

TOWN OF NEWTON

COMPLAINTS ABOUT TOWN PERSONNEL, EMPLOYEES OR ADMINISTRATION POLICY

(Adopted 02/03/2015)

Statement of Purpose

The Board of Selectmen recognizes that any complaint presented to them [Board] about town personnel, employees or administration, will be referred back to the Town Administrator. The Board will not hear or review complaints until such complaints have first been brought forth through the appropriate and applicable administrative procedures and the Town Administrator or his/her designee has had a reasonable opportunity to seek to resolve the complaint.

Statement of Policy

The Board may decline to hear any complaint, which will interfere with its ability to serve as an impartial adjudicator of fact in any related employee or personnel matter. This complaint procedure shall not supersede or modify any right held by employees of the town under federal law, state law, or contract.

To the extent it is deemed appropriate by the Town Administrator, the individual who is the subject of the complaint may be advised of the nature of the complaint and may be given an opportunity for explanation, comment, and presentation of the facts. The Town Administrator shall seek to resolve the matter and report to the Board.

Complaints about the Town Administrator may be made directly to the Board Chair, but only after reasonable efforts have been made by the complaining party to resolve their complaint directly with the Town Administrator. The Board Chair may, to the extent it is appropriate, advise the Town Administrator of the nature of the complaint and may give the Town Administrator an opportunity for explanation, comment and presentation of facts.

In the event a complaint is made directly to the Board of Selectmen as a whole, or to an individual Board member, it will usually be referred to the Board Chair. The procedure outlined below shall be followed:

1. The Board Chair shall refer the person making the complaint to the Town Administrator or for investigation. The Town Administrator may delegate the investigation to a Department Head.
2. If the member of the public will not personally present the complaint to the Town Administrator or Department Head, the Board Chair shall then ask that the complaint be written and signed. The Board Chair will then refer the complaint to the Town Administrator for investigation.

TOWN OF NEWTON

Complaint Policy, continued

3. If the person making a complaint believes that a satisfactory reply has not been received from the Town Administrator, he or she may request that the Board hear the complaint. The Board will hear and act upon the complaint only by majority vote. The Board may decline to act on any complaint which, in its sole judgment, would interfere with the Town Administrator's ability to properly administer the town. If the Board does hear and act upon the complaint, all Board decisions shall be final.
4. If the Board Chair decides, in accord with Paragraph Three, to hear and act upon a complaint that pertains to personnel, employee, or administrative matters, it shall determine whether the complaint shall be heard in public or non-public session in accord with RSA 91-A:3 and the laws pertaining to employee and family privacy rights. The Board shall also determine whether it is appropriate to inform the individual who is the subject of the complaint of the meeting and to provide said individual with further opportunity for explanation, comment and presentation of the facts to the Board.
5. If the Town Administrator is the subject of the complaint, the Board Chair shall determine whether the complaint should be heard in public or non-public session in accordance with RSA 91-A:3. The Board Chair may, to the extent it is appropriate advise the Town Administrator of the nature of the complaint and give the Town Administrator an opportunity for explanation, comment and presentation of the facts.

Approved: 02/03/2015

Effective: 02/03/2015