

Village of Avoca Complaint Form

Policy: Village Complaint or Reporting of Issue Form						Policy #22	
Effective: March 11, 2021			Author: Eric R. Tyner				
Approved by Board:	Mayor:	Trustee:	Trustee:	Trustee:	Trustee:	Filed:	Clerk:

I. Purpose: To establish a standardized form and policy for the handling of written complaints, excluding Code or Zoning complaints filed with the Zoning Officer, or the reporting of issues within the Village of Avoca when the complaint is filed by a resident of the Village of Avoca or a member of the public. This policy to is be implemented and adhered to by all Village of Avoca employees and officials, both elected and appointed, during their official duties and tenure in the employment of the Village of Avoca when handling any written complaint or the reporting of an issue needing the attention of the Mayor or the Board of Trustees.

II. Policy: It shall be the policy that every employee or official, either elected or appointed, who receives from a member of the public, the attached Complaint or Reporting of Issue Form, will be handled in the same manner and procedure for each and every complaint received by the Village of Avoca. This policy is being implemented to ensure all employees follow the standardized procedure for the written complaints received by the Village. This policy will ensure all written complaints are investigated by the proper official, either elected or appointed, or employee designated by the Mayor. The person assigned to investigate any complaint will report the findings of their investigation to the Mayor who will then brief the Board of Trustees, either during the regular Board of Trustees monthly meeting or in Executive Session as dictated by the laws of the State of New York.

III. Definitions:

A. Complaint or Reporting of Issue Form:

1. The Complaint or Reporting of Issue Form shall be the official form adopted by and used by the Village of Avoca whenever a written complaint is to be investigated and possible action to be taken by the Mayor or the Board of Trustees.
2. The form, see Attachment #1 to this policy, will be made available to the public in either hard copy or electronic form and can be filed with the Village of Avoca through the Village Clerk or any elected official (Mayor or a member of the Board of Trustees) at any time by a member of the public. Each form shall be delivered to the Mayor of the Village of Avoca within 3 business days for

review and assignment on which official or employee will be conducting the investigation into the complaint or issue being reported.

B. Employees:

1. Any person in the employment of the Village of Avoca, either full-time or part time, hired under the provision of the State of New York.
2. Employees are further defined as receiving weekly, biweekly, or monthly compensation in the form of funds and/or benefits by the Village of Avoca.

C. Officials:

1. Any person who is appointed to a job description for the Village of Avoca, either elected or appointed, for the duties they are performing.
2. Officials may be compensated for the duties they are performing by funds or benefits, as provided for the job description they are occupying.
3. Certain officials may be occupying job description that do not receive any form of compensation, but shall also be covered by the provisions as outlined in this policy.

D. Mayor

1. This is the person elected to the Office of Mayor for the Village of Avoca for a 4-year term and as the Chief Executive Officer of the Village of Avoca. The Mayor shall be the presiding member over all complaints or issues received by the Village of Avoca. The Mayor may, at his or her discretion, assign another member of the Board of Trustees or employee of the Village of Avoca to investigate and recommend a course of action, depending on the nature of the complaint or issue being investigated.

E. Village Trustee - Liaison to a Designated Department:

1. The Village Board of Trustees member that has been assigned to be the Village Board Liaison to any Designated Department or Function that is named and approved at the yearly organizational meeting for the Village of Avoca.
2. The Village Trustee assigned as the Liaison to the Specific Department can be assigned by the Mayor to investigate a specific complaint or issue being report within that department. It shall be the responsibility of this Trustee to meet with any and all employees, companies, organizations or members of the public needed to investigate and address the complaint or issue being reported.
3. The Village Trustee assigned as the Liaison to the Specific Department shall also be the board member responsible to report on their investigation to the Mayor and make a recommendation on how the complaint or issue is to be handled by the Board of Trustees.

4. The designated Village Trustee will also be required to discuss their investigation, findings and recommendation of action during the monthly Board of Trustees Meeting, or during Executive Session as prescribed by law, to report to the remaining members of the Board the outcome of the investigation and their recommendation for action on the matter being discussed.

F. Village Clerk:

2. This is the person appointed by the Mayor of the Village of Avoca and approved by the Board of Trustees to be the official record keeper of all transactions and business conducted for the Village of Avoca.
3. The Village Clerk shall be the person responsible for securing any hard copy Complaint or Reporting of Issue Form being turned in at the Village Hall. The Complaint Form will be kept confidential, being discussed with no other employee or official, and delivered by the Village Clerk to the Mayor for further investigation or action as designated within this policy.
4. The Village Clerk will, at the conclusion of the investigation, be given the official investigation file to include any and all documents created or secured during the investigation of the complaint or issue being addressed, and shall maintain this record for the duration as prescribed by law for the retention of official documents for the Village of Avoca.

G. New York State Definitions

1. In no event, shall the definitions as outlined above override over any New York State legal definition for any position (employees or officials) for the Village of Avoca and in the event of any conflict in terms, the New York State definition will take precedence.

IV. Procedure

- A. Each employee or official for the Village of Avoca will follow and strictly adhere to the following procedure during their employment with the Village of Avoca, when they are involved in or conducting any investigation or the reporting of an issue needing attention within the Village of Avoca.
- B. The Complaint or Reporting of Issue Form shall be made available to all members of the public by either electronic or in hard copy form at the following venues:
 1. Hard copies will be available with the Village Clerk at the Village Hall during posted business hours.
 2. Electronic Copies will be made available to the public via:
 - a. Village of Avoca Website
 - b. Village of Avoca Facebook Page
 - c. Email for the form from a member of the public to the Mayor

- C. Once an employee or official for the Village of Avoca receives a written Complaint or Report of Issue Form from a member of the public, the form shall as soon as possible and not less than 72 hours, be forwarded to the Mayor for review and action or possible assignment;
- D. Once the complaint has been received by the Mayor, he or she will, within 48 hours, make contact with person reporting the complaint or the issue to advise that person that the Village is in receipt of the complaint and outline the actions to be taken. The person reporting may be asked to come to the Village Hall to meet with the Mayor or the official or employee assigned to the complaint for further information regarding the issue being discussed.
- E. In the event the Mayor is not handling the complaint or issue being investigated, the Mayor shall contact the official or employee being assigned to the complaint and speak with them about the course of action to be pursued. At this time the Mayor will turn over to the official or employee being assigned the Official Complaint or Report of Issue Form and all other related material to the issue being discussed. All material will be kept confidential and in possession of the official or employee assigned at all times and shall not be discussed with any other employee of the Village or member of the public, unless they are a party to the investigation or an elected official for the Village of Avoca.
- F. Under normal circumstances, not to include any limitations on the investigating member outside of his or her control, the investigation into the complaint or issue shall be completed within 14 days from the time of assignment. The actions to be taken by the investigating official or employee assigned to the complaint can include, but shall not be limited to the following:
 - 1. Interviews or statements from the complaint or any person with knowledge of the issue,
 - 2. Securing photographs of the reported issue or complaint, to include any photographs or other electronic video or audio recordings of the complainant or other persons involved in the investigation,
 - 3. Interviews of employees of the Village of Avoca with direct knowledge of the complaint or issue being addressed,
 - 4. Contact, discussions or meeting with other organizations, companies, official, or of person with knowledge of the complaint or issue being address for their input,
 - 5. Securing of any documents, receipts or other physical material in relation to the complaint or issue being investigated,
 - 6. Meeting with any person, employee, official, or past employees with knowledge of or historic information regarding the issue being addressed,
 - 7. Any and all other actions or techniques deemed appropriate and under the provisions of the laws of the State of New York to ensure the correct and proper outcome to the complaint or the issue being addressed.

- G. Once the Mayor completes his or her investigation into the complaint or issue needing attention, the Mayor will formulate and written response to the investigation and record same in the file for this complaint or issue needing attention.
1. In the event an official or employee other than the Mayor is assigned to investigate and formulate a response to the complaint or issue being addressed, that official or employee shall within 72 hours of the conclusion of this investigation complete a written response as outlined above and meet with the Mayor to discuss the investigation and their recommended course of action.
 2. Once the investigation into any Complaint or Issue Needing Attention is completed and a course of action has been recommended, the Mayor shall take the appropriate action as outlined below in relation to the complaint or issue;
 - a. If the complaint or issue is unfounded in nature, the Mayor or his designee, shall recontact the complainant to advise the matter has been thoroughly investigated and reviewed and of the action to be taken. The Mayor shall then close the complaint file and it will be filed with the Village Clerk.
 - b. If the complaint needs further investigation, the Mayor or his designee shall continue the investigation into the complaint or issue and this process shall be reviewed on a monthly basis with the Board of Trustees until a conclusion to the matter has been reached.
 - c. If the complaint or issue being investigated needs to be reviewed by the Board of Trustees, the Mayor shall add the complaint or issue to the monthly agenda for the next Board of Trustees meeting. Only under extreme and exigent circumstances will the Mayor call for a special meeting to discuss the matter with the Board of Trustees outside of the regularly scheduled monthly Board of Trustees meeting.
 - d. If the matter being investigated needs the attention of a law enforcement agency, as prescribed by the law, the Mayor will make contact with a law enforcement agency having jurisdiction in the Village of Avoca and forward all material and items collected to that agency for further investigation. In this event, the Board of Trustees shall be notified immediately by the Mayor or his or her designee.
 - e. If the matter requires the attention and discussion with the Board of Trustees, the matter will be added to the agenda for the next monthly Board of Trustees meeting and be conducted in either the Open Meeting or in Executive Session as prescribed by law.
 - f. In the event the complaint or issue needing attention can be addressed at the Mayor level or within another department or with an employee of the Village of Avoca, the Mayor shall then handle the issue and report the findings to the Board of Trustees at the next monthly Board of Trustees meeting.
 - g. As prescribed by law, any complaint or issue relating to improper action of an employee needing further supervision or disciplinary action, the Mayor shall act in accordance with the provision of any labor contract or as prescribed by the labor laws of the State of New York and then report the findings and actions taken to the Board of Trustees, under

normal circumstances in Executive Session, at the next monthly Board of Trustees meeting.

3. In some instances, the complaint or issue being investigated may be directed to the official or employee overseeing a department or division within the Village for further action. In this event, once the issue has been addressed, the official or employee assigned will report back to the Mayor on the actions taken and return the complaint file to the Mayor for further review.
4. In some instances, the Mayor or his or her designee, in matters involving a legal question or interpretation, shall consult with the Village Attorney for further review of the complaint or issue being investigated for legal input into any possible resolution to the issue.
5. In all cases, once the complaint or issue being investigated and adjudicated has been completed, the Mayor or his or her designee, will recontact the complainant or person reporting the matter to advise the issue has been addressed and the appropriate action has been taken. Depending on the nature of the complaint or issue involved, a specific resolution to the matter may not be able to be released to the complainant under certain circumstances.
6. In all cases, once the complaint or issue being investigated and adjudicated has been completed, the official file shall be closed by the Mayor and given to the Village Clerk for the retention of the records until a date the record can be disposed of is reached as outlined by the laws governing the retention of official documents and records in the State of New York.
7. Any FOIL or official release of the any record for the Village of Avoca shall be dictated by the laws of the State of New York govern same.

V. Exceptions

1. No employee or officials shall be exempt from being investigated on any written complaint received by the Village of Avoca. All efforts will be made during the investigation of any complaint against a village employee or matter being investigated involving a member of the public to ensure confidentiality is maintained to the identity of the persons involved in the investigation.
2. As the Mayor is the presiding member over all complaints received by the Village of Avoca, the Mayor is not immune to a written complaint being filed against him or her for any action or event in connection to his or her office. In the event a written complaint is received by the Village of Avoca against the Mayor, the Mayor will reclude himself from the complaint and any subsequent discussions or actions during the investigation and the Deputy Mayor shall be the presiding member of the pending investigation. The Deputy Mayor will then preside over any discussions or actions to be taken by the Board of Trustees as prescribed under the laws of the State of New York and fulfill the responsibilities of the Mayor outlined in the procedure of this policy.