



City of North Port

RESOLUTION NO. 2019-R-07

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

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

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

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

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

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18 **SECTION 1 – INCORPORATION OF RECITALS**

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20 1.01 The recitals outlined above are incorporated by reference as findings of fact as if expressly set
21 forth herein.

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23 **SECTION 2 – RESOLUTION**

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25 2.01 The City Commission hereby adopts the “Human Resources Investigation Policy for Charter
26 Officers” as an administrative policy, which is attached hereto as Exhibit “A” and incorporated as
27 if set forth herein.

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29 **SECTION 3 – CONFLICTS**

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31 3.01 In the event of any conflict between the provisions of this resolution and any other resolution or
32 portions thereof, the provisions of this resolution shall prevail to the extent of such conflict.

36 **SECTION 4 – SEVERABILITY**

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38 4.01 If any section, subsection, sentence, clause, or phrase of this resolution is held invalid or
39 unconstitutional by any court of competent jurisdiction, such provision shall be deemed a
40 separate, distinct, and independent provision and such holding shall not affect the validity of the
41 remaining portions hereof.

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43 **SECTION 5 - EFFECTIVE DATE**

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45 5.01 This resolution shall take effect immediately after adoption by the City Commission of the City of
46 North Port, Florida.

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48 PASSED and DULY ADOPTED by the City Commission of the City of North Port this 23rd day of April 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**

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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 Division 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.

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 Division against a Charter Officer will be evaluated on a case-by-case basis.

Cause for Investigation:

The following allegations or complaints are examples of what 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. 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 City's personnel policy manual.
4. Non-compliance with, or any violation of, the Charter Officer's employment contract.
5. 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.
6. The use, transfer, or possession of illegal drugs or drug paraphernalia while on City property or while performing City responsibilities.

95 7. Violation of the law.

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97 Investigation Procedure for Charter Officer (other than the City Manager):
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99 Where Human Resources determines that cause for an investigation exists pursuant to this policy, the
100 Human Resources Division shall ensure that an investigation is promptly initiated. Alternatively, the City
101 Manager or designee may direct Human Resources to initiate an investigation. If it is determined by
102 Human Resources or the City Manager that an investigation is necessary, the following shall occur:
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- 104 1. Human Resources shall notify the Charter Officer against whom the allegation or complaint was
- 105 made of the allegation and the pending investigation.
- 106 2. The City Manager shall notify the City Commission of the pending investigation and its cause.
- 107 3. Human Resources may conduct or authorize an outside entity to conduct an investigation of the
- 108 allegation or complaint.
- 109 4. The City Manager may direct or authorize an outside investigation of the allegation or complaint.
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111 Investigation Procedure for City Manager:
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113 When Human Resources receives an allegation or complaint against the City Manager, Human Resources
114 shall consult with the City Attorney in order to determine if an investigation is necessary. If either Human
115 Resources or the City Attorney determines that an investigation is necessary, the following shall occur:
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- 117 1. Human Resources shall notify the City Manager of the allegation or complaint and the pending
- 118 investigation.
- 119 2. The City Attorney shall notify the City Commission of the pending investigation and its cause.
- 120 3. Human Resources may authorize an outside entity to conduct an investigation of the allegation
- 121 or complaint.
- 122 4. The City Attorney may conduct or authorize an outside investigation of the allegation or
- 123 complaint.
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125 Investigation Findings and Recommendations:
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127 Upon the completion of an investigation, a report containing its findings and recommendations will be
128 provided to the Commission and to the Charter Officer investigated. Any action taken pursuant to the
129 investigation's findings and recommendations shall be determined by the City Commission.
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131 Only actions impacting the employment status of a Charter Officer will be kept in the employee's
132 personnel file. The investigation file will be stored in its entirety by the Human Resources Division
133 pursuant to the City's applicable retention schedule and stored separately from the Charter Officer's
134 personnel file. The final investigation file should contain the following documents:
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- 136 1. The initial allegation or complaint if made in writing.
- 137 2. All documents sent or received from the complainant, respondent, or witnesses.
- 138 3. Records of any interim actions taken prior to the issuance of the final report.
- 139 4. A copy of the investigation report submitted to the City Commission.
- 140 5. All supporting documentation created during or pursuant to the investigation.
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142 The City will strive to address all allegations and complaints in an expeditious manner.