

	TOWN OF PARADISE VALLEY Administrative Policy	
	Title: EMPLOYEE INVESTIGATIONS	Policy No. AP-13.1
Policy Owner: Gina Monger, Human Resources Director		
Approved By: Andrew Ching, Town Manager		
Authorized By: <i>Chapter 13: Employee Investigations, Town Employee Handbook</i>	Revision History: None	Effective Date: 06/23/2024

1. PURPOSE

This policy will provide further guidance for the administration of the provisions as authorized by *Chapter 13: Employee Investigations* of the *Town of Paradise Valley* (hereinafter referred to as the “Town”) *Employee Handbook*.

2. POLICY

- 2.1. The Town is committed to ensuring that all Town-initiated investigations are conducted in a fair, impartial, thorough, and thoughtful manner and in compliance with all applicable local, state, and federal laws.
- 2.2. This policy applies to all Town employees. The Police Department will follow its general order on department employee investigations.

3. ADMINISTRATION

3.1. Assignment of Investigations

- 3.1.1. Persons assigned to investigate Town employee alleged misconduct should be trained in conducting employee investigations.
- 3.1.2. Any person identified in the allegation of misconduct as a witness, respondent, or otherwise involved, should not be assigned the investigation.

3.2. Investigative Process

- 3.2.1. Upon receipt of information of possible employee misconduct, the Town will promptly initiate an appropriate investigation. The Human Resources Department Director/designee will have primary responsibility for investigating employee misconduct. Depending upon the seriousness of the alleged misconduct and/or persons involved, the Town may retain a qualified outside party to conduct the investigation.
- 3.2.2. If necessary, the employees identified as parties to, or witnesses of, the alleged misconduct will be separated during the course of the investigation, either through internal transfer or administrative leave.
- 3.2.3. The assigned investigator will inform all parties in the investigative process that confidentiality will be maintained to the extent possible to ensure a fair and complete investigation is conducted.
- 3.2.4. Employees interviewed as part of an internal Town investigation will fully cooperate with the investigative process, be forthcoming and truthful in their verbal and written responses. Employees under investigation will be provided with a statement of rights to review and sign, acknowledge receipt.

3.2.5. Investigations will usually be completed by the assigned investigator with 14 calendars days of a Town manager/supervisor becoming aware of the alleged misconduct. The assigned investigator will provide written notification to the employee, department director, and Human Resources if the completion of the investigation exceeds the 14-day completion period. The notification will include the date the investigation will be completed.

3.2.6. The investigation may be suspended if the employee who is the subject of the investigation becomes unavailable due to a leave of absence. The timeframes for completion will be extended by the leave period of the employee. If the employee resigns during the investigative process, the investigation may be suspended indefinitely and documented as such in the employee's personnel file.

3.3. Investigative Actions

3.3.1. The assigned investigator will:

3.3.1.1. Obtain verbal and written statements from all parties involved.

3.3.1.2. Take photographs/video of any injury or damage (if applicable).

3.3.1.3. Preserve all evidence and secure the evidence in a secure location. Document all evidence obtained. The assigned investigator will be responsible for maintaining the chain-of-custody for the evidence.

3.3.1.4. If there is a potential for recurrence prior to the conclusion of the investigation, notify the Town Manager/designee to ensure all measures to protect employees, visitors, and property, are taken.

3.4. Investigative Findings

3.4.1. Upon conclusion of the investigation, the assigned investigator will submit a written report of their findings to the Town Manager/designee, subject to the timelines in *Subsection 2.2.5*. The assigned investigator should submit a draft for review by the Town Manager/designee prior to finalizing their findings.

3.4.2. The possible investigative findings are as follows:

3.4.2.1. *Violation found.* The investigation supported by a preponderance of evidence that a violation of the Town policies, workplace rules, or law occurred.

3.4.2.2. *No violation found.* The investigation into the allegation(s) found that the evidence did not support the allegations of misconduct through a preponderance of evidence.

3.4.2.3. *Inconclusive investigation.* In some cases, the evidence may not conclusively indicate whether the allegations were founded or unfounded.

3.4.3. If it is determined that misconduct has occurred, the procedures set forth in the administrative policy for discipline and appeals will apply.

3.4.4. If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, appropriate preventive action may be recommended.

3.4.5. The investigative findings will be shared with the reporting employee if the investigation was related to harassment, discrimination, or retaliation for reporting such conduct.

4. RETALIATION

- 4.1.** The Town prohibits retaliation including making threatening communication by verbal, written, or electronic means against any individual who reports or provides any information concerning unlawful discrimination, harassment or other violations of Town policies, rules, and standards of conduct.
- 4.2.** Any employee found to be engaging in retaliation will be subject to disciplinary action up to and including dismissal.