

General Administration, SOP 190
COMPLAINTS AGAINST EMPLOYEES

1. Scope. This standard establishes guidelines for the receipt, investigation, and resolution of complaints received by the fire department concerning the professional or personal conduct, behavior, action, or inaction of one or more members and those complaints that concern the fire department as a whole. It is promulgated to ensure that a thorough investigation be conducted for every complaint received by the fire department; that the innocent are exonerated and the guilty are disciplined.
2. General.
 - A. Complaints that arise from the daily conduct of business fall into one of two major categories:
 - (1) Complaints against the fire department as a whole; and
 - (2) Complaints against one or more individual members.
 - B. Complaints generally allege a violation of a departmental rule, policy, procedure, or general order. A complaint may also allege that there has been a violation of a federal, state, or local statute or ordinance.
 - C. The fire chief will initially hear all complaints against its members that have been initiated by any person who is found to have standing for such a complaint. Persons other than those who are actually affected by the actions of a member shall have no standing for a complaint, with the exception of cases that involve juveniles. In such cases, the parent or legal guardian shall be required to file the written complaint.
3. Complaint Procedure.
 - A. Complaints must be made in writing and shall be signed by the persons making the complaint. The complaint need not be in affidavit form but should be filed on a Complaint Form. (See Attachment 5.)
 - B. Any Chief Officer may accept complaints. The officer who receives the complaint shall notify the fire chief, who will designate an investigating officer to obtain as much information as possible and then forward the complaint and findings of the investigation directly to the fire chief within two weeks.

- C. A signed letter of complaint may be accepted in lieu of the Complaint Form if the supervisor has verified that the letter is not fictitious and is able to verify the name of the complainant.
 - D. If the complainant does not want to file a written complaint or does not wish to sign the Complaint Form, he may still voice his complaint to a Chief Officer. The Chief Officer shall record the information and forward an account of the complaint or the unsigned form to the fire chief.
 - E. On receipt and review of an oral or written complaint, the fire chief shall assign the investigation of the complaint to a designated investigator.
 - F. An investigator may also be sent to a complainant's home or place of business, if necessary or so requested, to accept a formal written complaint or to obtain additional information.
 - G. Where there are mitigating circumstances, a complaint may be initiated by telephone. A tape recording of the initial complaint shall be made, if possible, and should be retained by the supervisor. Complainant must be advised of taping. The complaining party should be asked to submit his complaint in written form as soon as possible.
 - H. A copy of the written complaint shall be given to the accused member at the time that the member is requested to make a written reply to the allegations. The reply will be given to the fire chief within two weeks from receipt of the written complaint.
 - I. When the act described in the complaint is a crime, the fire chief will immediately notify the Village of Lyndon Station Police Department.
4. Resolution of the Complaint.
- A. On conclusion of an investigation, the complaint shall be classified as one of the following:
 - (1) Unfounded: The allegation has been proven false or there is a lack of factual evidence to support it.
 - (2) Exonerated: The incidents cited did occur, but the actions were lawful or followed proper procedures.
 - (3) Not sustained: There is insufficient evidence either to prove or disprove the allegations.

- (4) Sustained: The allegations are supported by sufficient evidence and the complaint will be upheld.

B. Resulting Action:

- (1) When an investigation results in a determination of unfounded, exonerated, or not sustained, the fire chief will notify the accused member that no further action will be taken against him. The member shall return to duty. If he had been placed on unpaid leave, he shall be fully compensated for all lost wages.
- (2) When an investigation results in a determination that an allegation is supported by sufficient evidence, the appropriate action will be taken in accordance with the fire department's disciplinary policy. See SOP 105 – Disciplinary Actions.

5. Format.

A. The investigator assigned to investigate the original complaint shall make his report complete for submission to the fire chief.

B. All investigators shall use the following format for conducting their investigations:

- (1) Record the facts surrounding the incident. What took place when and where, and who was involved? Be brief.
- (2) State the allegation in detail. What does the complaint allege and against whom?
- (3) Record the process used to investigate the complaint. What did you do as the investigator? What did you learn from talking to all the parties and witnesses? List them.
- (4) Record all findings and the conclusion reached. What did your investigation reveal based on the facts extracted from the evidence?
- (5) Include the written recommendation to the fire chief.

6. Exceptions.
 - A. A complaint should be referred to the fire chief or other senior staff member in those cases where the complainant prefers to speak only to those entities.
 - B. Investigations may also be conducted concerning a member's conduct whenever the fire chief has reason to believe doing so is warranted.
 - C. The procedure in Complaint Procedure 3. above may be waived if the fire chief determines that the complaint is found to be groundless and warrants such a waiver.
 - D. The fire chief shall have absolute and final authority in determining whether a disciplinary action should be taken after meeting with the Village Board.