



ADMINISTRATIVE PROCEDURES

Procedure Number: 23-01

Effective Date: 09/10/2018

Revision Date: _____



County Administrator

SUBJECT: Employment Rights Investigations

DEPARTMENT RESPONSIBLE: Human Resources

I. STATEMENT

The Human Resources Department is designated to review and determine how to investigate potential violations of employment-related rules, policies, or procedures.

II. PROCEDURE

All employment-related complaints shall be filed with the Human Resources Employment Rights Division ("Employment Rights") for issuance of a Complaint Number and for determination of whether an investigation will occur and who will conduct it. Not all complaints filed with Employment Rights require an administrative investigation, and determination of such is at the Human Resources Director's (or designee's) discretion. Nothing in this policy precludes the Human Resources Director from referring any matter for external investigation.

A. **Complaints Against Departments**

Except for complaints against Elected Official Departments and the Human Resources Department, when Employment Rights receives a complaint or other information indicating possible violations of employment related rules, policies, or procedures, the Human Resources Department will request and review statements and other relevant information to determine whether the matter would best be investigated by Employment Rights, referred to the department to address as an internal management issue, or referred for external investigation.

When a complaint involves the Human Resources Department, the matter shall be brought to the attention of the Deputy County Administrator for Administration for determination of how the matter will be investigated.

B. **Complaints Against Elected Official Departments**

When the complaint is against employees of an Elected Official Department, the Human Resources Department will review the complaint and provide a recommendation to the Elected Official of whether the matter would best be investigated by Employment Rights or referred to the Elected Official Department to address as an internal management issue.

C. Complaints Against Elected Officials

When the complaint is against an Elected Official regarding an internal management issue, the Human Resources Department will refer the matter to the Elected Official, in the same manner as a referral in Section II (B) above.

When the complaint is against an Elected Official regarding allegations of violations of employment-related rules, policies, or procedures, the Human Resources Department will review the complaint and determine whether the complaint rises to the level warranting outside investigation by a third party from outside Pima County Government.

A complainant bringing forth a claim of criminal activity on the part of an Elected Official shall be referred to County Administration and Human Resources for a determination of how to proceed.

III. GENERAL

A. Human Resources Administrative Investigations

1. As a condition of employment, all employees, supervisors, managers, Appointing Authorities, and agents of Pima County Government shall cooperate with any investigative process or resolution, whether informal or formal. Any County employee who fails to cooperate and/or attempts to undermine and/or discourage participation in an investigation may be subject to discipline, up to and including dismissal.
2. In order not to compromise the outcome of an investigation, all such matters should be kept confidential to the extent possible and should not be discussed with any person that does not have a need to know. If at any point during an administrative investigation evidence of criminal activity is identified, County Administration and Human Resources will be contacted for a determination of how to proceed.
3. Assigned Employment Rights investigators will determine which relevant witnesses to interview to include the complainant and principal. Investigators will review relevant policies and other pertinent documents, records, data, notes, photographs, and recordings, including personnel information where required. The investigator will document all interviews and statements and generate a final report (administrative investigation report) which presents relevant evidence discovered during the investigation.
4. The administrative investigation report and associated findings will be presented to the Human Resources Director and County Administration for final determination and will be forwarded to the County Attorney's Office and retained at the Human Resources Department. To maintain confidentiality, copies of the administrative investigation report will not be distributed. An Appointing Authority may review a copy of the administrative investigation report at the Human Resources Department, and will assist with the disposition of, or recommendation for, appropriate corrective action when necessary.
5. Notification of administrative investigation report findings shall be provided to the complainant, the principal, and the affected department.

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6. The administrative investigation report and all supporting documentation shall be maintained in a secure confidential file within the Human Resources Department, in accordance with the Arizona State Library, Archives and Public Records Retention Schedules.

B. Complaints Referred to Departments as Internal Management Issue

1. For matters referred to the department for review as internal management issues, the department shall assign a department supervisor or manager (“investigator”) to review the matter who is not involved in the allegations.
2. The assigned department investigator will interview the complainant, principal and other relevant witnesses as they deem appropriate.
3. All persons involved in the investigation will ensure the matter is kept confidential to the extent possible and not discuss the matter with any person that does not need to know.
4. The department shall report its findings back to Employment Rights via a tracking form provided by Employment Rights (see attachment). The tracking form provides for copies to the complainant and principal. The tracking form will be maintained by both the reviewing department and Employment Rights, in accordance with the Arizona State Library, Archives and Public Records Retention Schedules.
5. If at any point during a department’s review there is evidence of violations of County directives, to include civil rights violations of discrimination based on race, color, religion, national origin, age, disability, veteran status, genetic information, pregnancy, sex, gender identify, gender expression or sexual orientation, or allegations of sexual harassment, workplace harassment, or workplace violence, the department review will be suspended and the matter will be referred to Employment Rights for determination of whether to conduct an administrative investigation.

ATTACHMENT



Internal Investigation Findings Report

Department:
Investigator(s):
Investigator(s) Contact Info:

Date Complaint Received from HR:	HR Docket #
HR Contact:	
HR Contact Info:	

Complainant:
Complainant Classification Title:
Complainant Contact Info:

Accused:
Accused Classification Title:
Accused Contact Info:

Date of Complaint: _____
Complaint/Allegation:
BOS Policy C 2.1 Workplace Ethics, Conduct and Compliance <input type="checkbox"/>
BOS Policy D 21.2 Prevention of Sexual Harassment <input type="checkbox"/>
BOS Policy D 21.3 Prevention of Workplace Harassment <input type="checkbox"/>
BOS Policy D 23.1 Preventing, Identifying and Addressing Workplace Bullying <input type="checkbox"/>
BOS Policy D 23.11 Preventing Workplace Violence <input type="checkbox"/>
PP 8-119 Rules of Conduct <input type="checkbox"/> (Cite principle(s)) _____
Administrative Procedure Violations <input type="checkbox"/> (Cite procedure(s)) _____
Other <input type="checkbox"/> (Explain below): _____ _____

Date of Finding: _____
<input type="checkbox"/> Substantiated <input type="checkbox"/> Unsubstantiated <input type="checkbox"/> Resolved

Original: Department Internal Investigation Findings Report File

Copies: Human Resources, Employment Rights
Complainant
Other _____

Date Copies Sent: _____