Human Resources Department, the employee can anonymously report the complaint to the City Attorney and/or the City Manager as long as there is a means of communicating with the employee);
- If a complainant is a current employee, the position and department where the complainant works;
- If the complainant is not an employee, the complainant's relationship to the employee who is being complained about;
- Summary of the complaint, including all supporting documentation and witnesses; and
- The discriminatory, harassing, or unprofessional action(s).

Once a complaint has been made, the Human Resources Department shall conduct an initial intake and assessment of the complaint. Where the complainant and the witnesses are employees within the Human Resources Department, the City Manager's Office shall conduct the initial intake and assessment of the complaint. At this initial intake, complainants may be asked to complete a form to provide more detailed information concerning their complaint or the Human Resources Department will verbally go over the questions with the complainant. For anonymous complaints, the Human Resources Department may need to send follow-up questions to the Workplace Related Concerns Hotline to get the anonymous complainant to answer. This information will allow the Human Resources Department to evaluate the complaint and begin investigating it. Without sufficient detail, it may not be possible to thoroughly investigate the complaint. The purpose of the initial intake and assessment is to get a complete understanding of the allegations and determine the scope of the investigation.

After the initial intake and assessment, the Human Resources Department (or where applicable, the City Manager's Office) will determine whether there is enough information to move forward with a complaint and assign an investigator (internal or external). All complaints will be investigated unless: (1) there is insufficient information provided and the complainant does not provide additional requested information within the required timeline; or (2) where an anonymous complainant refuses to submit their complaint through the Workplace Related Concerns Hotline (1-833-3Inform or [InformSomeone.net](#)) (where complainant and the witnesses are employees within the Human Resources Department, the employee can anonymously report the complaint to the City Attorney and/or the City Manager, as long as there is a means of communicating with the employee).

Depending on the nature of the complaint, the City may determine that an external investigator handle the complaint. The external investigator will be retained by the City and will work closely with either the Human Resources Department or the City Attorney's Office. Investigations will be timely conducted and completed as soon as practicable. Depending on the scope of the investigation and the number of witnesses involved, certain investigations may take longer than others.

At the conclusion of the investigation, the complainant will be notified that the investigation has been completed and whether the allegation(s) were substantiated, not substantiated, or substantiated in part. While the City will not disclose personnel actions, the City will let the complainant know whether action has been taken as a result of the complaint.

If the City determines that prohibited discrimination, harassment, or violations of the Workplace Professionalism Policy have occurred, it will take remedial action commensurate with the severity of the offense. Appropriate action will also be taken to deter any future discrimination or retaliation.

D. Retaliation for Complaining about Improper Governmental Action is Prohibited

No employee shall be retaliated against for submitting an ethics, fraud, waste, or abuse complaint, and/or a complaint of harassment, discrimination, and/or a violation of the Workplace Professionalism Policy, or any other complaint of "improper governmental action." The term "improper governmental action" includes violation of law, abuse of authority, gross waste of public money, or an action that results in a substantial and specific danger to the public health or safety. "Retaliatory action" may include actions such as, a disciplinary action, denial of promotion, reduction in pay, demotion, transfer, poor evaluation, and unfavorable changes in work assignment, work time and location, and in staff or other personnel necessary to perform duties.

Employees who feel they have been retaliated against for reporting an improper governmental action may submit a retaliation complaint to the Director of Human Resources (where the complainant and the witnesses are employees within the Human Resources Department, the employee can report the complaint to the City Attorney and/or the City Manager) not later than two years after the date of the original disclosure of improper governmental action and within 60 calendar days from the date of the alleged retaliatory action. The complaint must contain (1) A copy and/or a description of the complaint alleging a violation of improper governmental action, the date the complainant became aware of the improper governmental action in the original complaint, and to whom the information was disclosed to the original complaint; and (2) All facts regarding each alleged instance of retaliatory action, including, the nature of the action, the date of the action, and the individual(s) initiating or taking the action. The City shall assign an investigator, either internal or a third-party investigator depending on the facts and circumstances of the complaint, to investigate the retaliation complaint.

After the investigation of the retaliation complaint is completed, if the complaint is not substantiated or the retaliatory action is not overturned, then the Employee may submit an appeal to the City Attorney. The appeal shall be handled by a hearing officer, selected by the City Attorney, which may be a member of the Human Resources Department, management, or an external member of the community. The hearing officer shall set the date and time for the hearing and provide not less than ten calendar days' notice thereof. The hearing shall be conducted as an administrative hearing and the technical rules of evidence shall not apply. The hearing officer shall issue a written decision that includes findings of fact and conclusions of law. If the hearing officer determines that the action taken was retaliatory, the hearing officer may issue an order directing the appropriate person(s) to desist and refrain from engaging in such action. The hearing officer may also recommend other relief to the city attorney and the city manager to remedy any harm to the city employee resulting from the retaliatory action. This section does not prohibit disciplinary action against a public servant who, in filing a complaint or disclosing improper governmental action, knowingly makes false or untruthful statements.

If an anonymous complainant chooses to remain anonymous, the complainant will not be able to submit a claim for retaliation. The City is unable to protect an employee from retaliation if the employee remains anonymous.

E. Confidentiality

Whenever a complaint is investigated, the investigator will endeavor to protect the privacy and confidentiality of all witnesses involved to the extent possible consistent with a thorough investigation. Please see Human Resources Records Policy, Administrative Policy No. B-01 for additional information regarding the confidentiality of investigation reports.

III. APPROVAL

APPROVED BY:

Richard Derrick, City Manager/CEO

REVIEWED BY:

Nicholas Vaskov, City Attorney

Shari Ferguson, Acting Director of Human Resources

Record of approved document can be obtained through the Human Resources Department.

Relevant Form(s):

[Discrimination and/or Harassment Complaint Form](#)

ORIGINAL EFFECTIVE DATE: 4/23/2019
REVISION DATE(S): 1/16/2020; 5/1/2021