

Town of New Durham Personnel Policy

CITIZEN COMPLAINTS REGARDING THE PERFORMANCE OF A TOWN EMPLOYEE

Any individual (whether or not a resident of the Town) aggrieved by the performance of a Town employee can appeal to the Board of Selectmen for relief. Where employee performance aggrieves any individual, resident or non-resident, the Board of Selectmen enacts the following Complaint Resolution process.

1. The Town of New Durham created a specific form upon which to register a complaint, entitled, "Town of New Durham, Citizen Complaint Form". The aggrieved individual shall complete this form to the best of his/her ability. An incomplete form may restrict the Board of Selectmen's ability to respond to the complaint filed. The complaint form is available from the Town Administrator (located in the Town Hall Administrative Office) or via the Town Website under the "Forms & Documents" link.
2. The aggrieved individual shall return the completed form to the New Durham Town Administrator, or his/her designee
3. The aggrieved individual will receive in return a copy of the Citizen Complaint Form signed and dated by the Town Administrator or his/her designee
4. The New Durham Board of Selectmen as a whole shall formally receive the complaint filed in non-public session at the next regularly scheduled Selectmen's Meeting. The complaint (including the name of the individual lodging the complaint, the nature of the complaint and the actual date received in Section 3. above) will be noted in the Selectmen's non-public meeting minutes.
 - a. Complaints regarding Sexual Harassment, Harassment and Bullying will be handled in accordance with State Law, and will be treated as a Law Enforcement investigation and the names withheld until such time as a release of such names are authorized by the investigating agency and or by the provisions of RSA 91-A.
5. The Board of Selectmen is responsible to conduct an investigation into the grievance charged. The Board of Selectmen shall choose the appropriate method through which to investigate the grievance, but they must specify the method chosen which shall be noted in the Board of Selectmen non-public minutes.
6. The individual or entity performing the investigation must provide a progress report of preliminary findings at the third subsequent regularly scheduled Selectmen's meeting during nonpublic session. The investigator or entity should then provide an estimated final findings date to the Board of Selectmen.
7. The individual or entity conducting the investigation may also include in the final

findings report one or more recommendations for administrative or disciplinary action to the Board of Selectmen. If the Board of Selectmen finds some validity to the complaint, then the Board of Selectmen will decide on the action to be taken. If the Board of Selectmen finds that the complaint has no validity, then the Board of Selectmen will take no action. A recommendation for disciplinary action shall result in a separate hearing at which the employee is present to respond to allegations. Pursuant to the appropriate NH RSAs and Administrative Rules, the disciplinary hearing will be in nonpublic session, unless the employee petitions for it to be heard in public session.

8. The Board of Selectmen will provide a written response to every complaint filed with and investigated by them.
9. If the Board of Selectmen determines that a complaint received is superfluous in nature, harassing or directly and intentionally abusive of the process, they may waive all actions under this policy. If they choose to do so, they must make their reasoning and resulting actions a matter of record in the appropriate Selectmen's meeting minutes. This waiver action requires a majority vote.
10. All citizen complaints records shall be kept with the Town Administrator. All complaints which are founded, and result in disciplinary action, shall be placed in the employee's personnel file, along with the corrective action plan that has been developed by the Town Administrator and the department Head and discussed with and signed by the employee.
11. Complaints resulting in disciplinary action shall follow the Town's Personnel Policies.
12. The Town Administrator shall send a letter to the complainant that the investigation of the complaint has concluded.