



**VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION № 2016- 54
COMMENDATION & COMPLAINT POLICY**

**A RESOLUTION SETTING FORTH A POLICY AND PROCESS FOR MEMBERS OF
THE PUBLIC TO FILE A COMMENDATION OR COMPLAINT FOR A COUNTY
EMPLOYEE**

WHEREAS, the Board of County Commissioners of Valencia County, met upon notice of a duly published meeting on November 1, 2016, at 5:00 P.M. in the Los Lunas School Administration Building, 119 Luna Avenue, Los Lunas, New Mexico 87031; and,

WHEREAS, NMSA 1978, Section 3-18-1 provides that municipalities, and also counties pursuant to NMSA 1978, Section 4-37-1, have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

WHEREAS, NMSA 1978, Section 4-37-1 et seq. provides that counties may adopt ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants; and,

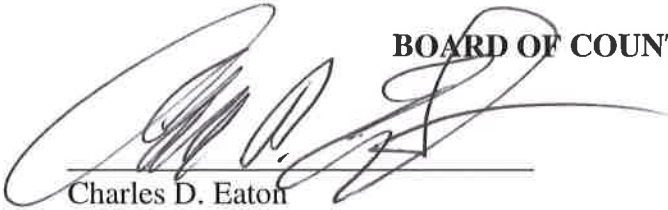
WHEREAS, NMSA 1978, Section 3-13-4 allows municipalities and counties to establish a personnel merit system for the hiring, promotion, discharge and general regulation of municipal and county employees; and,

WHEREAS, the Board of County Commissioners has adopted Ordinance 2006-05 allowing for established Personnel Rules and Regulations duly adopted by Resolution which further the intent of the Ordinance; and,

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners adopts this Commendation and Complaint Policy.

APPROVED, ADOPTED, AND PASSED on this 1st day of November, 2016.

BOARD OF COUNTY COMMISSIONERS



Charles D. Eaton
Chair, District IV



Jhonathan Aragon
Vice-Chair, District V



Helen Y. Cole
Commissioner, District I



Alicia Aguilar
Commissioner, District II



David A. Hyder
Commissioner, District III



Attest:



Peggy Carabajal, County Clerk

COMMENDATION & COMPLAINT POLICY

All Valencia County employees are public servants and are hired to serve the residents and visitors of Valencia County. Employees are to conduct themselves professionally at all times. All Valencia County employees are required to follow the same policies and laws they enforce. Likewise, the policies and practices of the County government in general need to be consistent with the policies and laws of Valencia County and the State of New Mexico. Should members of the public or staff wish to file a commendation or complaint on County employees, the following process applies:

I. Filing a Commendation or Complaint

- A. Commendation or Complaint on a Valencia County Employee
 - 1. To ensure we receive your commendation or complaint as accurately as possible, please fill out the Valencia County Commendation and Complaint Form found at these locations:
 - a. On our website at www.co.valencia.nm.us
 - b. Printed copies found in the Manager's Office at the Valencia County Administrative Offices, 444 Luna Ave. Los Lunas, NM 87031
 - c. Call the Manager's Office (505) 866-2014 to have a form sent to you
 - 2. Fax, mail or bring the completed form to the Valencia County Manager's Office:
 - a. Fax: (505) 866-3355
 - b. Mailing Address: Manager's Office, PO Box 1119, Los Lunas, NM 87031
 - c. Physical Address: Manager's Office 444 Luna Ave. Los Lunas, NM 87031
 - 3. An informal (oral) commendation or complaint can be filed by calling the Manager's Office at (505) 866-2014. Only persons filing formal (Valencia County Commendation and Complaint Form) complaints will receive a written notice of final disposition.
- B. Complaints on a co-worker or supervisor must follow chain-of-command as outlined in the Valencia County Personnel Policy.
- C. Commendations or Complaints involving a Valencia County Sheriff's Office Employee must be made directly with the Sheriff's Office at (505) 866-2400; PO Box 1585, 543 Luna Ave., Los Lunas, NM 87031

II. Commendation Process:

- A. The person commending a staff member files the commendation.
- B. Upon receipt, the Manager's Office will prepare a formal letter of commendation to the employee.
- C. The letter of commendation will be sent to the employee, employee's supervisor(s), and the employee's personnel file.

III. Complaint Process:

- A. The complainant must file a signed Valencia County Commendation/Complaint Form with the County Manager's Office in order to be classified as a formal complaint. Anonymous complaints will be classified as informal complaints.
- B. Upon receipt of a complaint, the Manager's Office will screen the complaint for facial adequacy.
 - 1. If the complaint is facially deficient, the manager shall advise the complainant of the deficiency and give the complainant an opportunity to amend the complaint within five (5) days.

2. Absent an amendment curing the facially deficient complaint, the Manager shall dismiss the complaint, stating the reasons in writing and serving the dismissal on the parties.
 3. A complaint that is facially untimely shall be dismissed.
- C. For formal complaints, the Manager's Office will send a letter to the complainant acknowledging receipt of the complaint.
 - D. Once final disposition is received, the Manager's Office will send a follow-up letter to the complainant indicating conclusion of the investigation and the final disposition on all formal complaints.
 - E. An employee, who interferes with, discourages or delays the making of complaints shall be subject to disciplinary action.
 - F. A department or employee receiving a citizen complaint through US mail shall promptly forward it to the County Manager's Office, who will determine investigative responsibility.
 - G. Many complaints Valencia County receives are not specific to the actions of a single employee. Departments or employees receiving a complaint on the department in general or on an action or inaction taken by staff in the normal course of employment shall make every effort to resolve the complaint at the time of initial reporting.

IV. Internal Investigative Procedure:

- A. The Manager will classify the complaint as formal or informal and assign an investigator. Depending on the nature of the complaint, it may be investigated by the first-line supervisor, the department director or elected official, or the Human Resources Department.
- B. Management will remain impartial and conduct the investigation with a fair and objective approach.
- C. If an employee is named in a complaint, the employee will be notified and given the opportunity to tell the assigned investigator their side of the alleged incident.
- D. Once finished with the gathering of evidence, the investigator will recommend a disposition of *not-sustained* or *sustained* and will forward the investigation to the department director or elected official.
 1. Not-Sustained: Insufficient evidence exists to prove the allegation.
 2. Sustained: Evidence is sufficient to prove the allegation.
- E. The department director or elected official will review the investigation and either agree or disagree with the disposition.
 1. If the department director or elected official agrees with the disposition, they will sign off on the investigation and forward the complaint to the Manager's Office for final correspondence with the complainant and records retention.
 2. If the department director or elected official disagrees with the disposition of the investigator, the director/official shall review the investigation and provide documentation to support the disagreement. The investigation will then be forwarded to the County Manager for final decision on the disposition.
- F. If the disposition is sustained, the department director or elected official will be responsible for administering disciplinary action, if any, to the employee.

V. Record Keeping:

- A. Citizen complaints are public record and subject to the Inspection of Public Records Act.
- B. All complaints will be kept on file in the Manager's Office for the period of time specified in the Records Retention Act.

- C. The Manager's Office will maintain a log of (at a minimum) complaints received, disposition and the dates of notifications.
- D. The disposition of the complaint is public record. The disciplinary action taken as a result of the disposition is confidential and will not be disclosed.

VI. Public Notification:

Valencia County will post the Commendation and Complaint Process on the County website as well as on the bulletin board in the front vestibule of the Administrative Offices.



VALENCIA COUNTY

COMMENDATION & COMPLAINT FORM

OFFICE USE ONLY

Received by: _____
Date Received: _____
Received Via: _____
Department: _____
Initial Letter: _____
Assignment: _____
Follow Up: _____
Disposition: _____

DATE AND TIME OF INCIDENT: _____

LOCATION OF INCIDENT: _____

DESCRIPTION OF INCIDENT: _____

REPORTING PARTY INFORMATION:

NAME: _____

ADDRESS: _____

HOME/WORK PHONE: _____ CELL PHONE: _____

EMAIL ADDRESS: _____

SIGNATURE OF REPORTING PARTY: _____

This document and the contents within are subject to being released for public inspection pursuant to Chapter 14, Article 2 NMSA 1978 "Inspection of Public Records Act." Findings and conclusions regarding complaints on Valencia County employees are not publicly released.