



**Administrative Regulations  
Office of the Mayor**

**Title: INVESTIGATION (COMPLAINT) POLICY**

**A.R. Number: 4.23 Effective Date: 10/1/2011 Page: 1 of 2**

**Supersedes: Anti-Harassment Policy A.R.: 4.6 DATED: 2/1/2007**

**I. PURPOSE**

The City of Richmond is committed to providing a safe and productive work environment, free of threats to the health, safety, and well-being of our workers. Such threats might include, but are not limited to, harassment, discrimination, retaliation, workplace violence or violations of health and safety rules.

The City of Richmond is committed to complying with all laws, and to providing a workplace conducive to open discussions of its policies and practices. The City encourages its employees to make good faith inquiries regarding conduct that they think may be inappropriate, unethical or illegal, and to disclose work-related misconduct.

**II. PROCEDURES**

**A. Reporting an Incident of Illegal or Inappropriate Conduct**

1. Illegal or inappropriate conduct includes any conduct prohibited by law, harassment, discrimination, retaliation, workplace violence, or violations of health and safety rules. An employee who witnesses or is subject to illegal or inappropriate conduct in the workplace may complain to their supervisor, a manager within the agency's command or to the Department of Human Resources (DHR).
2. Employees are encouraged to make complaints immediately in an effort to promptly address the matter.
3. Complaints not addressed by the agency, will be handled by DHR. Depending on the nature of the complaint, DHR will conduct an investigation.

**B. Complaints and Investigation Procedures**

1. Unless they are uncomfortable doing so, any person covered by this policy who is being subject to illegal or inappropriate conduct should tell the offending person that such behavior is offensive and unacceptable.
2. Unless the employee is uncomfortable telling the offending person to stop or if the conduct reoccurs, the employee should make a complaint to their immediate supervisor, or a manager within the agency's command, or to the Department of Human Resources (DHR). Under no circumstances shall the person alleging harassment be required to file a complaint with the alleged harasser.
3. Employees may file a complaint in person, by telephone, or in writing.  
In addition, eligible employees may use the Grievance Procedures in the Personnel Rules to address complaints and may also file a complaint with the federal Equal Employment Opportunity Commission.
4. DHR shall investigate a complaint if:
  - a. the complainant requests an investigation; or
  - b. the complaint is directed toward a City official, department director or supervisor having the authority to affect the complainant's employment; or if the complaint is for battery.
5. If none of the above are true and if requested by the complainant, the department director or supervisor may resolve the complaint at the departmental level after consulting with the DHR.
6. Complaints will be investigated promptly. If the complaint is brought anonymously, the City will investigate but may be limited in its ability to investigate the matter fully.
7. An employee accused of violating City policy shall be (a) notified of the complaint as soon as possible, (b) shall be entitled to respond to the complaint, (c) shall receive discipline in conformance with the City's personnel rules and administrative policies if the charges are substantiated, and (d) shall be entitled to utilize the City's grievance procedure if the accused is a classified eligible employee and disagrees with the disciplinary action.



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8. All City employees are required to cooperate in investigations. Absolute confidentiality cannot be legally guaranteed, however, the City will make every effort to preserve the confidentiality of all information. All employees are charged with maintaining confidentiality.
9. Employees who file a complaint or participate in an investigation shall not be subject to any form of retaliation because of such complaint.

**C. Investigation Process:**

1. Within five (5) days of receipt of a complaint requiring an investigation, DHR will provide notice of the complaint and pending investigation to the accused and the agency director.
2. DHR will interview the complainant, the respondent, and any witnesses, as well as gather any relevant evidence to determine whether the conduct occurred.
3. DHR shall complete the investigation and report (providing a determination as to whether a violation has occurred and suggest appropriate disciplinary actions) within 90 days unless circumstances requires addition times.
4. Upon the completion of the report, the agency director or administrator officer will have fifteen (15) business days to review the report and notify DHR as the final action taken.
5. DHR shall notify the complainant and the accused of the final outcome of the investigation.

**II. AUTHORITY**

Title VII, Civil Rights Act, as amended  
Age Discrimination Employment Act, as amended  
Americans with Disabilities Act, as amended  
Equal Pay Act  
Immigration Reform and Control Act  
Civil Rights Act of 1866  
Genetic Information Nondiscrimination Act

**III. REGULATION UPDATE**

The Office of the Chief Administrative Officer and the Department of Human Resources shall be responsible for modifications to this Regulation.

**RECOMMEND APPROVAL:**

*Byron C. Marshall*  
**CHIEF ADMINISTRATIVE OFFICER**

**APPROVED:**

*Dwight Jones*  
**MAYOR**