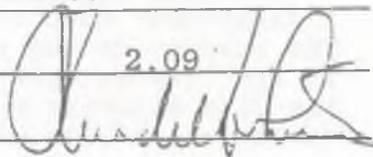


Charlotte

ADMINISTRATIVE POLICIES AND PROCEDURES

- Subject Allegations of Employee Misconduct
- Effective Date June 29, 1982
- Code 2.09
- Approved 

OBJECTIVE

The purpose of this policy is to clarify the position of the City of Charlotte with regard to the handling of allegations of employee misconduct.

POLICY

It is the policy of the City of Charlotte that any allegation of misconduct on the part of a City employee be promptly and thoroughly investigated, and that appropriate action be taken as soon as possible based upon the results of the investigation. Misconduct can include illegal, unethical or harmful, inappropriate, or other improper actions by an employee, and such alleged employee misconduct must arise from or occur during the performance of assigned duties. Police Department sworn personnel are covered by departmental policies and are thereby excluded from this policy, except as determined by the City Manager.

PROCEDURE

I. Responsibility for Conducting Investigations

- A. The department head has prime responsibility for seeing that appropriate investigations are undertaken to determine if misconduct has occurred. This is for matters that come to the attention of the department head from any source, including from within the department, from the City Manager, citizens, or other sources. The department head may personally conduct the investigation, may utilize departmental personnel, or may call upon persons outside the department (City Manager's Office, Personnel Department, City Attorney's Office, or others) to assist. If the department head or the City Manager determines that special circumstances exist which make it inappropriate for the department to conduct the investigation, the City Manager will determine the appropriate method of investigation. In any case involving alleged criminal activity, the Police Department will be consulted immediately and make investigations as appropriate. Nothing in this policy negates the responsibility and authority of the Personnel Department to investigate employee complaints and grievances.

- B. The City Manager or his representative (which may include investigative resources outside the City government) will investigate any matter or alleged misconduct on the part of a department head or member of the City Manager's staff. The results of the investigation will be reported directly to the City Manager. As provided in the Code of Ethics, the City Attorney will investigate all cases of alleged violations of the Code of Ethics.
- C. In regard to alleged theft, the department head has prime responsibility for seeing that appropriate investigations are undertaken as soon as practical to determine if theft has occurred. Upon notification of alleged theft, the notifying source will be assured that a thorough investigation will be conducted and informed that should restitution be desired, written notification must be made in accordance with the attached procedure, Procedure for Handling Claims Against the City. Also, the Police Department and Legal Department will be notified immediately. The Police Department, upon notification, will determine appropriate investigation, if any.

II. Written File

The investigation of alleged misconduct will be accomplished in a way to establish a clear and well-documented written file revealing the results of the investigation. Except where provided by law, all file information concerning alleged misconduct of an employee is considered confidential; is not available for public scrutiny. The City Attorney's Office should be consulted about specific file material and how it is to be treated under the public records law.

III. Reports

Reports resulting from investigation, including any disciplinary actions taken or proposed to be taken, are to be provided to the City Manager upon completion.

Responsible Department:
City Manager's Office

PROCEDURE FOR PROCESSING CLAIMS
AGAINST THE CITY

1. When a person has a claim against the City, City policy requires that written notice of the claim be given to the City Council or its designee. By resolution, the City Council has designated the Mayor, City Manager or City Attorney as additional parties to receive notice of a claim.
2. Once a claim is received, it is forwarded to the City Attorney's office where it is acknowledged and then forwarded to the Insurance and Risk Management Agency for transmittal to the appropriate insurance carrier.
3. The insurance company then investigates the claim, determines if the City is liable for the claim and dependent upon its findings, either pays or denies the claim.
4. If the claim is one for which the City has no insurance coverage, it will be investigated by a staff member of the City Attorney's office. Following the investigation, and dependent upon its findings, the City Attorney's office will recommend that the claim either be paid or denied. Claims for \$5,000 or less are acted upon by the City Manager. Claims in excess of \$5,000 may only be acted upon by the City Council.

GENERAL INFORMATION

When advising persons how to submit a claim, please encourage them to provide as much information as possible in their written notice. Dates, a description of what occurred, the amount of damages being claimed, and copies of bills relating to the claim should be submitted as part of the written notice since they will help in the investigation of the claim. Please do not leave the impression that all that is necessary in order to be paid is to submit a written notice. Payment of claims is not automatic; but instead depends entirely on whether or not the investigation reveals that the City is legally liable for the damage or injury that occurred. The mere fact that damage was incurred or that an injury resulted does not, in and of itself, mean that the City is liable.