



WASHOE COUNTY

Integrity Communication Service

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STAFF REPORT

BOARD MEETING DATE: February 12, 2019

DATE: Tuesday, December 18, 2018

TO: Board of County Commissioners

FROM: Patricia Hurley, Director, Human Resources
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THROUGH: Christine Vuletich, Assistant County Manager

SUBJECT: Recommendation to approve (1) Washoe County Policy regarding Complaints of Policy Violations Against County Manager, Assistant County Managers and Department Heads and (2) Washoe County Policy regarding Complaints of Policy Violations Against Elected Officials. (All Commission Districts).

SUMMARY

These two policies, Complaints of Policy Violations Against County Manager, Assistant County Managers and Department Heads; and Complaints of Policy Violations Against Elected Officials, (Policies) provide the process to be followed when a complaint of a Washoe County policy violation is made by an employee against an appointed or elected County official, not including judges. Human Resources worked with the District Attorney's office to develop policies that comply with legal and due process requirements. These Policies provide that Washoe County will take legally authorized action to protect employees and prevent future policy violations.

Washoe County Strategic Objective supported by this item: Valued, Engaged Employee Workforce

PREVIOUS ACTION

On March 28, 2018, the Board approved the Washoe County Policy Against Harassment, Discrimination and Retaliation.

BACKGROUND

Washoe County employs approximately 2,400 people. As an employer, Washoe County will take appropriate and legally authorized actions to protect employees in the workplace and prevent violations of its policies alleged to have been committed by a Department Head, Assistant County Manager, County Manager or Elected Official.

Human Resources worked with the District Attorney's office to develop policies that comply with legal and due process requirements. While these Policies apply to any alleged misconduct, they are intended to reinforce Washoe County's zero tolerance for

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discrimination, harassment and retaliation against employees who are members of protected categories.

These are two separate policies based upon the subject of a complaint, but the Policies do overlap. Both provide the steps to be followed when a complaint is made by a County employee. Typically an investigation will be conducted, although ultimately determined on a case-by-case basis. Upon a finding of policy violation, the process allows the County to take action to protect employees and prevent future policy violations. The Policies provide that recommendations may be made to the subject of a complaint.

There is variation in process based upon who is the subject of a complaint summarized as follows:

1. Complaints of Policy Violations Against Department Heads, Assistant County Managers and/or the County Manager
 - This applies to employee complaints against appointed Department Heads, Assistant County Managers and the County Manager.
 - The County Manager will handle complaints against Department Heads and Assistant County Managers appointed by him. This includes arranging for an investigation on a case-by-case basis. The County Manager will be empowered to make recommendations and take actions to protect employees and prevent future policy violations.
 - The Library System Director is appointed by the Library Board of Trustees. The District Health Officer is appointed by the District Board of Health. The County Manager will handle employee complaints against the Library Systems Director or District Health Officer. In the event the County Manager determines either officer should be discharged, that recommendation will be sent to the appointing authority.
 - The County Manager will handle complaints against Department Heads appointed by the Board of County Commissioners (Board). In the event a Department Head appointed by the Board wishes to protest an investigation and/or recommendation, they may take the issue to the Board in accordance with Open Meeting Law.
 - The Chair of the Board will handle complaints against the County Manager. Any protest will be handled in accordance with the Open Meeting Law.
2. Complaints of Policy Violations Against Elected Officials
 - This policy applies to elected officials, not including judges.
 - This policy recognizes an elected official's autonomy and the County's responsibility to protect employees and administer current policies.
 - The County Manager is empowered to take action to protect employees and prevent future County policy violations. The County Manager may make recommendations to an elected official regarding his/her conduct.
 - An elected official may protest the findings of an investigation or the recommendations of the County Manager to the Board in an Open Meeting.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

Recommendation to approve (1) Washoe County Policy regarding Complaints of Policy Violations Against County Manager, Assistant County Managers and Department Heads and (2) Washoe County Policy on Complaints of Policy Violations Against Elected Officials.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be:

Move to approve (1) Washoe County Policy regarding Complaints of Policy Violations Against County Manager, Assistant County Managers and Department Heads and (2) Washoe County Policy on Complaints of Policy Violations Against Elected Officials.